

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 4th JUNE 2008

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The Roll was called and the Dean led the Assembly in Prayer.

PUBLIC BUSINESS – resumption

1. Esplanade Quarter, St. Helier: Masterplan (P.60/2008) (continued)

The Bailiff:

The debate continues upon the proposition of the Council of Ministers. Deputy of St. Ouen.

1.1 The Deputy of St. Ouen:

I have major concerns over how this proposition has been constructed and the wider implications which flow from it if this Assembly endorses this Masterplan. I would like to start by saying that I am not against elements of the design, or the Planning Minister's desire and determination to produce a quality development on the Esplanade site. I also do not want to see the Esplanade turned into a wasteland as some Members suggested to me yesterday. However, I for one do not believe that the States have sufficient information to fully consider this proposition as the Masterplan sets out a particular route which, for the most part, is yet to be determined or proved to be the best way forward. The first question that needs to be asked is: have all the social, economic and financial consequences been properly identified and considered and, perhaps more importantly, are they acceptable? Even the Corporate Services Scrutiny Panel review on the proposed Waterfront development highlighted the need for further consideration of this issue in their report. Where is that information? The States are not just simply being asked to endorse a particular design for one of the most important sites on the Island; the proposition goes much further. I ask: why do the Council of Ministers believe that there is a need to include in principle decisions on matters that are yet to be determined by this Assembly such as the Migration Policy, the Island Plan review and a strategy for the regeneration of St. Helier? There are indeed many different elements to the proposition. These include the sinking of the road and the ongoing financial commitment associated with it to maintain and service the tunnel for 150 years at an estimated cost of £500,000 per annum to be funded from States general revenues and the introduction of other generating measures to be levied on businesses and households in order to pay for additional costs incurred by the building of the tunnel. Approval in principle is also sought on the mix of use identified as office accommodation, residential, retail and self-catering apartments, together within an aparthotel. Payment of between £50 million and £80 million in capital receipts is proposed to be made to the Board of W.E.B. (Waterfront Enterprise Board) to fund future activities. Finally, there is a proposal to finance the regeneration of parts of town primarily brought about by the relocation of existing businesses from other parts of St. Helier to the Esplanade area. If one considers these elements in more detail, the Masterplan commits the States to further increases in economic growth, together with a resultant increase in population brought about by the building of 560,000 to 620,000 square feet of additional office accommodation over the next 7 to 10 years. Recent information provided to States Members by local estate agents suggest that the amount of additional office space is excessive when one considers office accommodation already in the pipeline. This in part is also supported by a recent letter from Buckley & Company identifying other areas in St. Helier that could provide additional new office space. I would equally like to point out that in the recent population figures that were released today, it identifies that over the last 3 years something like 2,500 additional immigrants have arrived on our shores. We also have information, and we are aware of, additional office accommodation that is lying vacant at present and also proposed new developments of office accommodation amounting to 400,000 plus square feet. The report speaks of attracting new business growth into vacated offices. However, we are still to determine acceptable population levels, or fully understand the implications of additional population growth for the Island as a whole. Even the requirement for the proposed additional retail space has been consistently challenged by the business community who questioned both the need and possible effect that this could have on existing businesses in other parts of town. It should be noted that the Minister has in recent months reduced the proposed retail space by half in light of

the intervention. So what about other elements still included in this plan? We are told that a policy which encourages urban living will strengthen the ability for Jersey to support economic growth. This is to be achieved by the conversion of office accommodation to residential units. Surely a more practical and cost-effective solution is to use the Esplanade Quarter to provide more homes in the first place. In contrast, the report mentions 400 apartments that will be built for local residents. What we are not told is that half of the apartments could be purchased by non-locals due to the mix of housing categories proposed. If one considers the site as a whole, only 3 of the 14 blocks will be for residential use. How has this been determined? Among other things, the mix of use included in the plan seems to be at odds with the recent Housing Needs survey which highlighted the lack of residential accommodation available and the need for more homes. Equally, it seems to ignore views expressed in other consultations such as Imagine Jersey which supported using land in and around St. Helier for residential purposes and restricting economic growth. Is the building of a new finance centre more important than providing affordable homes for our local residents? What emphasis do we want to place on our Island way of life? Is it really economic growth before people? We are told that as a direct consequence of approving this Masterplan, this Assembly will be required to address the effects brought about by the relocation of over 4,000 office workers from other parts of town to the Esplanade Quarter. The report accompanying the plan acknowledges this, as it focuses on a need to invest in the urban fabric of St. Helier and goes on to state that this plan will enable significant investment to be made in the regeneration of St. Helier. It goes on to say that this is part of the town's regeneration strategy. I accept that a report has been produced by EDAW identifying opportunities for future development of the town. However, no conclusions have been reached by the States on how this can be achieved or what form it should take. Yet this plan will commit this Assembly, at least in principle, to a strategy which is yet to be fully considered or agreed. What of other implications that come from endorsing this plan: increased traffic problems at the West Park junction through the tunnel under Fort Regent along La Route du Fort due mainly to the mix of use and the large amount of office space planned. We are informed in the main report that this problem can be minimised as a generation of traffic from residential areas is relatively low, yet the proposed mix of development totally ignores this and chooses instead to compound a problem which already exists in this area. More noticeable, an immediate effect will be major disruption for a period of approximately 3 years while the tunnel and underground parking are created followed by a minimum of 7 more years of development in the area. We are told that the current road creates a barrier between the Waterfront and other parts of the area and yet the proposal not only sinks the road but increases and introduces further barriers: one closer to St. Helier by increasing the traffic movements on the Esplanade road and, secondly, by introducing another road on the side closest to the cinema and that particular area. Last but not least, Jardins de la Mer will be closed for 3 years. What are the financial implications? There is a clear lack of detailed financial information on all costs associated with sinking the road to determine whether it provides the best solution for the development of the site, or produces the greatest benefit to the Island as a whole. What is known is that the States will be faced with an additional requirement to increase general revenue expenditure by at least £500,000 per annum for a period of 150 years in order to fund infrastructure costs associated with sinking the road. Capital receipts generated from the development are proposed to be transferred to W.E.B., the Waterfront Enterprise Board, rather than into the States coffers with no indication of what effect that might have. Can Members be satisfied that the stated benefits of sinking the road outweigh the costs and risks involved in the States taking responsibility for part of an underground structure over the next 150 years which, by the way, will have buildings over it? Where is a full cost and benefit analysis to support this proposal? One must ask: have all the medium and long-term revenue implications been identified? Where is an appraisal of different site values comparing alternative options such as leaving the road where it is, or building over the road, the present road, in order to demonstrate that this proposal is the best option? If significant profits are to be transferred to W.E.B., what controls are in place to ensure that this Assembly can direct how those profits are used? Indeed, what are the ongoing costs and liabilities of the Waterfront Enterprise Board in relation to this

development? Members should be aware that due to restrictions contained in the Public Finances Law, the Comptroller and Auditor General has no - and I repeat - has no investigatory powers to look at W.E.B.'s finances and therefore it is difficult to independently verify not only how W.E.B. are performing but whether monies paid into W.E.B. are being used appropriately. As stated earlier, the report accompanying the proposition is relatively silent on the loss of income derived by Transport and Technical Services from 520 parking spaces estimated to be £500,000 per annum once the development commences. Who will be responsible for the new underground car park providing public spaces for 520 cars and what is the cost? The information provided to me identifies the fact that part of the deal includes the Waterfront Enterprise Board, not Transport and Technical Services, gaining the lease on the 520 underground spaces and they alone - this is the Waterfront Enterprise Board - will benefit from that income generated from those spaces for the next 150 years, which means that the Car Park Trading Fund not only loses £500,000 in the short-term per annum but the ongoing income, which should be obviously entered into the States accounts. Who determines that a 320 space temporary car park is to be built on land belonging to the States at the Elizabeth Terminal? Why has it been decided not to make this a more permanent structure? Who will benefit from the income generated from this temporary car park? Other issues not covered are the overall effect on general States revenue expenditure and the trading accounts as a result of the proposal for W.E.B. to be a recipient of monies generated from the development, the overall likely cost to the public of servicing and maintaining the tunnel and other infrastructure for 150 years which, if my sums add up taking into account inflation, could be well in excess in total of £100 million, how does this compare with the forecast capital receipts of between £50 million and £75 million generated from the proposed development? It is still uncertain who will ultimately be responsible for the risks associated with the present proposal to sink the road and the below-ground infrastructure. Is it the developer, is it W.E.B., is it the States or is it a mixture of all? Lastly, what are the estimated costs involved in dealing with the consequences of this development if the proposed reinvestment in St. Helier goes ahead? All of these questions are left unanswered, yet we are asked to endorse the Masterplan. Is it right that this Assembly should be asked to base their decision on trust and assurances alone when considering such a major project? I do not think so. Finally, it seems that decisions are already being taken prior to the outcome of the Island Plan review over what form of development should be allowed in areas such as East of Albert, the harbour and the surrounding area. It appears that discussions on the redevelopment of the East of Albert are indeed well advanced. Mention has been made of a large number of units, residential accommodation, to be built on the Elizabeth Marina site. A new reclamation site could be created, together with a building of a new harbour. When are the public and this Assembly going to be involved in this process? In conclusion, I believe that this Assembly has no alternative but to ask for this proposition to be referred back to the Council of Ministers for further information so that the public are able to understand and appreciate the need for this proposed development. Additional information should cover the questions I have already highlighted in my speech but, in particular, full disclosure of all social and financial implications of the proposal, together with a cost benefit analysis that shows that sinking the road is indeed the best option and evidence that the proposed mix of use allocated to the site are realistic and beneficial to the whole community. Also, a comprehensive analysis demonstrating why the Waterfront Enterprise Board rather than the States should be benefiting from the capital receipts generated from this development and identifying the implications of the proposal and details on how the proposal will be managed in regard to political oversight. It has been said in this Assembly that if our community is to flourish, they must participate in deciding what society they want to be part of. Presently, we seem to ask their opinion and then tell them what they can have. How does this create a society where everyone supports each other and is committed to achieving the same aim? I make the proposition.

Deputy R.C. Duhamel of St. Saviour:

Could I make a point of order, please, Sir? It does appear that the Chair has allowed an element of flexibility to creep into the previous Member's speech. I thought the House had decided that the

debate will be taken in 2 parts: the first part was to concentrate on the planning aspects of the Masterplan, and the second part - and we have not heard from the Treasury Minister as yet - was to determine whether or not the land will be passed over to the Waterfront Enterprise Board and all the financial details which the Member has referred to will be discussed then. In calling for a reference back it does appear that the Member is straying away from the decision that was taken by the House to keep this debate in 2 parts.

The Bailiff:

Deputy, would you like to respond to that point of order by Deputy Duhamel?

The Deputy of St. Ouen:

Yes, Sir. Firstly, I have sought advice from a number of sources regarding how this reference back and the points of further information that are required should be sought. The Masterplan obviously includes the sinking of the road and with it involves the financial implications and hence the reason why I have structured my proposition in such a manner. This issue is not only about financial matters, the issues are regarding a mix of use and the social implications of this proposal.

[Interruption]

The Bailiff:

I am sorry, only one Member can speak at a time. Deputy Duhamel.

Deputy R.C. Duhamel:

Yesterday, Sir, this House did agree that the Minister for Planning was not privy to any of the financial details and that is why this House took the decision yesterday to have the debate in 2 parts. It does seem to me, Sir, that in listening to the Member from St. Ouen's comments that we appear to be going back on what we decided yesterday.

The Bailiff:

May I just say to the Deputy of St. Ouen, Standing Orders allow a Member to propose without notice during the debate proposition that the proposition be referred back in order that further information relating to the proposition can be provided to the States? It must follow from that, as Deputy Duhamel has rightly said, that any further information, if the reference back were to be allowed, would have to relate to paragraph 1 of the proposition which is what is under consideration at the moment. Now as I understand it your thesis is that in order to endorse the intention of the Minister for Planning to adopt the Masterplan, there are certain other pieces of information which you think the Assembly ought to receive. I made a note of them during your speech and I would just like to encapsulate them if I may, because some of the things that you said seemed to me to be in opposition to the proposition and, clearly, that is not a ground for a reference back. But the 4 principal items which seem to me to relate to paragraph 1 of the proposition were that you wanted further information on the effect of the Masterplan on population. Secondly, you wanted a cost benefit analysis of sinking the road. Thirdly, you said there was not sufficient evidence of a mix of uses. In other words, the Planning Minister had changed the mix at various stages during the consultation process and you thought there ought to be further evidence of the reasons for that. Fourthly, you said that there was an issue as to whether the Waterfront Enterprise Board rather than the States should benefit from the capital receipt and have the decision to apply the money rather than the W.E.B. Those are the 4 areas I gleaned from your speech which were principally the ones where you wanted further information. If that is the position, if the proposition to refer back is seconded, I am prepared to press on.

Deputy G.C.L. Baudains of St. Clement:

May I ask a clarification from you, Sir? It seems that we are constrained to part 1 of the proposition by a decision that was previously made, but it does occur to me that it would be

somewhat careless to refer back half a proposition. Surely a reference back must apply to the entire proposition.

The Bailiff:

No, paragraph 2 of the proposition has not yet been proposed.

Deputy G.C.L. Baudains:

I am aware of that, Sir, but it is part of the proposition as a whole.

The Bailiff:

That would be a matter for the proposer of the motion whether he decided to propose paragraph 2 if paragraph 1 were referred back.

Senator S. Syvret:

On a point of order, if we proceed in that manner we run the risk of having a reference back proposition and a reference back debate on every component of the proposition that is before us today. Would it not simply be better for Members to approach the reference back debate on the basis that effectively if the reference back debate is won, the proposition is referred back as a whole?

The Bailiff:

I think the answer to that, Senator, is the same as the answer that I gave to Deputy Baudains: only paragraph 1 is before the Assembly at the moment. The likelihood is I would expect that if paragraph 1 were referred back, the Minister would want to take back the whole thing. We are only considering paragraph 1 of the proposition at the moment and therefore that is the only part of the proposition that can be the subject of reference back.

Deputy R.C. Duhamel:

Can I get a further point of clarification, please, Sir? The fourth point on which you are allowing a reference back seems to be covered in paragraph 2 which says: "To approve the acquisition by public parcels of land ... and put it over to the Waterfront Enterprise Board." That is a financial matter and I would have thought, Sir, that if we are sticking to the planning aspects of the first part of the proposition then quite clearly that ground is not really a ground on which the proposition should be able to be discussed in terms of a reference back.

Senator F.H. Walker (The Chief Minister):

I am grateful for your ruling, which I believe is absolutely correct, that at the moment we are only debating part 1 of the proposition. But if part 1 of the proposition is referred back there is absolutely no point in continuing with part 2 on the back of that. Part 1 is fundamental to part 2, so if the reference back on part 1 is approved it means we will come back to the whole subject on another day.

Deputy R.C. Duhamel:

If I can help, Sir, part 2 does state that there is consideration to approve the leasing by the public to the Waterfront Enterprise Board and that is the point that ...

The Bailiff:

Yes. I think, Deputy, that that point is well made and I think I agree, on further reflection, that the fourth element of the reference back ought not to relate to the question of whether it should be the Waterfront Enterprise Board rather than the States which receives any capital benefits that might be forthcoming from the scheme. Having said that, it is not possible, I think, to entirely disentangle the financial implications of the Masterplan from the architectural and planning aspect of it. But I

agree with you that the fourth element of the reference back is a matter probably for debate under paragraph 2. So I will allow the reference back of the Deputy of St. Ouen on the basis that further information has been called for, first as to the effect of the Masterplan on population; secondly, for further information on the cost benefits of sinking the road and; thirdly, on the basis that there is insufficient evidence of the mix of uses contained in the plan. That is the proposition which is now before the Assembly and is open to debate.

The Deputy of St. Ouen:

Just before you allow the debate to continue, I would just like to point out and draw your attention, Sir, to the report that accompanies the proposition which clearly says: "Approval of the Masterplan" and underlines all the issues that relate to it. I accept that your questioning of the inclusion of W.E.B. and the implications, but the Waterfront Enterprise Board is responsible, as the Minister has clearly pointed out, for all of the financial arrangements and all the property proposals and the facilitating of this plan. So to exclude the ability to consider the Waterfront Enterprise role in this matter would, I think, be absolutely wrong.

The Bailiff:

Deputy, the point that was being made by Deputy Duhamel, which I think was well made, was that paragraph 2 of the proposition invites the States to approve the acquisition by the public of the land currently vested in the Waterfront Enterprise Board and then subsequently to approve the leasing of that land back to the company on certain financial terms, et cetera. Now that is the matter which should not be the subject of extensive reference during the reference back debate.

The Deputy of St. Ouen:

Can I just point out, Sir, that in reality, although part 2 includes that, the Waterfront Enterprise Board already holds the lease for the majority of the site?

The Bailiff:

I appreciate that. Paragraph 2 contains a proposition that the public should acquire it from W.E.B. and then lease it back on different terms.

Deputy I.J. Gorst of St. Clement:

Sorry to drag on a point of order but there has been so many I am a little bit confused myself. Are you saying that coming back to the financial situation that you would rule it out of order to debate the financial aspects with regard to this reference back?

The Bailiff:

What I am ruling out of order, Deputy, is any detailed discussion of the question whether the financial receipt should go to the Waterfront Enterprise Board or to the States, and any question as to how those capital receipts should be dealt with in due course, because that is a matter which falls under paragraph 2 of the proposition. Other financial aspects of the overall scheme, if Members want to use those in elaboration of their arguments so far as the plan itself is concerned will, subject to that reservation, be in order.

Senator F.H. Walker:

Sorry to prolong it as well, Sir, but I think we need to be clear on this. The plan of debate was that the Planning Minister would introduce part 1 on the Masterplan. I would then, assuming we arrived at that stage, introduce and present part 2, which is the transfer of land, but which is in effect also the terms of the deal to develop the land. Now, it seems to me we should not have a debate on the reference back which includes the financials if I have not had the opportunity, according to the structure of the debate, to make my introductory speech and to put facts before Members. That does not seem to me to be an appropriate debating structure at all.

The Bailiff:

I accept that, Chief Minister, and I think that is absolutely right. What I am saying to Members in excluding any debate during the reference back on the financial implications covered by paragraph 2 is that one cannot entirely extract from the approval of the Masterplan some financial matters which touch upon the planning and other matters. Perhaps I must just reserve my position as the debate proceeds and if Members are straying over the line, I shall certainly pull them up. But the fundamental principle is the financial matters involving the States and/or W.E.B. should not be debated during the context of this reference back. I hope that is clear and we can debate I think the boundary line *ad infinitum* and I suggest it would be more profitable if we let the debate run and then we will see how it goes.

1.1.1 Deputy P.V.F. Le Claire of St. Helier:

This will prove to be an interesting, if not challenging, part of the debate. I would just like to rise to say that I find it a little bit enlightening, if not remarkable, that a member of the Public Accounts Committee for all these years has now brought to our attention deficiencies in the accountability of one of the most important investments the States have been making in the last 10 to 20 years. Surely if there were concerns about these developments and the accountability of these actions and these appropriations, they should have been tackled by the Public Accounts Committee at a far earlier stage.

1.1.2 Deputy G.P. Southern of St. Helier:

May I congratulate the Deputy of St. Ouen on by far his best speech in the States to date, I believe, [**Members: Oh!**] and absolutely appropriate in response to the approach taken yesterday by the Minister for Planning and Environment. It was a very interesting tactic to say: "I am from Barcelona, I know nothing about the money, and I am only here to present a plan. Therefore, please do not talk about the financing, it is inappropriate. All we are doing this morning is debating that picture." He said: "That is what I am doing, I am debating that picture." Of course, such an approach - the Trojan horse approach - is, of course, nonsense. We cannot debate how pretty, attractive, beautiful, according to chapter 7 of the *Bluffer's Guide to Architecture* this plan is without discussing the fundamental, economic and financial situation on which it is based. Because if that is flawed it does not matter how pretty we attempt to make this, it is not going to work. So, this argument that we must completely separate, the fundamental structure that we are trying to build for and the state of the building, is complete nonsense. Of course we must look at the whole picture. You cannot just say: "Take decision A and then we will look at taking decision B." This is an old tactic that we have seen time and time again in the House: "Oh, but you approved it in principle." Then here comes the real power drive on the nitty gritty where you end up: "Oh gosh, I did not realise it meant that." So, what might it mean? Those questions must be debated. The first issue is around the contentious one of the demand for these 620,000 square feet which are probably worth around £30 per square foot in rental which produce approximately £16 million a year - as soon as they are up and running from day one - for 150 years. That is just the office space. That is what we are saying the sweetener of £75 million plus is about. Now I made mention briefly of my father and how wrong he is not to examine the Trojan horse and say: "Hang on, what is this about? Is there a price for this free lunch?" Of course there is going to be: 150 year lease on a prime site in Jersey. Please, can I have a couple of square inches of it because my family could live off that for the rest of their lives? This is prime deal. Why are we getting the sweetener? The question must be asked: are we getting the best deal? This is what the reference is about, about looking at the cost benefit analysis of doing it this way under these terms - absolutely appropriate. The first question is over the demand. It has been an intense debate with at least one principal valuer, chartered surveyor in the Island saying: "Hang on, the demand is unlikely to be there." We have had a number of office buildings come on stream, a number of companies already move, our commitment sales to fresh premises and we have a number of sites here, there and everywhere, is that demand going to be met? The case has not been made. In response, we received a letter from the

Waterfront Enterprise Board which said basically: "So that States Members are not misled by the claims made in recent letters sent by the group of agents and surveyors, I attach information, the letter from CBRE International dated 22nd May disassociating themselves from the CBRE local office stating as a company it does not object to the principles, to the proposals, and the views are the opinions of the local representative expressed personally." What a wonderful argument: to claim that something that has not happened has been claimed and to deny it. Of course, the international company does not support that. The people locally, on the ground, say: "Hang on, there are serious questions over the level of demand" in their opinion, with their knowledge of the local market, never, never claiming - because I have read the letter very carefully - it does not claim to be of the opinion of the company international, it claims to be personal opinion. Absolutely clear: "I as a principal of this company suggest this ...". A completely personal statement. So, no argument produced particularly about what is the level of demand. Just a statement: "Oh, it is a false claim." But an absolutely vital one if that is the case, because if the demand is there then, fine. People, companies are going to move down to the Waterfront and that gives us one problem: where have they moved from, what do we do with those sites which are now left empty with hundreds of thousands, perhaps, of square feet of empty office space? That is one problem. If the demand is not there, what are we talking about? Instead of growing business, expanding business, business is already here and moving business, we are talking about growing new business and new businesses. With every single new business that we are inviting, we invite staff, population, migrants. What we have there is a potential for a substantial, again, population growth in order to fill the space we have built. That is a serious decision with big knock-on effects. If we commit to this now then is that what we are going to inevitably have as a consequence? That we need more careful information so that we can make the decision about potential demand and what that might mean. But whether or not that demand is there, what its premise is, is continued expansion and concentration on the finance sector. What does that mean? Again, whichever way it happens, we are talking about expanding economic growth and that means expanding population growth. Just a glimpse over the number of people involved, employed in the finance sector over the last decade, shows a growth of over, I think it is, 2,400 individuals as we have gone through a trough, and now we are seeing growth again - I believe, uncontrolled growth - with large numbers as we have just noticed that we have gone over the 90,000 mark in terms of population. That is intrinsically inevitably linked to the expansion of the economic growth of the finance sector. Now, again, is that what we are committing to? I believe it may well be, and if we go for this package without the case being shown and without having made decisions on population growth, on economic growth, et cetera, hard and fast decisions based on evidence, then we risk an awful lot. The Minister himself says: "This is probably the biggest decision we are going to make on the economy of the Island and on the structure of the Island, the future of the Island, for the past 100 years." I think he is right. I think he is absolutely right and we cannot afford to get this one wrong. We do not have the evidence that says that this is the best way forward and is a good way forward, a safe way forward, and the examination of a cost benefit in detail of why this is the best way forward. We have seen adjustments made as the Masterplan has gone through. As a result of consultation, says the Minister, I believe, as a sop. Again, let us look at retail. We had 100,000 square feet or thereabouts; that has been halved. It was halved like that. Where was the detailed argument? The Chamber of Commerce are saying: "This will have a serious impact on the structure of town. This will suck the heart out of town. We are going to see shops closing left, right and centre." Was that issue addressed? No, it is all right, 100,000 square feet is too much. Boom. Knock it straight down - 50,000 feet. No attempt to address whether that still causes a damaging effect, no real attempt at all. This is on top of the additional retail space which is already being constructed elsewhere. We are talking substantial retail space being built as a whole package of which this will add further to what is happening. So, again, information not addressed. A decision being asked, being requested, without the right information. Then we are faced with the issue that I believe Senator Syvret mentioned yesterday about what happens if something goes wrong with the whole structure. What is the risk analysis on this sinking of the road and the associated costs with getting

rid of the waste? We are told blandly that: “Okay, we can recycle all of this waste. It is an easy thing.” Can we? Assurance, not evidence. Again, assurance, not evidence. It will all be all right on the night - or over the next 10 years. Do not worry about it, some of us will not be here taking the consequences of what is happening 8 or 10 years down the line. We are given that assurance. Again, no evidence there, and the nightmare scenario of what happens if we have half a Masterplan delivered with the other half stuck. Either stuck on a technical difficulty about what we are doing, or stuck on the overall economics and the finances that says: “It is not working out, so we have to stop.” Where do we go then? We are half finished.

The Bailiff:

Deputy, I think that that is straying on to part 2 of the proposition.

Deputy G.P. Southern:

I shall do my best to hotfoot it back to safe ground, Sir, as ever. But all of those factors, we need to be assured and confident that we are making the right decision and that requires further information not provided so far by anyone, whether financially or from Planning and Environment, that these are the safe grounds to go on. The case, I believe, is absolutely rock solid that this must be referenced back so that we can make a proper sound, well-researched and well-informed decision, not this Trojan horse saying: “Accept this picture, cross your fingers, and hope that things work.” But you are committing very strongly to a future which will not be able to be diverted, a future which can say more concentration and inevitably commitment to rising, seriously rising, population.

1.1.3 Deputy G.W.J. de Faye of St. Helier:

I am extremely disappointed to have listened to the last 2 speeches because what I hear is, in many ways, very symptomatic of an unfortunately not so occasional failure of this Assembly. What I am hearing are Members who are good at asking questions, most of which have answers that could already have been discovered. But it seems to me that I am also listening to Members who are not good at taking decisions and taking decisions is what this Assembly is all about. Now, there may be some issues about vision or costs but again, I am struggling when all of us know that significant numbers of highly paid experts and consultants have been involved in putting together not only the Masterplan but all the concepts that have run beneath it as well as the deal that we will discuss shortly. It is easy to pose large numbers of questions to cast doubt. It is tough to take the right decision and we have failed here in the past. Members may not all know but originally when the underpass that we currently have was considered, there were 2 other options on the table, both of which were tunnels, and without casting any aspersions because I was not an intimate party of the talks or have the knowledge of the politics of the time, what a shame it is that the opportunity was not taken to go for one of the 2 tunnel projects. Not that I am a betting man, but I would put a reasonable amount of money down that the decisions came out off 2 key elements, (1) an unfortunate lack of vision and, (2) going for the cheaper and perhaps easier alternative which, of course, we end up paying for in the long run. I am bemused as to why Members are asking about wanting to see cost benefit analysis of the sunken road. That demand assumes that no-one has really made a sensible cost benefit analysis. The facts of the matter are that the sinking of the road has undergone an enormous amount of thought on a cross-departmental basis with numerous outside experts, consultants and architects contributing as well. The cost benefit analysis is a reasonably simple one to understand. The tunnel removes a very large road way that cuts off the Waterfront section of the town and replaces it with a sunken roadway with land on top that becomes useable land, thus generating a very significant amount of potential income. Various options have clearly been looked at already, but the one that has been placed before the Assembly has been deemed to be the one that has the best cost benefit analysis. Analysis has already been made. The other issue I want to address is concern over mix of use. It must be obvious to Members that the Masterplan is essentially a schematic blueprint. It is a guideline. It is not set in

stone and no one in urban planning can predict precisely what the mix of leisure, of retail, of residential accommodation in any serious urban planning project is going to turn out to be. You only have to look at how areas of large cities like London develop over time. Who would have predicted that the rundown east end section of Hoxton would suddenly become one of the trendiest parts of the city because basically artists went to work there because it offered cheap accommodation? To the delight of the Bengali residents in nearby Brick Lane their curry shops that were originally based in completely rundown premises starting selling for over £1 million a hit because circumstances had changed and this will inevitably happen to the Waterfront over the period of its 150 year lease. There may be a greater demand for restaurants and bars. There may be a greater demand residential accommodation. It may be discovered that shopkeepers and retailers are not selling as much as they hoped and may wish to go back towards the centre of town. Who can tell? But the Planning Minister has made, with again a very high level of expert advice, his best guess of what he thinks the breakdown should be. He knows he will be wrong because he cannot predict the future and the precise breakdown is almost certainly going to be different to that as predicted in the plan as is the prediction of the population for Jersey in 10 years' time, 15 years' time, the immigration, the migration. It is all a guesstimate game. But I do want to take up a couple of points that Deputy Southern made in particular. Why he asked this concentration on the finance sector? I will resist comments about his potential leading role in his party as economics spokesman but what other sector of Jersey's economy would Deputy Southern like us to concentrate on? It seems to me entirely sensible that we concentrate on the finance sector and I very much hope that the Masterplan being put forward by the Planning Minister will ultimately ensure that we have one of the most attractive small, bijoux finance centres on the planet, a place where international bankers and investors want to be. The drawings that we have seen indicate that this has every opportunity of being a very exciting area in all respects. I say to Deputy Southern, yes, let us concentrate on the finance sector because if we take that out of the equation, we are left with very little to play with and I find it extraordinary that a Member of this House who spends most of his time championing the working people of this Island wants to strip out the section of the economy, it would appear, that keeps us all used to the services and benefits that this Island provides. The Deputy also made, clearly off the back... well as he does not smoke, it will not be off a fag packet, but obviously off some brief notes, a rough calculation of how much money an office will generate over time. "Give me just a little bit of that and my family can live on that for ever." It is seemingly discounting all the other elements that go into this apart from the cost of building, the cost of maintenance, the cost of running office premises and so on and so forth, and primarily the fact that we are asking the developer to take the risk. If this does not happen to pan out, as we all expect that it will, it is the developer that will be caught short, not the States. The States is being offered guaranteed amounts of money via W.E.B. or the Treasury, with offers of bonuses if things go well. Then, yes, once again, the famous old phrase was trotted out "sucking the heart out of town". I think it would be nice if we could move ourselves, not only as a States body but also as a community, on to what is happening here. The Waterfront is town. It is not sucking the heart out of town. It is town and this development will ensure that because you will be able to walk from one end of town right down to the coast line at the far end of the Waterfront project without having to go down a subway and without having to cross a bridge over a rather large road. That is one of the key features of this excellent Masterplan. I do not want to see this referred back because we have no time to lose asking yet more questions. It surely cannot be beyond the wit of Members to be able to take a decision without having every single I dotted and every single T crossed. What we know is that financial service companies, banks, are desperately keen to move into this accommodation as soon as it is completed, desperately keen, and that encouragement will pass to customers, it will pass to banks who may be considering moves to Jersey. We know it will free up accommodation in the rest of the town that again will allow other areas of urban development. This is not something where the message should be coming from this Assembly that we are really not sure about this and we think we want to put it on hold for a while, while we ask a few more detailed questions. No, this is the time to be resolute, to give clear direction as to which way this Island is

going and have a clear understanding on which side of our piece of bread we are buttered. To answer Deputy Southern, the direction is concentrating on the finance sector which has served the Island admirably for at least 20 years and I suspect will serve the Island admirably for many decades to come. If anything, this Masterplan is a small reward for what the financial services industry has done for Jersey over the years. I will say very few words about the plan itself because architecture is an entirely subjective affair and we will all have our views on heights of buildings, perspectives, colour schemes et cetera but I have been very encouraged by the progress the Masterplan has made. It has come as a sheer delight to me to see aspects of planning and architecture that I have frankly been whingeing on about for many years such as rooftop gardens, such as colonnaded ground floor aspects so that people can wander around this area in the rain without getting wet - a feature that is sadly lacking from our centre of what I shall best call the old town - and the granite aspects that have been built, first deposited as colonnades now, and thanks to the frankly inspired input of Deputy Le Claire, this beautiful granite colonnade sunken square, which of itself will transform how the underground car parking will work. I think at the end of the day any Member of this House who sat through the presentations has to agree they may not like everything, but there is some real inspirational stuff going on here. There have been very useful consultations and the architects have taken suggestions on board and put them into the plan. I think what we have before us is extremely exciting and I do urge this Assembly one thing, we must get on with it and now is not the time to suddenly stop the vehicle and go into reverse because we have one or 2 questions that have not yet been answered. Quite frankly, the Members who have spoken already have had plenty of time to get answers to those questions and they should have had them. Sir, I urge the Assembly not to refer this back [**Approbation**].

Deputy G.P. Southern:

May I ask a point of clarification of the previous speaker? Could he point to anywhere in my speech where he accuses me of stripping out the finance sector and not merely pointing out the fact that if we expand the finance sector, we do promote immigration?

Deputy G.W.J. de Faye:

I wrote the words down. The Deputy referred to this: "Concentration on the financial sector." Now whether he is saying that he is wholly in favour of that, I have to say the impression I got was that he was questioning it as sensible policy. Perhaps the Deputy now believes it is sensible policy.

The Bailiff:

Let us not go any further down there [**Laughter**].

1.1.4 Deputy I.J. Gorst:

Is this a wonderful vision as outlined by Senator Cohen or is the Doomsday scenario asserted by Senator Syvret? I am afraid that Members are simply not in a position today to say because I do not believe that they have all the information required to make that decision. Does this plan increase connectivity with the old town for the proposed users of the new quarter? If it does, what is the cost of this connectivity? We simply do not know because, as far as I am aware, Members have no valuation for the sites without the sunken road. We also know that a recent pedestrian study showed that most people would access the site from the junction in front of the new AIB building. We also know that the Castle Quay development flats have already sold like hot cakes without any tunnel in place. Demand. Yesterday we heard that W.E.B. had done a new demand study and that it showed that demand remained strong. If that is the case, why have States Members not had sight of this new study? Do I think a finance centre is a good thing and is required? I most certainly do. Do we need one of this size? Again, Sir, I simply do not have the information with which to make that decision. Yesterday we heard that if this plan is not approved then we will revert to the previous plans. That is the first time that I, for one, have heard that particular statement. I must also mention the financials. We have before us details of the financials

of this particular scheme but Members have nothing with which to compare it. We know the high level numbers of this deal but Members do not have any numbers for possible other schemes with or without a tunnel. What of the chosen developer or of using a cell developer for this site? I understand that the previous 2 sites went through a competitive process to choose possible developers. I am not aware that the site parcelled together has been through a competitive tender process. So how can we as Members know if we are extracting maximum or even appropriate value from this site? I would like to turn to a personal note. It has been noted in the media that Senator Cohen might consider his position if the plan is not approved and I certainly would not want to lose either him or his Assistant Minister, who has been doing an excellent job with her panel as a Planning Applications Panel. However, I hope that with a reference back he will not do that because I am not voting against the plan. What I am doing is asking for some further work to be undertaken and for information which I trust W.E.B. must have and which Deputy de Faye, in his speech, confirmed had been undertaken and that interested and involved parties hold. I believe that this further piece of work or the release of the information will enable Members to make an informed decision in a way to be able to decide between the 2 visions.

1.1.5 Senator T.A. Le Sueur (Minister for Treasury and Resources):

I think those of us who listened to the Environment Minister yesterday afternoon presenting his Masterplan can be in no doubt of the enthusiasm with which he sees his vision for the future of St. Helier. Rightly so because this Masterplan is far and away, and it is streets ahead, the best vision for that area that we have seen, far better than in previous proposals, and that vision I think was enthusiastically grasped by all of us yesterday afternoon. But, Sir, there is a tendency among some people to avoid, if they can, taking a difficult decision. There is a risk that they might get it wrong and rather than take even that slightest risk, they will just bury their head back in the sand and try to do nothing. However, Members, I think, would be hard pushed to reject this Masterplan because it is a magnificent vision of a future St. Helier so what do they say: "Well, let us see if we can stall it for a year or 2, or 5 or 10 until someone else maybe can make the decision rather than me." I regret that Members who were elected to this House have to appreciate that sometimes we have to take a balance and take an assessment of what risk there may be in making a decision. Now, as Treasury Minister, I am faced week in, week out with decisions to which I have to look at and assess the level of risk and this Masterplan is no different. The reference back calls for a cost benefit analysis and an inference that maybe we are taking a risk and maybe this is not the best possible deal. Well, this House generally, as I have said, is a risk adverse Assembly. We do not like taking risks. We avoid it at all costs and this deal, I think, reflects that view of the House because what we have here is a deal with a guaranteed return. A guaranteed return financially and a guaranteed return environmentally in terms of improved connectivity, improved infrastructure, a joined up vision for the whole of St. Helier. What are the downside risks? Financial risks? No, we have a guaranteed minimum £50 million, we have a guaranteed delivery of the road, whatever that road may cost, at no cost to the States. We have a potential benefit of overage which I think is a very real potential gain. All in all, we are getting a significant sum of money at virtually no risk to the States. Is that the best financial deal we could get? No. We could get a better financial deal by taking a much bigger slice of the risk ourselves. We could develop the whole site ourselves at a cost of £300 million or £400 million with no expertise, no training, no previous experience, and we might get it right. My guess is that we would not. Governments are not expert property developers. So, what do we do? We take a scheme where the risk is not borne by the Government, not borne by the people of the Island, but borne by the developer and in return we get, not nothing, but we get a guaranteed £50 million, we get a guaranteed road, we get a guaranteed overage of some amount, quite rightly, considerable and we get a far better Waterfront. Why is it then that some Members want to prevaricate? Is it just that they cannot see the vision and the wisdom of this or is it just that we do not like taking decisions? We are elected to take decisions, not to refer matters back and prevaricate and I urge Members not to prevaricate here, not to be taken in by this reference back but decide. If they are so anti any future development, if they are anti economic growth, anti

everything, they can vote against it, Sir, but simply to call for a reference back is simply trying to avoid responsibilities which we, as elected Members, should be taking.

1.1.6 Deputy G.C.L. Baudains:

A number of issues surrounding this proposition have not been quantified to my satisfaction so I am grateful to the Deputy of St. Ouen for raising this proposition. What would be the effect on the existing St. Helier business area because the plan will undoubtedly make a huge change to the heart of St. Helier as we know it? Where is the analysis of the cost and the implications of repairing that damage, of the social consequences? Where is the analysis of the need for this development because it has occurred to me, Sir, that if the Minister is able to shuttle between residential, business and leisure by the huge percentages that he has, then surely such flexibility indicates that we are not developing to an need, but rather we are building anything to get money. Where is the environmental analysis should this development, as Deputy Southern indicated earlier, create yet more immigration which we learnt recently is now running at 1,000 a year? Have all the issues surrounding the lowering of the road been satisfactorily addressed, the pollution, the maintenance, the junctions with other roads, the 3 years of mayhem that apparently will arise during its construction? I do not believe they have. Put simply, Sir, I do need more assurances before I could support the proposition. Without knowing as far as possible the ramifications of part 1(a), I would be forced to reject the plan. I know and I am aware, in endorsing what Deputy Gorst has said, the Minister has put enormous effort into this and frankly I would hate for him to lose this plan simply because we do not have sufficient information. I would take issue with a couple of speakers, Sir. Senator Le Sueur accuses us of not making a decision lest we get it wrong. Well, I believe on something of this magnitude, we simply cannot afford to get it wrong. It is too big a scheme. There are monumental ramifications from this. Maybe it is that he likes a gamble. I believe the shambles of goods and services tax might seem to confirm that. I am not a gambling man. I make decisions based on sound information. Deputy de Faye accuses us of not making decisions. Easy to pose questions, tough to make decisions, he said. Well, I am aware of some of his decisions. Maybe asking more questions would have assisted him. He seems to indicate that he is allergic to cost benefit analysis but I do not believe that we, generally, in this Assembly do nearly enough cost benefit analysis and we need a whole lot more if we are going to be anywhere near a position where we are sufficiently informed to make a rational decision on this proposition because too often, Sir, in the past - too often - this Assembly makes a decision and just hopes that the ramifications will magically take care of themselves. We cannot afford it on a project of this magnitude, a project that has the potential to cause major disruption and possible irreparable damage to our town, as we know it. Could I say also the idea promoted by the Minister and endorsed by Deputy de Faye that a successful finance centre relies on these shiny new buildings, I simply do not agree with. No, Sir, success in business depends on the expertise of your staff and on communication. New buildings are not essential. I, Sir, am not seduced by the wishful thinking that seems to abound just recently. I need reliable information before I can make a well informed decision and for that reason, I support the reference back.

1.1.6 Connétable S.A. Yates of St. Martin:

I will not impose upon your time for very long. I rise with a feeling of frustration. Maybe the proposition in parts 1 and 2 might require reference back, but the esteemed Deputy of St. Ouen has brought this at the wrong time. I feel not cheated, I feel disadvantaged. I have not had the benefit of listening to the presentation of part 2, Sir, and I really cannot support this reference back at all. I have only heard half the story. I am not going to support the reference back and I would urge other Members to do the same [Approbation].

1.1.7 Deputy R.C. Duhamel:

Oh, what a sorry state we get ourselves into at times. I think that part and parcel of where we are today is that we have had a flawed process. Quite clearly, Sir, there are 2 parts to this proposition

and the unfortunate thing has happened in that it has all been bundled together although we have received assurances that each of the individual remits of the Ministers to whom the proposition refers would be able to take their separate parts separately. We are straying now into the reasons for or not, as the case may be, a reference back on part 1. Now, part 1 Members must realise, unless we are just going to decide things by tossing coins, that when we discuss things in the States Chamber we do have some obligation to understand why it is we are discussing the things we are discussing and where we would like to be in terms of the argument, for and against. Part 1 quite clearly says: "The States are being asked to decide whether they are of the opinion to endorse the intention of the Minister for Planning and Environment to adopt the Masterplan for the Esplanade Quarter as an agreed development framework for that quarter." The parts (b), (c), (d) and (e) are to achieve, which the States can do, through the office of the Minister for Planning, the putting together of a site for development and, quite clearly, this is the whole intention of those clauses. One of the difficulties of developing in any size, anywhere, is that you have to, it goes without saying, put together sites and if you have got grandiose schemes which require greater land acquisition, then that is a difficult part of the mix and this has to happen or otherwise you can have whatever visions you like. I am going to develop the whole of the Parish of St. Mary or whatever but I mean if I do not own the whole of St. Mary I am not going to go anywhere near to achieving my vision or my aim, by way of example, so the Connétable of St. Mary is not unduly worried. So, part 1 is to lay out an acceptable framework and that framework has to be in 2 different directions. It has to be a spatial layout framework which means that we have to have a plan, you have to lay out where the streets are going to go, you have to have an indication of how many buildings are going to be on the site, you have to have an indication of whether or not there is going to be a public realm, whether or not there are going to be public amenities to the benefit of the States and Islanders who are being asked to make this decision and, quite clearly, that is what the Minister for Planning has put together and means when he says: "Can we endorse the intention to adopt the Masterplan?" That is what a Masterplan is. Now, within that, once we have decided where things are likely to go and we have put together a big enough site, you then get into the nitty gritty and the nitty gritty is the use classes under which those buildings could be used. This goes into the future and I think, Sir, this is really where we are coming unstuck at the moment. The reasons that you have allowed the reference back are threefold now and I think it is only fair that rather than straying into a discussion as to whether or not the financing is right, whether it should go to the Waterfront Enterprise Board, whether we should retain a greater say in the whole shooting match so to speak, that is part 2. There is absolutely no way that we should be straying into discussions of part 2 in part 1 because part 1 is just about, do we like the look of the plan that has been put in front of us? Does it have the right feel? In essence, the biggest question to be asking ourselves - and this is not a particular reason for the reference back - is whether or not the road should be sunk and the network of road layouts is at the best attributable to this particular area of land. I think, generally, it is. We have to accept that in any plan that has been stated by the Members... any plan is not going to achieve 100 per cent support from everybody. There will be little bits and pieces that people can support to a lesser or greater degree but in the main, I think, the Minister has come up with something which we can all support. This is a compact development, it does not spread out, it is well defined. We were talking in the early days of planning of trying to emulate what happened in St. Malo *intra muros*. Now, *intra muros* means inside the walls and if we look at the grid-like layout of the properties within that particular part of France, it is something that we have all appreciated and we all thought perhaps we could have a slice of over here. This is what the Minister has delivered within his plan at the moment and that is how we should be responding I think, Sir, to proposition part 1. Now, the 3 areas for the reference back are... and I have to go over them one by one, is the effect on the population. We have all signed up to a long-term population plan and we all have reservations as to whether or not anything that happens is going to take the lid off the can and allow the population to spiral upwards out of control. But we do have, within that, other plans that we have all agreed to on previous occasions, which are designed not to take that lid off the population. We have the Chief Minister indeed making statements to the effect that

population growth or uncontrolled population growth is something that his Council of Ministers does not support. So it strikes me as odd, Sir, that here we are suggesting that one of the reasons for going back to ask for more information is to decide on whether or not the grid and spatial layout of the site is right, is to talk about the effect on population. It does say within the body of the report on 2.12 that the Masterplan has been done in accordance with the States economic growth plan and within the States economic growth plan, we all agreed to an element of population growth which could be controlled. I do not think it right, Sir, that the frighteners are being put on, so to speak, by those who would kick out any plan for any development of the Waterfront, come what may, to say that this particular spatial plan will cause a huge rise in population or an uncontrolled rise in population. That is not the intention. It can be controlled at a later stage by discussions under part 2 as to the overall use of the buildings that are going to be developed within the area. I do not really think, Sir, that really is a sufficient ground for a reference back in this instance, unless it means of course that any previous decisions that the States have made, on other occasions, can be dismissed in any debate into the future and I do not think that is a sensible way of carrying out our work here. Now, the second grounds that have been allowed for the reference back is to procure cost benefit analysis of sinking the road. It is not, as some Members have suggested, to go a stage further and to come up with dozens and dozens of different suggestions. The cost benefit analysis has been done. We have been told, Sir, in the digging out the areas of land on either side of the existing road to make car parking - which we are being told we need and I think we do need at least temporarily. None of us can be sure what is going to happen at the end of the 150 year period in terms of transportation changes, but certainly in the medium term we have established that there is a requirement for parking within the town. Now, it seems to me, Sir, that the cost benefit analysis that has been done already has suggested that in digging those 2 areas of land on either side of the road, you are left with a piece of land in the middle that is at a higher height and part of the reason for sinking the road is the engineering costs that would be associated with leaving the road perched at a higher level or not. So, it has been stated, and I think rightly in this particular case, that if you have dug out the major part of the land on either side of the road, you might as well do the whole job and sink the road. Now that will bring with it costs of maintenance which are referred to in part 2 and the appropriation or the payment of those costs we have not as yet decided and we heard from the Minister yesterday a suggestion that perhaps one way of meeting the long term costs of the sinking of this particular road by a tunnel might well be to have some sinking fund and, as I said, no pun intended on that one, because that is the financial term, a sum of money which would be able to be drawn down into the future to pay for the maintenance. Now what has not been established, and it think that might well be a good way of dealing with it, is whether or not that sum of money would be paid for by the developer, paid for by W.E.B., paid for by the States, paid by for anybody else. We have not got there. It is a financial detail that can only be assessed when we get to part 2 and I think there are very, very real reasons for looking at a reference back for part 2 and indeed if we get that far, I may call for one on that basis because I think, as some Members have said, the gun has gone off too soon. The real issues are tied up with the part 2 and we do not have enough information in order to, in my view, make a judgment.

The Bailiff:

Perhaps we could get on to that now, Deputy, please.

Deputy R.C. Duhamel:

The third point, Sir, that you allowed a reference back on in order to assess whether the spatial planning has been done correctly was the mix of uses. Now the mix of uses again is something that is a little bit nebulous and the very best that we can do is to establish whether not the mix of uses that has been determined as something as a possible first step is indeed something that we could all sign up to. Now, what we are not doing here, and this is where the whole process starts to kind of come unpicked, is that we are not asking for a schedule for the mix of uses into the whole 150 years. We cannot possibly do that and we are already being told, Sir, that the decisions that were

taken a number of years ago to put in the cinema complex and the other buildings, already the reasons for making those decisions, and in having those particular uses, are starting to be seen as perhaps outmoded and already there is suggestion in the planning quarters that perhaps a revision of the use classes for those particular sites might well be a better way forward into the future. So, it is quite clearly a nonsense, Sir, to be asking us or to be asking the Waterfront Enterprise Board or any other body, because I am not sure who would be undertaking to get this information, to come forward with a justification for the mix of uses into the future in order to determine, as I say, whether or not the spatial layout at this point in time or the usage of those buildings is sensible into the future. We cannot do that. So, as I say, Sir, I think we have, to borrow a phrase, got our knickers in a twist a little bit and unfortunately we are allowing or we are debating whether or not we should have a reference back on a part of the proposition that quite clearly should not be referred back to under those terms. As I said earlier, that is not to make any judgment as to whether or not the reference back is warranted for part 2 and I will be making further statements if we get that far. So on the whole, Sir, I think I cannot support the reference back to provide the House with these 3 pieces of information. The effect on population I think it is within the existing policies and quite clearly the Planning Minister is not suggesting that we break those policies so I think that is spurious claim for information. The cost benefit analysis, I think, has been done and the justification for sinking the road has been made. Whether or not States Members have been privy to all the financial details that were looked at in arriving at this decision I do not know, so that maybe a small valid reason for having a quick look at that, but maybe those documents could have been passed round the States Chamber while debating the main proposition. As I say, Sir, for the third, mix of uses, there is no way that this House can be provided with a schedule of the mix in acceptable form or non acceptable form that takes the mix of uses into the 150 year period which is being spoken about. So, on those grounds, Sir, I do not think I can support the reference back but watch this space for part 2.

1.1.7 Deputy A. Breckon of St. Saviour:

First of all, I would like to say that I think there has been some excellent presentations on this subject. The booklets that have been produced and the time and effort that people have spent on it, I think, is well done. In general terms, some professional people have given their time and effort and obviously they should have been paid for it as well but they have done that. When you look at that and the way it has been presented and somebody is going to give us some money as well, the question may be asked: "Well, how can you complain about anything?" You know, are we not looking at the proverbial gift horse in the mouth? Should we not just take the money and let somebody get on with it, but perhaps we have a duty of care as well. I would like to come, Sir, to the 3 issues on the reference back. The first one is the population and what effect this may have on the number and the profile of the population. First of all, on a project this size and the Island's size you can see what would happen would be there would be some construction workers sucked in to do this, some specialists but also people under that and we have seen that by other developments that have taken place and what effect does that have temporarily on the population? They have to live somewhere. They are using the drains and they generate rubbish and car parking, health services, maybe even the prison, I do not know. Will we need another prison? Then there are issues of how many of those people would stay in the longer term and when it comes to the site itself, how many may work there that are not living there now? I have not seen anything that supports that or indeed gives any information. The other thing from the population is the housing need and I remember debates in this House when we talked about the Waterfront. One of the big issues was the housing gain. What we are going to do, it is going to save us going to fields and into the countryside and whatever else because this is a bonus for us. It is reclaimed land. They are not making it anymore but somebody has made some for us. We can make the best use of it. Then the housing issue now seems to be a side issue as opposed to being the main issue of where we might have been perhaps a number of years ago, but it is still a very, very real issue for many people and it is about housing need, not want. It is about housing need. The other question with population,

Sir, is how many people are we catering for? Do we go on *ad infinitum* and we used to debate and I remember debating numbers of 80,000 and 85,000 and a lot of the infrastructure was based on these numbers. So, although we might get something for nothing it would appear, and a cash bonus as well, perhaps there is a cost to the other side of this for upgrading various public services and facilities like roads and drains, car parking. Where is the transport strategy? That is something that perhaps should fit into this. Where exactly is this fitting into the review of the Island Plan? Again, it would seem to be an off balance sheet equivalent. The other thing, Sir, that has been mentioned is cost benefit analysis of sinking the road. Well, if you dig a hole then what comes out of there has to go somewhere. So who deals with that, who pays for that and where does it go? I believe the scheme that was planned which was run it along the seafront and drop it in St. Aubin has been scuppered, but perhaps we might need to look at something for an infill. I think with sinking the road, perhaps we need to look at what the implications would be. Is somebody going to pay to dump this? Does it need any special treatment? What is under there? There are also services under there that somebody needs to deal with and divert. The other thing is it is going to create chaos for a considerable amount of time.

The Bailiff:

Deputy, this is a matter for the debate on the principal proposition, I think, rather than the reference back, is it not?

Deputy A. Breckon:

But it is to do with the cost benefit analysis, Sir, of sinking the road in that if people are stuck in traffic, then there is a cost to that because they would not have been stuck there if we did not do it or somebody did not do it. So that is the only brief reference I would make to that, Sir. The Treasury Minister has mentioned avoiding taking difficult decisions and perhaps burying our head in the sand, but also if we are going to make monumental decisions like this perhaps we need to have alternatives and more information. I know we can get information overload, but perhaps if an individual Member brought a proposition forward, the first thing is there is not enough detail here. You need to have this, and you need to have this and you need to have this, whereas it seems to be that the bigger the issue is, the more you can get away with in terms of brevity. The other issue, Sir, on the reference back was the mix of use and people with not that long a memory will remember where developments have said that we will put a crèche in there or we will put some retail for a convenience store. When it has come to the actual development, it has been said: "Oh it is too expensive. You would never run a crèche from there. It would cost £1,000 a week to put a child in there. We will put another 4 flats in instead." That has happened on a number of developments. The reason I say that is the Minister said yesterday: "Oh, there will be a cycling strategy. People will have showers." Yes, they will until it comes to the cost putting it in and they will say do you realise how much this is going to cost as compared with office space or residential and there is proof, Sir, that it does not happen. It is a sop. Developers put it in: "Yes, we will do it" and then it is taken out at the eleventh hour. It is difficult to gauge the mix of use and that is why we do need more information because some of the submissions we have had from the surveyors have suggested about how much office space we need and how much is available if you go from say the Pomme d'Or to the Grand, all along there, and some of the places behind. What people are proposing to do anyway and how much do we need and the other thing is with that mix of use how does it affect the existing offices? But not just that, retail, restaurants, cafes and the rest of it if you move a lot of things down there. The footfall goes down there, the market closes. How do we do that? I do not think that has been done effectively. EDAW have touched on things. Much of the stuff in there is not costed and I, Sir, for one can support a reference back because I do have some other observations about the main idea of adopting the Masterplan but in reference to what was proposed by the Deputy of St. Ouen, which I would say again was an excellent well-researched speech and I think his points are well made, I think, Sir, the House would be well advised to listen to them and support the reference back because I think this is a major leap of faith.

1.1.8 Deputy P.N. Troy of St. Brelade:

In relation to the Waterfront, we have gone from one disaster to another and if this reference back were to succeed, it would be a disastrous outcome once again [**Approbation**]. It could even force the development of the Waterfront back to the drawing board. The Deputy of St. Ouen is forgetting that W.E.B. has been created to oversee the development of States owned land and, yes, 150 year leases are being given, but the States will always own the land and what is built thereon returns to the States in 150 years. At that time, it could be relet even for another 150 years. The sinking of the road has been identified as of vital importance. Imagine pedestrians dodging traffic to get to the Waterfront area. That realistically is not a long term option and we must have properly designed pedestrian routes and access to buildings and open spaces. In addition, Transport and Technical Services have carried out traffic flow models with engineers for the whole scheme. For the Deputy to claim that there will be major problems with the sinking of the road is not evidenced by traffic flows and the actual concept of getting pedestrians over the top of the road to open spaces. Regarding the mix of uses, the Planning Minister has had extensive consultations with his senior staff and there has been a consultation group in operation over the years who have made significant input into the scheme's design and we, as States Members, have had numerous presentations on the way forward for the Waterfront. I cannot count the number of presentations we have had over the years and we have, in this Chamber, been discussing the Waterfront for years and years and years. To prevaricate now just as we are about to cross the finishing line is absolutely ludicrous. I urge Members to vote against this reference back.

1.1.9 Deputy S.C. Ferguson of St. Brelade:

Deputy Le Claire has made a reference to Public Accounts Committee. Like Scrutiny, the Public Accounts Committee does not adopt a Stalinist attitude to its members and does not try and make them think in a particular channel. I have already stated that my questions on the project are more properly addressed to the Treasury Minister under paragraph 2 and I hope I get the opportunity. The essence of a good deal is that everybody benefits. What Members seem to want is reassurance that what the States and the taxpayers, and do not forget it is the taxpayers not just the States, is a fair return whether it is monetary or non monetary. I have no problem with this but this is a paragraph 2 question. Deputy Baudains, among others, mentioned the effect on the rest of the town. I rather think that there was a similar discussion when the landfill beyond the town church was first proposed. Deputy Duhamel has mentioned St. Malo. Well, St. Malo was almost completely reconstructed as it was before it was bombed by the combatants in the Second World War. There has been a doubt been expressed as to the cost benefit of the tunnel. I have problems with this because if you can dig a hole and have a flat piece on top of it then usually, providing you have done the digging economically, it is more valuable. As an engineer I have no problem with the concept. There is quite a precedent for tunnel building, whether it is under the Alps, under the channel or underneath properties in Boston Massachusetts or New York. In New York the tunnels are all underneath skyscrapers and they have not lost one yet. Deputy de Faye mentioned the previous projects for tunnelling and so on. As a matter of fact I understand from a contemporary Senator that they had exactly the same obstacles, they encountered the same obstacles. Again, the risk analysis suggested, with regard to the completion of the project, I think is more properly dealt with under paragraph 2. I cannot accept a reference back on the basis of the design brief or the design outline that has been given to us. As I say, I am a bit of a tyro on things architectural but I like it. I think, you know, there have been a number of things which the Deputy of St. Ouen has helpfully brought to our attention, but I think at this point I am merely voting for the design and the concept and therefore I will not support the reference back.

1.1.10 Senator P.F.C. Ozouf:

Experience is that normally in a major States debate on policy we have a reference back. I am sure that many Members will recall the major set piece debates of the last 2 to 3, 5 years and each time we have a reference back. It is a classic debating tactic and one I am sure that the majority of

Members will not be fooled to fall into that particular trap. It would be very easy for me to comment on a number of people that have spoken. I will just highlight on one before dealing with the substantive issues that the Deputy of St. Ouen raises. I would, however, say, Sir, that in your acceptance of the reference back I think you did say that you observed that many of the comments that the Deputy of St. Ouen made in his speech were against the scheme. In fact I thought that his speech was a speech that was against the scheme in its entirety. He does not like the scheme. Now, he is entitled to that view and I think that it is absolutely fine for him to have that view but I think to try and stretch the issue on trying to ask for more information is the wrong approach. Deputy Southern also claims that he wants more information. Deputy Southern also said that he was worried about the future of the finance industry. Well, I think Members are quite aware that Deputy Southern is no particular fan of the finance industry and it could be said that his remarks in relation to this debate are simply in order to ensure that the finance industry does not succeed in the future. The 4 issues which have been put forward for more information do need some examination. I think the Deputy of St. Ouen and his supporters are... well, 3 as Deputy Duhamel rightly points out. The 3 remaining issues. The 3 remaining issue are in fact clutching at straws. The first issue that has been raised is that of population. The Deputy of St. Ouen was further assisted by Deputy Breckon in splitting out that population question for more information into 2 parts. The Deputy of St. Ouen dealt with the long term population issues and we had the other interesting red herring from Deputy Breckon about the short term population issues in relation to the construction of the site. Deputy Breckon I thought knew... I think he sat on the Building Cost Inquiry, I think he is well acquainted with the building industry and I think he will know that the building industry is currently suffering a structural change. Not only is the building industry and the construction industry facing a situation where we, the States, are spending far more in terms of capital project... and one particular large construction firm came to see me and has been to see other Ministers and has explained that he would like to see an increase in capital projects. That I am afraid I told him is not possible, quite apart from the fact that the construction industry itself is becoming much more efficient. So I think it is a complete red herring to start raising issues of the population demand on the actual scheme itself. The scheme itself is perfectly able to be dealt with the capacity within the construction industry and I would ask Deputy Breckon to look at the latest manpower survey and look at the important contribution of local people in the construction industry. Members are often quite surprised at the percentage of local people who work in the construction industry. They are the vast majority of people that are working in the construction industry and it is because of the falling off in terms of the capital programme of the States that there is the opportunity for the construction industry to deal with what is a big project but over the period of time that it has been built, 7 to 10 years, I hope it is going to be a little quicker. It is certainly possible to deal with that. In any event, these issues are dealt with by the Regulation of Undertakings. On the issue of longer term population I am afraid again we are clutching, or at least the Deputy of St. Ouen is, at straws. We know what the long-term housing supply and population linkages is. We know what is in the housing needs survey, we know that there is a demand for contemporary modern offices in order to serve the needs of our international financial services industry. We know that many of our leading financial services industry are operating out of numerous sites across St. Helier. This is inefficient. It is unergonomic. It is not fit for purpose and we need to provide our leading financial services business, and indeed some of our non financial services industries with the kind of accommodation that they require for the longer term. I am going to say in a couple of minutes about the delightful experience I had yesterday of going to the opening of one of those organisations that has already moved down to the Waterfront. I will come back to that in a minute. But the fact is the majority of the demand for this accommodation, which has been explained to Members if they would have been to the various different briefings, et cetera, is the issue of transferring existing business from one side of St. Helier to the other. That is necessary, it is desirable, and it is in a better more efficient allocation of resources. Moreover, it is not as if the emptied accommodation, or the accommodation which will be left as a result of this transfer, will remain empty. St. Helier has. and I very much hope that the Constable of St. Helier will be also taking the opportunity of speaking in

this debate, we have some fantastic 18th and 19th century architecture within St. Helier. A lot of that 18th and 19th century architecture is in frankly substandard office accommodation. Other uses of that accommodation have been into multiple unit lodging houses. As we are seeing an evolution of our financial services industry, as we are seeing an evolution of our economy into a high skill, high salary economy with opportunities for everybody, we are seeing a different nature of demand of accommodation. There is the unique opportunity that this Masterplan presents to free up those areas of town which are in second grade office accommodation, alternatively in lodging accommodation but to provide regenerating fantastic town living. Yes, in some new, exciting architecture in areas of town but also in regeneration of some of our most fantastic former residential quarters. If Members do not think that that is possible then could I ask Members to consider the places where this has happened successfully. This has happened in areas of London, in Clerkenwell, in Islington, not former residential areas have been transformed into great contemporary town living. That is the opportunity that is presented with this Masterplan. Putting in place fit-for-purpose offices that is the engine of our future economic success, both in terms of financial services and non financial services and providing fantastic town living in the areas of town. This is a one in 100 years opportunity and we should grab it with both hands. So I am afraid that the Deputy of St. Ouen is absolutely clutching at straws when he is somehow suggesting that there is going to be some mass increase in population as a result of this development. It is in the vast majority of cases transferring of existing businesses, and I have just got one remark that I will leave to the end of my speech on that particular issue which may also help those Members who are concerned with population. The second issue is of a cost benefit analysis. How many times have I sat in this Assembly and listened to a reference back debate when we have been asked for a cost benefit analysis. Well, it is a classic delaying wrecking tactic that somebody who is against the substantive proposition says: "No, we need to have the balance of issues." Well, can I remember Members that we do have a substantial amount of information on the cost benefit analysis. Can I remind Members that this Assembly has already approved a Masterplan. What the Planning Minister is effectively asking us to do is to put a revision to a Masterplan. That Masterplan has evolved over a number of years. Senator Syvret made some particularly interesting remarks about the existing divvy up of land on the Waterfront. All done, I have to say, in the period largely before 1999 when many of us in this States were not there. **[Laughter]** But in fact it was back to... and in fact I have been elected... and not once have we had a Masterplan debate when many of these decisions were made in terms of the cinema complex, in terms of the swimming pool, in terms of the Kentucky Fried Chicken and all the rest of. All the things that we do not like. All these things were done way back before 1998. We dealt with the consequences of that. It is true to say that the 2002 Island Plan did provide an updated version of that and as the previous President of Environment and Public Services probably the best thing that we did on that committee is not make a decision on the basis of the existing Masterplans that were there. I would send one note of caution to Members in relation to this whole debate. The fact is that there is an already approved Masterplan. There are already some supplementary planning guidance that exists. There have been developers that have put forward plans based up that and they are in a position to be able to push ultimately for a planning decision on those previous plans. What the Planning Minister is asking us to do is to make a revision to that Masterplan. We have got to be clear that if we throw out this proposition, ultimately - and I think the reference back is pretty well throwing it back and never to be returned again. We going to revert back to the alternative scheme. That I think would be a very sad situation. If Members want a cost benefit analysis then they just need to simply look at the output of that old scheme versus the scheme that we have today. I know that there is a grey area, Sir, in relation to the financial matters. There is an issue of certainly a chicken and egg in relation to whether or not the passing of the Masterplan eventually has an outturn in the second part of the proposition. There is a bit of a grey area there but I am absolutely clear that the approval of this Masterplan does give a far better net benefit to the public of the Island. You can compare - Members can compare that - by comparing effectively the cost benefit to the Island in respect of the other scheme. The third issue that was raised is the actual mix of the scheme. This scheme is a

mix, which if Members would have read the documentation and attended the presentation, is a fantastic mixture of schemes, of residential, I am delighted to say tourism - with aparthotels and boutique hotels. Offices, which I have already said are required for the future financial services industry, and, moreover, fantastic open space of the benefit of our Island community. That is the mixed use that is available. Is the Deputy of St. Ouen really saying that he wants more information in relation to these mix uses? I am puzzled. He better explain in summing up exactly what more information he wants and he better also say what more information he wants on this particular mixed use compared to the other scheme that the States has already approved. Now, I suspect the Deputy of St. Ouen, just does not like the scheme. He may well be one of those people, supported by numerous correspondence that we have had in the last few weeks, that likes the previous scheme. I do not know, he better come clean in his concluding remarks. Does he prefer this scheme or the old scheme, I would be very interested to know. I know where my money is terms of supporting a scheme. I concur absolutely with all of the remarks of the Planning Minister in his opening remarks to say that this is a delightful quality scheme which Islanders will be proud of when it is delivered. I want to conclude by saying that I went last night to the opening of some new offices on the Waterfront at one of our... I am not going to name them because Members will probably know who I am referring to. But it is an organisation that is one of our leading interestingly non-financial services organisations who have taken a significant number of tens of thousands of square feet on their new building in Liberation Place. They have moved from an uneconomic space. They have taken, as I say, a number of tens of thousands of square feet of offices. They have in fact taken a smaller footprint as I understand in the new building than in the old building. Last night I saw a modern, dynamic, ergonomic environment; I saw a dynamic organisation which is committed to Jersey, already been here for a number of decades but has made a commitment for Jersey and is delighted to do so and is, indeed, positive about in the future. There was a doubt a number of years ago about this organisation's long term presence in Jersey, but that now has been absolutely set aside and they are now committed to Jersey. I saw happy motivated staff in a fantastic working environment. I think that this is the absolute symbol of what we are trying to achieve on Esplanade Square. It is to provide office accommodation for some of our leading financial service institutions and some of our non financial services institutions. That organisation, having made a significant investment in Jersey is exactly the kind of organisation which will be attracted to Esplanade Square. I am afraid if Members are going to vote against... are going to debate in favour of a reference back, they are effectively turning down that opportunity. I do think that the Deputy of St. Ouen does need to be completely clear with Members, is he really against the scheme as opposed to being simply asking for more information on the 3 counts he has asked: on population, on use and of cost benefit analysis... he has asked for population, cost benefit analysis and mix of development. I am afraid there are volumes of information in order to justify Members making a decision on that issue, and I see no case for a reference back. If he is against the scheme let him withdraw his reference back proposition. There is not a case for it and vote against the scheme. If Members have got questions in relation to the financial issues let us deal with 2. But let us not trying and hijack the debate on something which is simply a red herring.

1.1.11 Senator T.J. Le Main (The Minister for Housing):

I totally agree with the last speaker and I totally agree with the Connétable of St. Martin who says he is frustrated. I have heard this so many times in the last few years. Here we go again, further delay, do not make any decisions, put it off. Sir, the Minister has consulted with everyone. Everyone. I have never seen, in all the years, so much consultation over a single item or a single project. I am afraid that everyone he has consulted with has probably fallen asleep with so much consultation. The frustration I share, Sir, is the time it takes to come to a decision. What we are taking about today is to agree the development framework. The other issues, the planning issues and all that will dealt with at a later date. This is to agree the development framework. I am like Deputy Ferguson, I like the concept. I think it is exciting and I think it is great, it is a great boost

for the Island. But here we go again, Sir, more information. Deputy Breckon, I do not know where he was when the Planning Minister was making his speech but he would ask him questions about extra people and all this sort of thing and it has been well explained by Senator Ozouf that existing businesses operating from 7 or 8 locations want to move their existing operations into the Esplanade Quarter. It is not about bringing people into the Island, it is about rationalisation, making it more efficient, better use of space and what have you. I am frustrated, Sir, because this is exciting for me. It produces 400 housing units in the town area. Not in the countryside, in the town area. Sir, by God, if anybody has got to go up to the top of the Cyril Le Marquand House and over look St. Helier. The capital town of Jersey, St. Helier, whom we have so much pride in needs urgent attention and regeneration. This over the years will provide - in the next 10 years - much opportunity for all of us to be involved in this regeneration. Whether it is even my department as the Housing Department, where we are going through now the regeneration of some of our homes in the town areas, we can work in with this. We have got EDAW. It is really, really exciting, and to be able to have, over a period of years, £50 million, perhaps a little bit more, is quite a bonus. Sir, I just cannot support a reference back. I feel like Deputy Troy as well and the Constable of St. Martin, as I say, we delay at our peril. This is just another way of trying to delay and delay and delay and not make a decision. This plan, Sir, today is to agree the way forward. To agree the concept of a development framework and the other issues on... the financial issues will come in part 2, and the issues on the planning are issues that will be dealt with later. I urge Members to reject this wrecking reference back amendment from the Deputy of St. Ouen.

Deputy G.P. Southern:

May I ask a point of clarification from the Housing Minister? Yesterday, the Housing element of this project was described as affordable. Could he tell us more about the affordability of the proposed ...

Senator T.J. Le Main:

Affordability will find its own market. It is quite obvious, if somebody is asking too much for a property and he does not sell it or they do not sell it, it will find its level because they will have to sell it at a price that it will find in the market.

1.1.12 Senator F.E. Cohen:

Delay, delay, delay. Delay for 20 years because that is what we have done so far. Deputy Reed, the Deputy of St. Ouen asked me yesterday if I would delay for another 2 weeks, just so we can get some more information. Information about what? I have provided information in abundance. This Masterplan has been in consultation form since November of last year. There have been 2 versions of it, accompanied by presentations to the public, presentations to States Members, what more does he want me to do? There will always be more information that he can ask for because he does not want to approve the plan so why does the Deputy just not say: **[Approbation]** "I do not want to approve the plan and vote against it". That is what I urge him to do and I will not give way to you... to the Deputy, sorry. We have 3 areas on which the reference back is being considered. The first is the effect on population. This opportunity is based on 80 per cent displacement. That means 80 per cent of those people who will work in the future in this scheme when it is completed, presently work in the town. We have a differential therefore of a few hundred, that is all. That is the normal expected growth in the population over the period. In fact only a tiny part of it. Therefore this is not an invitation to thousands of people to come and live in Jersey, not at all. This is an invitation to the many people who live in the town and to many people who work in the town to continue to have job security because the companies, the financial services industry companies they work for, will be committed to the Island and will be accommodated in the very best space. We will be providing 400 apartments. All with high quality amenity space, all delivered to the highest standards, with an emphasis on (a) to (h) accommodation, for local people. The appropriate mechanisms will be put in place to ensure that the tourism accommodation is used for tourists and

not for people who wish to skirt around the housing regulations. Only last week I met with the Deputy of St. Ouen, we spent 3 hours with him, with representatives from Transport and Technical Services, with representatives from the Waterfront Enterprise Board. He had every opportunity to ask any question that he wanted and we did our best to answer those questions. He left leaving the impression that his questions had been answered but yet the first indication that I have that the Deputy is not satisfied with the information that we have provided and with the open door policy that we have offered to him throughout, the first indication I have that he is not satisfied is yesterday when rumours start circulating that he and Deputy Southern are proposing to bring a reference back. I say, again, a reference back, for what? For more information. So we can delay more and more and more. Well, let me tell you the results of more delay. The result of more delay will be this scheme will fail. Take my word for it. This scheme will fail and it will fail because in all likelihood the developers will do what I would do if I were in their position. I would say: "You cannot make a decision on anything, goodbye, I will go back to what I expect a consent for and that is the 2004 development brief." If we go back to that we will have what Senator Syvret referred to yesterday as an Ozymandian nightmare. We will have monolithic towers; we will have poor environmental standards; we will have poor amenity space; we will have no winter garden; no wonderful building of an international status to make us proud of our Waterfront; we will have no granite colonnaded undercroft where we can all enjoy our time on the Waterfront; we will have no water garden. None of that, it will all be gone and we will be back to the 2004 scheme and 500,000 square feet of monolithic office space and residential accommodation on the Esplanade Square site alone. Remember the Esplanade Square site is not the Esplanade Quarter. The Esplanade Quarter is the Les Jardins scheme as well. If you want to see what the Les Jardins scheme would have looked like, just go and have a look in the coffee room, because I have put the tall towers up on display. Is that what Members want, because if that is what Members want that is what delaying will deliver and be in no doubt of that. Cost benefit analysis, we are asked for further cost benefit analysis on lowering the road. Well, let me remind Members, please, that some of the greatest architects in the world have all looked at this and have all come to an independent conclusion, and that is that this scheme will never ever succeed unless we find a way of lowering the road. There is simply no alternative. But what Hopkins have come up with is a mechanism of doing that in an affordable way. It is affordable and that is the cost benefit analysis that has been worked on and I assure you it has been worked on in great detail line by line. Lastly, we hear of concern over mix of uses. This is a Masterplan document. It is 2 dimensions of 3 dimensional project, the third dimension is a planning application. In order to get to the point of a planning application and accessing the third dimension we need to have a starting point, and we have a starting point of mix of uses that has been directed by all the relevant States departments in consultation with each other. That is where this mix of uses came from, from States departments, not from a particular developer but from States departments. This is a living plan. If this Masterplan is approved, and I indeed hope that it will be, it will change. There is no question. There will be minor changes throughout, it will not be delivered exactly as you see on, I think, page 21 of the latest document. There will be minor changes but they will all be improvements and they will all be reasonable. So, in conclusion, I simply must say to Members that if we delay by accepting a reference back, in my view that will be the end of this scheme and I urge Members therefore to vote against the reference back.

[Approbation]

1.1.13 Senator S. Syvret:

Like Deputy Southern I think the speech made by the Deputy of St. Ouen was of extremely high quality, very well researched and he raised a number of very important points. Points which have not, if one reflects upon the speeches which have been made since, been answered particularly well on a factual evidence basis. We have had a great deal of the kind of rhetoric that we have heard in some of the speeches, not least that which we just heard from the Planning Minister. For example, Senator Cohen asserts we have had plenty of information. How much more information could we give, we have had consultations, there has been briefings, there have been meetings? Well, I am

afraid one of the huge problems that the States faces and has faced, and we see the consequences of it all around us for the last couple of decades is decision making on the basis of PowerPoint presentations. If Senator Cohen classifies that kind of information as acceptable to make such profound decisions on then I am afraid... well, I can say I am very glad he is not making any decisions personally for me. I went to listen to the speech of the Chief Minister yesterday evening, which it has already become known as the Great Green Speech. During that session I listened very carefully to everything that the Chief Minister said and I took a lot of notes of it. I asked a question at the end. I suggested that the words of his speech, while fine, admirable, good, motherhood and apple pie stuff that few people would argue with, were simply not compatible with the practices and policies of the States, for example we are currently in the process of approving a vast new Waterfront scheme which will have dramatic environmental impact. I also asked him if he could explain how his belief that economic growth can continue indefinitely with the second law of thermodynamics. He and none of his panel apparently knew what this was, which was a little surprising. I will explain perhaps a bit later what this fundamental and inescapable law of physics says. But let us look at this proposal for what it is. Although it says a Waterfront Masterplan on the head of the document, it is that but it is more than that. The policy before us today is a population growth policy. That is what it is. Members who vote for this will be voting for another massive tranche of population growth. We do not have the kind of detailed information the Deputy of St. Owen is seeking, we do not have detailed economic impacts, we do not have a proper understanding of the decisions that have been made on the mix of use. It is said there is going to be X number of units of housing on the site. Why not 1,500 units of housing instead of office space? One of the great points of doing these land reclamation sites was to make a lot of space for housing so that we would not have to build on countryside, and now we are just making enough space for another lot of unsustainable growth and a little bit of token housing tacked on to the end to try and act as a sweetener. Senator Cohen and others have said: "What further information do we need?" Well, we need, for example, a detailed and comprehensive environmental impact assessment. We just do not have one at present. We need to know what the Health Protection Department thinks about the whole scheme, not only its construction but how it will function for the community. I spoke to them only yesterday. They have not done that work nor reached that kind of detailed agreement with either the Planning Minister or the developers. The work just has not been done. So there is - let us make no mistake - a whole raft of hard evidence there which we ought to have in front of us if we were faintly interested in making competent decisions but we just do not have it in front of us today. It is a case of, as somebody else remarked: "Well, let us just vote for the principle of the Waterfront Masterplan and just keep our fingers crossed that all the rest of it will come good and work out in the end." Senator Cohen in his speech, which again was great on the rhetoric but not too great on the facts, asserted what will happen if we reference this back. Well, he says the scheme will not go ahead. That is not necessarily so, but even if it did not go ahead he then threatens us with the previous plan, which, again, we do not have to do. We could do a variety of things with that land. It was owned, at least in theory, I thought - perhaps I am mistaken but I thought the Waterfront Enterprise Board which controls the land was owned by the people of Jersey. Well, the Chief Minister just said yes and Senator Cohen just shook his head saying no. So there you go. That is an indication of the degree of knowledge that exists and grasp of the issues. I asked the Chief Minister last night if he could explain the second law of thermodynamics, and it is an important point. It is an important point because it describes the physical limits on growth in any closed system. Entropy increases. There are inevitably inescapable limits to growth, entropy will increase. I spoke a little about this issue quite some months ago now on my blog site. It was when I was listening just now to the speech by the Minister for Treasury and Resources and he said: "You know, the Assembly does not like to make difficult decisions." "We have to make hard decisions", he said "we have to face reality, face facts and make the right decisions, the hard decisions. Be responsible." To support the Waterfront Masterplan in his view was the right and responsible thing to do. The hard decision which we should take. But it is not, is it? It is the soft decision. The hard decision, the unpopular decision, the decision that will have a variety of impacts

upon people in the community, but it is the inescapable decision, is to sooner or later except the limits of this kind of economic expansion in Jersey. The Island is being swamped under concrete, population growth continues apace, we just have to face up to the reality, the hard decision that growth must have an end. Indeed it could have an end as far as the economy is concerned nationally, globally, who knows, perhaps even within a matter of months. To explain to people just how quickly those boundaries can be hit I would like to just finish by quoting an example that ecologists like to use to describe the nature of exponential growth and when the boundaries are hit. Imagine you have a lily pond that has one water lily in it. Overnight this doubles to 2. Overnight again it doubles to 4. Again, it doubles to 8. This exponential growth continues until the pond is full after 30 days. Question: when was the pond half full? It was half full on the 29th day. That is how quickly the boundaries are hit. So not only do we have to accept the inevitable limits to growth, because that is the honest decision, hard, difficult, unpleasant and unpopular though it be, that is the reasonable decision we have to accept and certainly, even if Members do believe in this kind of quasi religious cult which would have it that economic growth can go on for ever in the face of all scientific analysis, even if you believe that still I would hope that Members are interested in making competent and informed decisions. We cannot make a competent and informed decision on this proposal today because there are a variety of issues in detail that remain unanswered. Environmental impacts, financial risks, financial risk assessments, economic impacts on the rest of St. Helier, a whole raft of detailed information that we should have in front of us just is not here. If Members fail to support the reference back it will be yet another example of States of Jersey incompetence.

Deputy J.A.N. Le Fondre of St. Lawrence:

May I seek a point of clarification or possibly a point of advice from the Solicitor General, it is between one of you 2. As I understand it the proposal is that we are being told that we are potentially approving the Masterplan in principle under the first part of this proposition, and that it is a framework. Then as I understand it later on there will be a public inquiry which my information is that that public inquiry can only consider the planning application in respect to the Masterplan that is approved by the States today. Now within the Masterplan on page 19 there are some very specific mixes of retail/residential use, et cetera. To continue the scenario, the planning law, as I understand it, requires the Minister to issue an Order which will define the terms of reference for the planning inquiry. The question therefore is (1) can that Order be modified by any Member of the States; (2) can that modification extend to basically alter the terms of the inquiry to look outside just the relationship between a planning application and its relationship to the Masterplan. I think question 3 is probably the most important one. Given that on the one hand we are being told this is a framework and proposals and on the other hand we have had the experience of the Island Plan, where numbers were mentioned in the Island Plan under approximate, and I believe that Members were told in those days that it will then depend on the development brief and the planning application. But when it got to the application level, the legal advice of the day was that there was reasonable expectation on the developer that the numbers approved by the Island Plan approximately were what the developer had a reasonable expectation of developing. Therefore, to take it in the round, if on page 19 by approving the Masterplan today does the developer therefore have a reasonable expectation for example of developing 26,515, or roughly 26,000, square feet of restaurant space, or is it a proposal and that can be challenged at some later date legitimately without prejudice to this plan?

The Bailiff:

That is a very long question, Deputy, and most of it seems to me to fall outside the question which the Assembly is being asked to debate at the moment, which is whether or not paragraph (a) should be referred back for the purpose of further information. Perhaps I can help by just drawing your attention to the fact that the proposition is not inviting the Assembly to approve the Masterplan in principle. It is inviting the Assembly to endorse the intention of the Minister for Planning and

Environment to adopt the Masterplan as an agreed development framework. It is not the same thing. The Minister has come to the Assembly and said: “This is the broad framework which I am proposing to move along with, do you agree or do you disagree?” As the Minister himself has said on many occasions, the Masterplan will change. The precise matters which may be put before a public inquiry in due course will be a matter for the Minister. I think that is several steps in advance of where we are at the moment, Deputy, and I do not really want to go any further down that particular road.

1.1.14 Senator J.L. Perchard:

Just briefly, I feel bound to speak after the cynical Senator and I think we all know which one. He made a few points which I jotted down. One firstly, Sir, was that we must reject this Masterplan because there is no environmental impact assessment accompanying it. Well, that will come, a full environmental impact assessment, as will the involvement of the Health Protection Unit and we have, at Health, been involved at an embryonic state in this area, will come with the planning applications. This is a Masterplan. The Senator also spoke about the second law of thermodynamics and that economic growth is inevitably going to stop and the world will... well, Jersey or whoever, will... it is not sustainable. He is right, of course. But does that mean we say: “Stop the world, let Jersey get off while everybody else keeps going”? Because I am afraid while the rest of the world is growing their economies Jersey has little choice but to continue in parallel. It is not an option for Jersey unilaterally just to step outside. I think for our most senior of Senators to suggest that we should consider that, it is frightening in that in fact if we did take that route we would almost certainly make Jersey such an economically depressed Island that none of us would want to live here. The Senator also said that this plan was not accompanied or not joined to a population growth policy. Well, these are buildings, Sir. These are buildings, these are not people and a population growth policy has nothing to do with this building or this set of buildings. It will provide a higher quality of office space and it will provide a better office product, a better business product. It does not necessarily mean... and it could reduce the rentals of what is very high priced office space because it will be providing more into the market. So this is not a population debate. The population debate will not be affected. The population of the Island will not be affected by the development fine office accommodation. It will not. It may temporarily, as Deputy Breckon said, be affected as builders come in to erect the development but that is temporary. The Senator also said there was a failure to accompany this Masterplan with detailed economic impacts. Well, part 2 of this debate will discuss, debate and allow the more detailed debate on... sorry, Sir, the Senator.

Senator S. Syvret:

I was merely remarking, Sir, it is the coach before the horses, agree blindly to the plan to the overall framework and then just worry about the detail later. Not competent decision making.

Senator J.L. Perchard:

The cynical Senator also said in his remarks why did we not build housing here instead of office space? There is, of course, a dramatic need for housing and we were initially going to provide, in the first plan, a lot more housing because it included the Les Jardins, which was separate to the Esplanade. But now that we have been able to bring the 2 together the housing in Les Jardins is no longer and it is incorporated in this proposal. What it will do, if we continue with the debate and eventually develop this Esplanade Quarter, is allow, as the Minister has already said, for the traditional town housing that has been converted into office space, particularly Hill Street, David Place and many other fine areas of town, to revert back to fine town housing which would be desirable and attractive because St. Helier could once again be the premier place to reside. It should be because there are some fine buildings in St. Helier that need a regeneration. This opportunity will be provided if we do not lose our confidence at this stage. Sir, this is a Masterplan, it is a product of much time and expertise from many people. This Masterplan is a product of unprecedented amount of consultation. It is a Masterplan that has involved Jersey's

finest and some of the U.K.'s finest. It is a Masterplan, Sir. At this stage, to reference back to plan is a mistake. If Members have concerns in part 2, that is the time raise the concerns with regards to the financial aspects of the plan. This plan is probably the only plan now that has any chance of succeeding and to refer it back, I am afraid, would be a mistake and set us back years.

Deputy I.J. Gorst:

Can I ask for a point of clarification from that last speaker. He said to us that in his belief the creation of this office space would lead to a reduction in the cost of office space. I wonder how he arrived at that, Sir, when this proposal puts into the hands of one single developer something like 50 per cent of the new - the new - office space on the Island. How does he believe that that will reduce prices rather than restrict competition?

Senator J.L. Perchard:

I would refer the Deputy of St. Clement to my exact point, which was that it may well reduce the cost of office space. I suspect it will. Remember there will not, Sir, be one tenant for all those blocks so there will competition within the site itself. This represents only half of our office space provided currently so there is competition. I believe the market will find its level. The insinuation of the questioner was that the developer can exploit his position. I do not believe that to be the case because there is competition from each block within the unit in the Esplanade Quarter and, of course, the Island's other current office space.

Deputy I.J. Gorst:

I wonder then, Sir, as the last speaker is a director of W.E.B., I wonder if W.E.B. have undertaken that study and perhaps they would release it to States Members, thank you.

Deputy S. Power of St. Brelade:

Sir, may I explore the possibility of proposing a closure motion on this reference back?

The Bailiff:

Yes, I take notice of that. You have to give 30 minutes notice as you know.

1.1.15 Senator F.H. Walker:

Sir, can I join the long list of speakers who have said how disappointed and astonished they are that this reference back proposition has been brought. For it should never have been brought. The Masterplan and the proposition is the culmination of many months of planning, consultation which I will come back to later in the context of a reference back, and expert advice. There has been every possible opportunity for Members to get the information that lies at the heart of this reference back. There have been months of opportunity to get that information. There have been, I do not know how many, consultation meetings. Everyone involved, Planning, the Planning Minister, his officers, W.E.B., the Treasury, me, have been available to answer questions throughout the process, yet most of the speakers who say they are supporting the reference back have not even bothered to approach any of us to ask those questions [**Approbation**]. Therefore, Sir, this reference back should never have been brought. It is an issue of procrastination, it is an issue of: "Please I do not want to take such a major decision as this, give me time and hopefully something will come up at some point in the future." The reference back, Sir, was effectively based on 3 issues. The first was the effect on population. That was dealt with, I think, very succinctly and very correctly by Senator Perchard. The fact that there is additional office accommodation created, the fact that there are additional housing units created is a factor of pent up demand in Jersey today. The fact that they are there, does not, in itself - and this of course is where the scare tactics come in - lead to an increase in population. That is controlled and controllable in other ways. So there is no relationship between the Masterplan and an increase in population. It is just pure scare tactics by those Members who suggest that there is. Of course, Sir, we have heard some expert advice on the economy, including hydrodynamics or whatever it is and a number of other things but basically

from speakers who have no interest in the health of the economy and whose policies are designed to lead to economic stagnation. With absolutely disastrous effects on every single person in the Island that we represent. What they ignore or pretend to ignore is the fact that Jersey's economy can only succeed if we are successful in competing in the international marketplace. A part of being successful is that businesses, particularly finance institutions, can occupy fit for purpose modern acceptable office accommodation. There is pent up demand, considerable pent up demand right now, in fact 75 per cent of the planned office capacity is already the subject of locally derived pent up demand for up to the minute office accommodation. Currently banks, lawyers, accountants and others in Jersey are occupying offices, in many cases multiple offices, which simply cannot sustain their needs in the modern economy. If we do not provide the office accommodation for them, somebody else will. There are huge office developments going ahead now in Singapore, Geneva, Luxembourg and Dublin, and many other places, where they will be seen as tempting offers which Jersey cannot match if we are not in a position to do so, with again disastrous effects on our economy. As for the effect on rentals, I fail to see how the addition of additional capacity can have an upward effect on rentals. The more competition there is in the market the better in terms of rentals. Guernsey has proven what happens when there is not enough competition because their rentals are higher than ours [**Approbation**].

Deputy I.J. Gorst:

Sir, I wonder if the Chief Minister would care to confirm that one of the problems with the office market situation in Guernsey is that they have one large provider of office accommodation and they are artificially... yes, it is, with regard to office space, Sir, I believe that that is the case.

Senator F.H. Walker:

I do not know where the Deputy gets his information from but there is intense competition in the office market place in Guernsey, the problem is there just is not enough offices to go around. That is exactly where we will be [**Approbation**] if we are not very, very careful. Sir, also comments have been made about retail and why did the Planning Minister agree to a reduction in the retail provision. He agreed to that because he listened. He consulted and he listened to the Chamber of Commerce and others, and incidentally those who pretended in their speeches earlier that the Chamber of Commerce is offside the Masterplan are well out of date. I met with representatives, the Chairman and others, of the Chamber of Commerce just 10 days or so ago and they are most certainly no longer opposed to the Masterplan. No way. So there is no suggestion there, there is no escape route there. The Minister proved that he was open to approaches and he listened and he reacted. Why have those that are proposing the reference back today not followed the same route? Why have they not approached him, why have they not asked, why have they not made their points so he could have an opportunity at least of reacting to them? Now, I know the proposer of the reference back has spent much time consulting on this but very few other speakers who support it, if any, have done the same. The Deputy of St. Ouen in his reference back referred to concerns he has about the road. I will not go into the linkage to the town, et cetera, other speakers have referred to that. The fact is I would endorse what the Planning Minister has said, every single leading architect, every single expert adviser who has been consulted on the plan or has expressed a view on the plan says that sinking the road is essential to its success. But we come along and we know better. Yes. These experts, they do not know what they are talking about, we know better, and we really do not need to sink the road, we can go over the top as somebody suggested, and put buildings on stilts or we can leave it where it is or whatever; ignoring all the expert advice that the whole plan cannot succeed without sinking the road. Well, terrific. Incidentally it is not just the experts from outside Jersey, the Waterfront Design Group, which constitutes people of real ability, knowledge and calibre in architecture and design in Jersey have unanimously endorsed this plan with the sinking of the road. They are well known names to people in the House. Not only is it essential to the scheme, but we get it at no cost. It is down to the developer to fund. Not only do we get it at no cost but it creates additional developable land to the benefit of the public, to the

value of the public above it. Another benefit. Also there is no risk. We would have complete step-in rights in any event of the developer failing to deliver. I have a list here of the events that would constitute default. What it means is that in any of those, and they are tight timescales included in this, and stringent conditions...

The Bailiff:

Senator, sorry to interrupt you, but I think you are straying on to paragraph 2 of the proposition. What we are considering here is whether part one of the proposition should be referred back to the Council of Ministers and I think you are really addressing paragraph 2.

Senator F.H. Walker:

Sir, I very rarely argue with you ... at least when you are sitting in that chair, but the Deputy did make reference to all of the things I am commenting on in his proposing speech which you did allow him to make. I am responding to comments that he made in his speech proposing the reference back. That is all I am doing.

The Bailiff:

I am anxious that we should not go into the financial implications of the scheme in the context of this debate because otherwise we will be here for very much longer.

Senator F.H. Walker:

I will accept that point. I am making the point though that the Deputy was worried about the risk whereas in fact we do have step-in rights which would ensure that the lease would be cancelled, the land would come back directly to the public and we would get any of the outstanding guaranteed money of £95 million returned to us as well. So there is no risk. That is the point I am making. Turning to the mix of use, which is another of the reasons the Deputy used for his reference back proposition. The use has been built on demand and need. Demand and need for new offices. Demand and need for additional housing, which is well documented and I think understood by most. It is also based on retail demand as well. Of course the Minister cannot predict the future and that is why this is as he said "a living plan." It will continue to be measured against demand. It is a plan which enables us to meet those demands without going into the countryside. It is a plan which the Deputy of St. Owen in that respect, and other rural Deputies, should be very relieved about because it reduces the pressure to create housing in the countryside. Exactly what we are trying to achieve. Sir, I will not refer to it now, I will refer to it in part 2 but the Deputy referred to W.E.B. as though it was a separate body, as though it had no relationship to the public at all. Actually, of course, it does. It is owned by the public. It has 3 Members of the States sitting on the board. It publishes audited accounts. We have all the information we need and ultimately, through our shareholding, all the control we need over W.E.B. It is in effect an arm's length public body. But ultimately we have the control. Sir, it was suggested by Deputy Gorst that the land should have gone out to competitive tender. Of course, most of it did. The bigger proportion of the scheme covered by the Masterplan was the subject of competitive tender. The other portion was bought by the preferred developer from another developer who pulled out of the scheme. The bulk of it has been the subject of competitive tender. Again, no reason to support a reference back on that basis. Why did he not ask? Why did other Members not ask at the appropriate time if they had concerns, if they had questions, why did they not ask? Why did they not find out that all planning applications have to be submitted in the normal way and will be the subject of environmental impact studies? Why did they not ask about the parking? Where the public gets more profit as a result of the change to car parking proposed than we otherwise would. Yes, it goes to W.E.B. but yes, the public owns W.E.B. and, yes, it is to public advantage. I cannot understand why after months of opportunity these questions are only being asked on the floor of the House today when they could and should all have been addressed at any time over the last 6 months or more? Sir, it is a fact, I am afraid, that taking what inevitably, what undeniably is a huge decision is something that

some States Members are merely seeking to avoid. I agree with the Planning Minister that if we accept this reference back it means that the scheme will fail. The scheme will fail. Then where will we be? Has anyone come up with a better alternative? No. Has anyone come up with any suggestion that there is more money to be made from an alternative scheme? No. Has anyone come up with a vision of what the Waterfront would look like if we do not go ahead with this scheme? No. So no alternatives, just we know better than all the expert advisers, we could not, frankly, be bothered to answer the questions during the period of consultation, we do not want to take a decision so we will propose a reference back. That is not good leadership, not good government, and I urgently hope the House will overwhelmingly reject this procrastination. Yet another example of procrastination of which this House has seen more than enough of in relation to the Waterfront and many other issues in recent years. **[Approbation]**

1.1.16 Connétable A.S. Crowcroft of St. Helier:

I am only going to speak briefly but Senator Ozouf did ask me to speak so I feel I must do his bidding. I must say that I think some Members in opposing the reference back have been rather unkind to the proposer and indeed to some of those who have supported it. I think those of us who have been in the States for more than 10 years, or about 10 years, will remember how the States agreed - about 9 years ago, I think - not to maintain Fort Regent pool but instead to build the leisure pool. It was sold to us in extremely glowing terms. I must say when the Chief Minister was speaking just now he used a couple of phrases that took me back to that debate. I was reminded of the tremendous promises that were made to the Island and how, of course, some of us at the time were very concerned about it. I regret that I did not pursue my rescindment motion at the time, but there we go. Those things are learnt from. I think now there is a genuine case for Members to ask questions when they are presented with enthusiastic visions from Ministers. I think on the other side of the case it has to be said that Scrutiny has worked extensively with the Minister in the last months and certainly many of the concerns that I put on the table have been met by concessions and adjustments from the Minister. Indeed, I think those are what persuade me, that if indeed it is true that a reference back is going to cripple the scheme, I am likely not to support it. I must say that it does give me the opportunity to highlight one particular piece of information which simply has not been provided... because I suppose time ran out for the transport officers who are working so hard to make the traffic fit underground. As I said yesterday, I do not believe that they have convinced me. But there we go. The traffic is going to have to be sorted in this Island sooner or later. The concern I have and the information that we lack concerns the cost of maintaining the underground road. It only really appeared when the proposition and the report was published that this was going to cost about £500,000 a year. Very simple mathematical calculation suggests to me that is going to use up the £75 million quite handily over the 150 year period. Senator Cohen in his speech yesterday mentioned that this could be raised from, what he called "public rate." As far as I know there is not such a thing as a public rate at the moment. Did he mean parish rates were going to be knobbed to pay for these running costs? I think the lack of information about the running costs of the underground road is something that is going to have to be dealt with. I do not, myself, think that it requires a reference back but clearly the Minister is going to have to come forward in the months to come to explain how that money will be provided because I am sure as eggs are eggs that the parishioners of St. Helier do not want to end up paying for it. In closing, Sir, I would say that I believe that the reference back does reflect genuine concerns on the part of Members who have raised it. I think there are antecedents where we can look and say: "The States were victims of hard sells and guns to the head and took decisions which with the benefit of hindsight we can say were not right." However, as I say the Minister has done extensive consultation. He has gone out of his way to explain his proposals. I believe that further concessions and further adjustments will be made to the Masterplan as it moves forward. For those reasons I will not be supporting the reference back.

1.1.17 Deputy J.A.N. Le Fondre:

I must admit I have been struggling to arrive at a view on this. It is that balance between get on with it versus - and I think it is the words of Deputy Breckon - "our duty of care." For example, Sir, I have absolutely no problems with burying the road provided, obviously, it goes reasonably according to plan and stacks up financially, which it appears to. As an aside, I was a student at Montpellier many, many years ago in a former life, they did pretty well the same thing down there. It is a good idea and it works well. So not a problem and relatively imaginative. Disruption: disruption is not really an issue. Unless you are not going to do anything down there there is going to be disruption. I am slightly nervous on the financial side. It has recently been drawn to my attention the importance of the financial and manpower implications or the statement which should apply to both parts 1 and 2 of the proposition. I would say they do seem to lack a degree of clarity and I think there are certain elements that are potentially not covered in the actual proposition. As we have heard there is an inference that the Island rate might slip from a sort of paying for welfare to a general form of taxation, but I appear to be in danger of moving into part 2. Again, in the context of the overall financials a judgment needs to be made. If again that was the only issue I would probably be supporting the plan. I go back to the road briefly, we have had a lot information on the traffic impact. T.T.S (Transport and Technical Services) have done a lot of work, it is good, I am satisfied on it. Where I am very, very nervous - and it is not a new concern, many people have raised it in the past - I am extremely nervous on the impact on St. Helier particularly as regard retail and the further displacements of office workers from certain parts of town. The Minister has halved the retail areas but this leaves us with the following; retail comparison, 12,000 square feet, basically that is ladies shopping. It is slightly less in terms of size, to give people an idea, if you go to the bottom of Gloucester Street you have a rather large bank building down there on the same side as the hospital, it is about half that size in square footage. We are not talking one or 2 boutique shops here. Retail convenience is your basic corner shop type of newsagent type of selling. Here we have 15,000 square feet. That is between 5 and 10 average sized shops. There are similar ones already on Castle Quays and on the abattoir site. Why do we need this level, for example, of convenience shopping next door to a shopping centre already or a short walk from the existing town? Finally, restaurants. There is 26,000 square feet of restaurant space in there. That is a lot of sandwich shops and restaurants compared to our existing capacity in town. Bear in mind, already we have quite a lot of restaurant space, for example, on Castle Quays, abattoir site and the existing Waterfront. Do we need these additional units again in addition to what already exists on an area which takes between 5 and 10 minutes walk to cover the length of? As I said, it already has the Liberation Centre, the abattoir site next door to it. Let us be absolutely clear, I would really prefer not to support a reference back but really from my understanding there is not any alternative. Again I come back to perhaps we can have some input later on because a planning inquiry can only consider the relationship between the ultimate planning application and the Masterplan, i.e. what we are going to approve today. Therefore it cannot independently assess financial implications or the wider impact on St. Helier. It is all very well stating that this is an overview, you could call it a development brief if you like, I probably will not use that expression because I have encountered development briefs before and therefore am very sceptical. But given that there is a Masterplan, where is its interaction with the rest of the Waterfront? Are square footage or developments already allowed or potentially proposed? Why is there very little comment or allowance on the relatively short distance from town? Whether you call it old town, it is existing town. It is not just that it is the developer that takes the risk. It is about the heart of St. Helier which does just about continue to beat and thrive. When good and profitable local businesses cannot afford to take on some of the potential restaurant sites, as I understand, arising from this development, that starts raising questions in my mind as to who does this benefit in the wider public context? Rather than just focusing on generating ... there is about 10 to 15 per cent of one year's expenditure, those are the numbers that have been given to us, obviously there may well be a wider economic benefit but we do not have the information to balance that up. If it was just a matter of approving the grid layout, the road structure, et cetera, then less of a problem. But I am still going to have to say I am very nervous of giving States approval at this stage to this type of document. Again I do not feel

that I have the adequate information to make the assessment. I do have to go back, Sir, to the position we have previously on the current Island Plan where... basically I identified it in the point of clarification, but basically planning applications were tied up by approvals in principle if you like, even though they were subject-to-s and approximately at the time the Island Plan was approved by the States. I do not need to be absolutely certain, I do not want no risk, I want to be reasonably sure this is not going to create a problem. Interestingly, Sir, like Senator Ozouf, I was in the same building a couple of weeks before on a different floor. I was very impressed and that is not the issue. It is the quantum, which is the effect on St. Helier. To put it into context, many years ago I was in the centre of Liverpool and to be honest it was like a film set after some national disaster. Fantastic buildings, but empty. Cape Town, fantastic waterfront, but I am told there are previous commercial areas which have never recovered. Sir, we have had a significant amount of work done on assessing the traffic. I reiterate, I am very happy with that work but we have not seen that level of detail in the documents we have here today or previous words on the economic impact on the existing town. There have been many words but no real specifics. I do take comfort from the support, if you like, of the Constable of St. Helier, but we have not been given the information and that has been one of the key concerns expressed over a long time during all consultations about the Waterfront. Just as a bit of detail, Senator Cohen said there would be an emphasis on (a) to (h) accommodation. On my figures say that 50 per cent will be (a) to (h) and the rest will be (a) to (j) and (a) to (k). Senator Cohen is shaking his head and Senator Le Main is saying no, but a letter from Planning and Building Services dated 19th May 2008 says: "The Housing Minister has determined that 50 per cent will be (a) to (h), 40 per cent will be (a) to (j) and 10 per cent will be (a) to (k)." That...

Senator T.J. Le Main:

On individual developments.

Deputy J.A.N. Le Fondre:

It does not say that here, Sir.

Senator T.J. Le Main:

Do not believe everything you read. **[Laughter]**

Deputy J.A.N. Le Fondre:

For the point of clarification, Sir, it is actually from the Planning Department. That is the issue, information. I cannot see any other solution. I would welcome one because if there was an alternative solution to allow an independent examination of the material in front of us, great. I do have to say I think there is an element of risk, in the words of Senator Norman yesterday, of this being bland and boring, but it is basically a block development. Therefore, in terms of what we are looking at at the moment, we will not know the look of the scheme until the detailed planning application comes in. Let us get away from the negatives for the moment because there is an awful lot of work that has been done here. I think there is a lot of good in the plan. I think burying the road is good. I think the winter garden is good. The open spaces are good. The exposure of the sea wall is quite fun. To reiterate some of the other comments, the Minister stated he may resign if this is not approved. A reference back is not a rejection. It is a request for further information and I too would like to comment about reconsidering that statement. However, ultimately if we are going to give the go ahead to the biggest development site in this Island, which could carry a strategic risk to the Island, particularly to existing business in St. Helier, then I think further work and further information is required. Unless there is an alternative which achieves the same result with less delay, which will be far more welcome, I will be supporting the reference back.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, if Members agree, we will adjourn until 2.15 p.m.

LUNCHEON ADJOURNMENT

The Bailiff:

Does any other Member wish to speak on the reference back? I call upon the Deputy of St. Ouen to reply.

1.1.18 The Deputy of St. Ouen:

I think the first point that I would like to make is it seems quite evident that certain people have chosen to criticise my motives. I feel it is disrespectful to suggest that I am choosing to just ... that I want the plan buried. If I had wanted the plan buried I would have simply voted against the proposition. I believed, rightly or wrong, and the States will determine, that I needed to bring issues to the House that needed to be addressed. I have, as many people have said, sought information. To deal with Deputy Le Claire's comment: "Why have I not raised the issue before?" I contacted the Council of Ministers through the Executive almost immediately or within a relatively short space of time of this proposition being lodged. This proposition has only been lodged for just over 6 weeks. 16th April we were provided with a final report and the financial information that supported this proposal. Up until then we did not have a clue. So to suggest that I am choosing to minimise or disrupt this process is ridiculous. Furthermore I have in my possession information of questions that were raised from reading the proposition. Which in many ways confirm what I already stated in my speech, although - and I hasten to add - all the questions that I asked little or none have been answered. The only response has been to try and criticise or reduce those that are raising the issues as some people that choose not to make decisions. That is the furthest from the truth. I have confirmation that the income generated from the 520 new parking spaces will be purchased by W.E.B. from the developer and operated by W.E.B., as currently, within the Waterfront car park. I have information that tells me that what I told you about the 400 new apartments and that 200 could be purchased by non-locals is absolutely correct because the answer to my question - on the claim that 400 new apartments would be created for local residents, which is the claim that is included in the reports, when I questioned that, 50 per cent will only be (a) to (h).

Senator T.J. Le Main:

Not true at all, you have not spoken to me.

The Deputy of St. Ouen:

I have information here from the Planning and Building Services from a person who was instructed to respond to my questions that I raised to the Council of Ministers. I am sorry, if they have quoted or misquoted information provided by yourself. Sir, then I suggest that the Senator take it up with the Council of Ministers. Deputy de Faye speaks that the Assembly would fail if it did not blindly accept this proposition.

The Bailiff:

I do not think the Deputy did say that.

The Deputy of St. Ouen:

I believe he did, Sir, because he suggested that we were ...

Deputy G.W.J. de Faye:

Sir, I categorically support you that I did not say, I never use the word, "blindly support."

The Deputy of St. Ouen:

The exact words were: "Some individuals are good at asking questions, but not taking decisions." If we are not supposed to ask questions what on earth are we doing debating propositions? If we

are not supposed to seek out all of the information to make a proper determined judgment what on earth are we supposed to be doing? Deputy Southern raised a quite proper issue that I have already raised. What happens if something goes wrong? Have all the risks been identified? Yes, we are told that with the construction the risks have been covered. We have not had any information on what happens once Transport and Technical Services take over responsibility for the below ground infrastructure including the road. That has not been shown to be evidence provided and that is a major concern, bearing in mind that this construction is obviously on land that is going to be leased for 150 years. Furthermore, and equally of concern, is that we are told in the report that Transport and Technical Services are going to actively supervise the construction. I ask, what position would the States be in if subsequently a fault was found and defects were involved in that construction if the States have been actively involved in determining and organising and overseeing the actual construction itself? That question is still not answered. Deputy de Faye also spoke about the desire for proof, for more information. He told us that a cost-benefit analysis had been carried out. So let us see it. Why have we not been provided with full information? The Chief Minister informs us that, well, seek it. I am sorry, but if you are proposing a particular proposition - and this is a very important one - one would expect that all the correct information is provided. Not that the onus is on us as States Members to come and look for it. We hear the Planning Minister has determined the mix and we also know that he has adjusted the retail space. How, where is the proof? Where is the proof that the amount of office space is required? We still have in reality local estate agents telling us that we do not need it all. He spoke about elements of the plan. Absolutely, I said in my speech, I accept and acknowledge the efforts that have been placed into the design of the proposal and the elements of it. I am not suggesting that it is the wrong plan, all I am suggesting and requiring and asking for is the information that will allow me - and in fact probably most of the general public - to understand that this is the best option. Is that too much to ask? Interestingly enough although Deputy de Faye is the Minister of Transport and Technical Services he made no mention of traffic and transport issues in his speech at all.

Deputy G.W.J. de Faye:

Sir, I was speaking on the reference back. I am very happy to give those details in debate.

The Deputy of St. Ouen:

Senator Le Sueur basically gave no real answers just chose instead to attack those that were questioning the plan. We are told that the Masterplan is the best vision to date. How many times, I ask this Assembly, has the States been told that the Masterplan for the Waterfront is the best vision for the future? What decisions have been made and what differences do we see in this decision that are different and improved from those made in the past? I would suggest very little. The main message coming out from those promoting this scheme is trust me. I am sorry, but trust is not good enough. Senator Le Sueur even went on to encourage Members to take a risk on a guaranteed return, including environmental benefits. We have been told not to speak about the financial implications, and yet in the proposition financial implications of this plan are very much included. We are told in appendix 4 that Harcourt Development Ltd will make payments of £50 million to the Board. How much clearer do you want it to be? That is not to the States. That is to the Board.

The Bailiff:

Deputy, I am sorry, but I did not allow other Members to speak on this part of the debate which will come under part 2. I do not think I can allow you to refer to it either.

The Deputy of St. Ouen:

Sir, all I would question is that if this plan is approved and the road is sunk and the offices and the general plan is, in principle, endorsed by this Assembly, then it follows that as sure as black is white that this contribution and the financial implications from it will flow from it. There is no other way. Approving or disproving leases and adjusting the main proposition will not in any part

detract from the fact that the scheme is designed to generate a sum of money. The Constable of St. Martin suggested the reference back was at the wrong time. When is the right time? This is the first time that the States has been able to determine this proposition. As I said before, the reference back is for further information, this is not saying we do not want, or I do not want, the plan or the development to take place. This is just to seek assurances. Deputy Duhamel spoke about the 2 parts, and I do think that in future - if there is no more lesson to be learnt than this - that propositions should not be constructed in the manner that we have seen this. It has confused not only myself, but others in this Assembly, to determine exactly what we are debating. Deputy Troy, he spoke of W.E.B. and how wonderful that they would be and they were created to oversee the development. I would ask, what is their track record to date? He suggests that he is confident there will be no traffic issues. How? He suggests I am prevaricating. I would suggest I am just fulfilling my responsibility to the public. Senator Ozouf in the same vein suggested that this was a ploy to avoid the decision and delay the project. He also suggested I did not like the scheme. Untrue. Absolutely and utterly untrue. I made that quite clear at the very start of my speech. We have heard Senator Ozouf's vision for the regeneration of St. Helier. But has the States signed up to this vision? How has he come to this conclusion? Has the Assembly already approved the Masterplan and looked at the implications? No. Has the Assembly approved the regeneration of St. Helier and the strategy for it? No. Yet, and yet, this Masterplan suggests that we sign up in principle to that. We have heard that the States have no choice. We could go back to the old scheme. That is not the suggestion. A reference back is simply asking again - and I keep underlining this fact - for more information so that a proper and considered decision can be made. This bit about mixes and including aparthotel and self-catering. I looked into it in a bit more, greater, detail because aparthotel sounds like a hotel. It is slightly different to that. I would suggest from the information that I have received that an aparthotel or a boutique hotel is a glorified lodging house. I am told that the restrictions would be occupying the particular apartments, in this aparthotel, for 6 months over a 2 year period. Is this to the benefit of the community? Is this a benefit to tourism, as promoted? I suggest not.

Senator P.F.C. Ozouf:

I do not know whether this is a point of order?

The Deputy of St. Ouen:

No, Sir, I am not giving way. I am going to finish my speech.

Senator P.F.C. Ozouf:

Some guidance from the Chair, Sir?

The Bailiff:

The Senator is entitled to make a point of order, if it is a point of order.

Senator P.F.C. Ozouf:

I am not sure it is but I want to ask, Sir. The Deputy of St. Ouen has made a comment in relation to an occupation issue which falls within the Regulations of Undertakings Law. I can inform him if he wishes of the erroneous nature of what he has just said, but I do not know quite how to do that. He is in danger, Sir, of misleading the States.

The Bailiff:

Is that a point of order? I am not sure it is a point of order, Senator, because it does not require any ruling from the Chair. Other than to say I do not know what you can do about it. **[Laughter]**

The Deputy of St. Ouen:

Sir, if I have been misled, it is by officers of a particular department who provided me with that information in answer to a question raised.

Senator P.F.C. Ozouf:

Could he give way, Sir?

The Deputy of St. Ouen:

I am not giving way, Sir. Senator Le Main speaks about consultation taking place. Absolutely. Absolutely. When have we gone back to people and said: "By the way this is the conclusion we have made"? No, we have just gone: "Right, thank you very much, we have heard what you have said, now we are going to make a decision." We do not involve them any further. We do not even explain our decision, it is just that is it, thank you, good bye. Why do you expect that the population at large feel that they are out of touch with the States? Senator Syvret underlines the fact that answers to questions raised in my speech have not been answered. He is absolutely right. He identified there are major consequences if this plan is approved. Population levels are very much part of this proposal, it is clear - if one is bothered to read all of the documents provided - many times. Mentions are made of economic growth, of filling vacated offices with additional business, encouraging further business to the Island, and to suggest otherwise is misleading both the States and the public. Senator Perchard goes on to say we have little choice but to grow our economy. I say that we need to make a proper choice. We need to get a balance. I am not saying that we should not pursue economy but at the same time he also agreed that we needed more housing. He suggested change of use of buildings in town. I would ask, has any consideration or consultation been taken or been conducted with the owners of these properties in St. Helier to support this view? He suggested the reference back might set the States back years. I would suggest at the most - at the most - if the information is there as stated by the Ministers concerned, that the maximum amount of time would be 2 months, maximum amount of time before we would revisit this issue. Is that too much to ask on such a big topic? Senator Walker obviously is supporting this proposal and I would not expect him to do anything else. I recognise his comments, whether I agree with them or not is another matter. Furthermore the comment about: "If you want the information come and get it." I am afraid for States Members generally that is not good enough. Sir, I come to conclude my summing up. I apologise to those Members who I have not mentioned, it is not intentional. The one thing that I would like to say is that this is an opportunity for States Members to allow a small amount of further consideration of this plan before we approve and endorse the Planning Minister's proposition. I would ask people to support the reference back. I ask for the appel.

The Bailiff:

I ask the Greffier to open the voting which is for or against the reference back proposed by the Deputy of St. Ouen.

POUR: 9		CONTRE: 36		ABSTAIN: 0
Senator S. Syvret		Senator L. Norman		
Deputy A. Breckon (S)		Senator F.H. Walker		
Deputy G.C.L. Baudains (C)		Senator W. Kinnard		
Deputy G.P. Southern (H)		Senator P.F. Routier		
Deputy of St. Ouen		Senator M.E. Vibert		
Deputy J.A.N. Le Fondré (L)		Senator P.F.C. Ozouf		
Deputy D.W. Mezbourian (L)		Senator T.J. Le Main		
Deputy S. Pitman (H)		Senator B.E. Shenton		
Deputy I.J. Gorst (C)		Senator F.E. Cohen		
		Senator J.L. Perchard		
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Connétable of St. Clement		
		Connétable of St. Helier		
		Connétable of Trinity		

		Connétable of St. Lawrence		
		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Saviour		
		Deputy R.C. Duhamel (S)		
		Deputy J.J. Huet (H)		
		Deputy of St. Martin		
		Deputy P.N. Troy (B)		
		Deputy R.G. Le Hérissier (S)		
		Deputy J.B. Fox (H)		
		Deputy S.C. Ferguson (B)		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy G.W.J. de Faye (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy of Trinity		
		Deputy A.J.D. Maclean (H)		
		Deputy K.C. Lewis (S)		
		Deputy of St. Mary		

The Bailiff:

The debate returns to the proposition of the Council of Ministers part 1. Does any Member wish to speak?

1.2 Deputy A. Breckon:

I did say in the - touching on the debate on the reference back that there was a number of areas where I had some discomfort. The presentations and the booklets and whatever else are first class, there is no doubt about that. There is obviously some time and effort and indeed some money behind that. I think what came as an afterthought was the regeneration of St. Helier, when this was proposed initially? When the publicity went out, there were calls about: "What about the footfall? What happens to St. Helier? What about the market?" Things like that and there was an experience of that when a major bank moved down Gloucester Street, the footfall in the market was reduced and they had about 700 staff there, I think, when they moved down there. Obviously it makes a difference for people moving around the town and where they spend their money, and if indeed they will come back and go in the markets and the shops. It is not just about doing something to buildings, it is about how people will react. The regeneration of St. Helier and this, we are going to have some money so we will throw it at that because this is the bounty that we are going to pay and give. It is interesting that a number of Members have already said: "I would like some of that, that is useful for the town park", or Constable of St. Helier let us ring fence it and do whatever. So they are falling, I think, in my opinion, Sir, for the 3 card trick there because they are joining in unwittingly or otherwise. A lot of the things from the EDAW report is not costed at all. We have talked about Ann Court moving the car park, doing things to accommodate the town park which we paid for by something else, which is okay but none of the traffic implications, I do not think... I have never seen any. Part of this to me seems to me about going for growth. There is a cost to that. I do not think that has been fully evaluated and how it will affect people in business. If I just signed a 21 year lease for a restaurant at Colomberie I would be worried because I can virtually burn it because my business is gone. It is going down there. So who has thought about any of that? I do not think anybody has. If we go back not too many years the Waterfront was a gain for us in housing terms. I notice - and I have been through that document a number of times - there is a boutique hotel, call it what you like, posh lodging house, but of the 400 beds about 90 of them are part of that, if you look in there, whatever page it is on, and it is there. So it is not a 400

apartment gain, the other one as I say, whatever you want to call it, it is just a posh lodging house which is what it is. Make no mistake about that. I also seem to remember that we talked about the Waterfront being a gain against the countryside for creating homes for people to live in. Not for outside investors to speculate, and I have seen adverts in national papers in the U.K. (United Kingdom) for Jersey property to invest in in the buy to let market. Obviously some of that was changed most recently but the adverts were still there to some extent. Perhaps the question is, is this really part of Jersey? I know it is a new development and when you look at some of that you cannot fail to be impressed by it, but the question is, does it really fit and where does it fit? I know we have talked about the road and if you separate it, but is it not separated anyway? But who is going to live there? It will be nice to go there and spend our money in restaurants and shops but if we do that we do not do it where we do it now. I do not think that has been fully evaluated. The other thing is - and I can understand the sincerity of the Planning Minister saying it would be nice to have cycling, and nice to have showers and crèches and whatever else - but when it comes to the hard cash it is a case of, do you put staff showers in at so much a square foot or do you put extra offices in? I know which wins the day. We have seen it with other developments where things were planned, there was a bit of retail here, there was the corner shop, there was a crèche, there was a community facility, the developers are quite adept at getting what they want and leaving the other bit and letting it hang about a bit. There was a particular property where there was a dispute for years just the other side of the tunnel where the commercial bit was built and the residential bit was not. It was years, years in coming. So there is everything to support what I am saying. In the area itself the Esplanade car park is - people say of a car park, it is quite attractive. I do not think I have heard them say that about Minden Place or Sand Street or anything else but you do not really know it is a car park. It is quite well landscaped now, it has matured a bit and it is of course well used. But around it we have offices that are mushrooming. The sites along there, Swanson's Hotel site will rise from the ashes fairly soon I would think, and there are plans as far as the Grand. So there is office development which other people in the trade have expressed a view on about how much we need and where we are with that. I would not claim to be an expert on that but it does seem to be a lot of office development in that area but obviously if it has been occupied or pre-let or whatever, then the need must be there. But the question is, then what happens to the empty space? Just down the road here, the former Midland Bank premises, which was probably for 5 years - about that, I do not know exactly - but it has been, I understand, revamped now to do something or other, I am not sure what. I do not think anything is going to happen quickly unless the Planning Minister is going to offer substantial grants to people to convert former commercial premises to residential or whatever that will enthuse people. The other things are what is the real effect on what people are now calling the old town? If we empty it during the day then you do not have the footfall for the shops, the restaurants, the sandwich bars, whatever else, what happens to those people in business, how will they be regenerated? I can well understand people's concerns about that. The Planning Minister also mentioned - I think he said that 80 per cent of the people working in there of a figure of about 4,000, I might be wrong, he might like to correct me on that - will be already here. If that is the case and my maths are right that means there are 800 people going to come from somewhere to make that 4,000 up. Is that from other satellite offices within the Island, or is it from somewhere else? That is not clear to me. If that is the case what then will be the effect on the population? I say that because it is okay for anyone to have an idea of development and growth, but we can be left to pick up the pieces. It might have an effect on the hospital, on health services, on drains and rubbish and all these things of extra people, extra premises, it must have some effect. That is why I support the reference back. Things like this in my mind have not been properly evaluated. There will certainly, as well as people coming in to do work, there will be an effect on population which is perhaps good and healthy but how do we manage that and how do we know what it is going to be? In general terms we have had to use a blunt instrument and react to something that has already happened rather than in a planned and measured way, and that is why I for one wanted more information on that. The other thing that the Minister mentioned was that it was going to be 7 to 10 years' work. When you think of this, these are major engineering projects.

They are not going to be in somebody's backyard, they are going to be fairly visible for a long time. How does that affect people who might come on holiday if you are looking at that sort of thing? I know what we have in particular down there at the moment, anybody coming off the boat it is not very attractive, but what is this going to do to that? I am not sure of the benefits. The other thing that I think is rather amusing is that the comparison has been made of what we might have done when the high rise was proposed. I can remember because Senator Le Main had had a haircut especially, he was in a video I saw along with Deputy Ryan and the then Deputy Voisin saying how wonderful this was, and I remember the Chief Minister at the time said: "If we do not do this now it sends out all the wrong messages." We have not done it and I have not heard any bad messages about Jersey being closed for business or anything else. The fact is we have not done it yet, but I think the Planning Minister is right in that respect because he said: "Hang on, this is perhaps too much for this area in height and density and whatever else", and I think he has certainly got a handle on what may be achievable and indeed be allowable in planning terms and the introduction of things that are Jersey of this, including granite and things like that. I am not saying it is completely out of control. The other thing I think again where there is some doubt in my mind is the sunken road. As I said before, if you are going to dig a hole then whatever comes out of it you have to put it somewhere, I have not seen any evidence of where that was going to be, bearing in mind that the reclamation of St. Aubin is on hold, I think. Perhaps that is a remedy for it, it would be easy to run it along the front there, solve one problem with another. The other thing is, people do get frustrated. I met somebody in the U.K. a couple of weeks ago and the first thing they told me, he said: "I have just come back from Jersey, it took me an eternity to get from town to the airport." Never said anything about the weather or about what was happening. That was the first thing the person said to me. Traffic disruption is to some extent... we do not have what some inner cities have, but at the same time it is a frustration to people in this particular area. What is going to happen is people, despite modelling and predictions, will avoid the area and then go somewhere else. There is going to be a bit of hit and miss about this as works continue from day to day. I think the disruption that is going to be caused by this has been seriously underestimated to date. I remember some of the other discussions we have had and I think it might have been Deputy Le Claire at the time, and certainly the Constable of St. Helier, about leases and things that we were doing and discussions were had about - there was a petition about the hotel, we finished up with a cinema. The pool, at the time the discussions about the lease of the pool, nobody told this House that we were going to finish up paying £6,000 a week to keep it open. There was a report produced about Fort Regent. It said it is wonderful, we must do these things but there was no money attached to the policy that this House supported. That was probably a mistake, perhaps we should revisit some of these things and see where we are there because it seems that we have erred there. Bearing in mind there is many, many millions of pounds here involved, I would like to think that when we do move on that we do get some surety about what we are getting committed to and somebody else does not come back and want another pay day. I think, Sir, having said that, that what we do have in front of us is better than the previous things that were mooted about high-rise and I think it is good when we do get the presentations but it is difficult to debate this as it is because we are being presented with a more or less *fait accompli*. So if we do not agree with it, we are against this, we are against that, we are against the other. However, I do not think there is anything wrong in perhaps being a little bit cautious because if this goes well, probably nobody will get much thanks but if it goes wrong, then we, as a House, will carry the blame. That is without doubt so I, for one, would like to reserve my judgment on proceeding *gung-ho* at the moment. The other thing, Sir, that I would just like to finish up on is that I went to a meeting at St. Lawrence parish hall about 2 or 3 weeks ago and it was about the building on Victoria Avenue of Trent Village and what became apparent very quickly there is that people said: "Well, if this is the result of economic growth [and there was a general feeling throughout the hall and there were a couple of hundred people there] then you can keep it because we are not happy with this if this is what it means, this sort of development." Now, within that development were community facilities for the elderly and it was a sheltered scheme for over 55s. It was adjoining a public area but in the main, people were not

happy. Now, some of those people were professional people who were benefiting from economic growth and they were uncomfortable with perhaps the gung-ho attitude of planning and building everywhere just going on without regard for people's day to day lives and some of their basic aspirations. Having said that, we do need to cater for future growth. How that is done and how it is defined I do not think we fully encompass and I do not think it is entirely fair to drop this in the lap of the Minister for Planning either. Although this proposition is wrapped up with the Council of Ministers, it is, Sir, looking at it, very difficult for anybody to amend it and make any sense out of an amendment because an amendment would be negative. From my point of view at the moment, Sir, I cannot support this because there are issues that I am not sure about and I would rather reserve my judgment at the moment because I am not sure of the consequences of what exactly will happen if we agree to this. What really worries me is in paragraph 1(a) which is to adopt the Masterplan. Now, somebody will say: "You have already agreed to that" and that really worries me. I have seen it so many times in the past where: "The principle is out of the way, let them get on with it" and that really does concern me, Sir. I think it is perhaps an over-development of this particular area and I will not be supporting this in its entirety.

1.3 Deputy G.P. Southern:

A new debate or a new stage in the debate, same old arguments. The arguments that were for a reference back have not been dealt with. They have been waffled around, they have been blustered through. They have been asserted over but no fresh evidence has come out that the economic case for this size of development is proven, made or even realistic. So 620,000 square feet of offices, case not made. An additional 53,000 square feet of restaurants, which may or may not harm the old town, case not made. Retail comparison stores to add to all the retail comparison stores that we already have on the abattoir site, et cetera and elsewhere, case not made. Retail convenience, these are not convenience stores; 30,000 square feet of that, bigger than any supermarket we have on the Island so far, case not made, never has been made. Accommodation, housing or, should I say, flats, more flats, more, as of yesterday, affordable flats, affordable because these 400 are going to make the difference. They are going to do the tipping point which brings flat prices tumbling down so that ordinary people in Jersey can afford them, to live on this prime site with views of the sea. Believe that, not just case not proven, pipe dream in the extreme. Absolutely no case for supporting this any more now than there was 2 hours ago. Traffic disruption, engineering problems, disposable waste, assurance after assurance. We can do it, it is not a problem, it is easy-peasy, case not proven. Overall, though, the case, the linked case, the joined-up thinking is there, absolutely clear as a bell. We are going gung-ho for economic growth, particularly in the finance sector. That means we will be importing expertise hand over fist, boatloads, thereby increasing the population, thereby increasing demand on already thin resources. Do you think £500,000 for a 3-bedroom house is extreme? They are still going up. Following this and following expansion, go for growth, go for growth, go for growth, while the Chief Minister says "I am really green-hearted." Go for growth, go for growth, start looking at nearer £1 million rather than the £500,000. Start looking at not a population we have just passed 90,000, 100,000 is on its way, 120,000, I suspect, we are going to have to settle for. That is the future that this is part of and, at last, it is joined-up thinking. Absolutely joined up, absolutely clear as a bell. We are going hell for leather for growth and pity the poor ordinary resident.

1.4 Deputy P.N. Troy:

I will keep it as brief as I can. I wanted to touch on the tunnel that has received so much attention this morning and just say to the Minister that I would hope that in constructing this tunnel, we may attempt to avoid the mistake that was made on the existing tunnel where there were no air extraction units, air purification systems, to remove carbon dioxide from within this tunnel and confined area. I know that pedestrians will be walking over the top of the tunnel. Whether or not pedestrians will be permitted through this tunnel, I have no idea, but certainly we should, in its

construction, be looking at the way that the air moves within this tunnel and the way that it is extracted.

The Bailiff:

I am sorry to interrupt you but I must ask you to pause as we are no longer quorate. If I could ask Members in the precincts to return to their seats. Yes, please continue, Deputy.

Deputy P.N. Troy:

So, I think, Sir, that is an important issue that I hope the Minister for Planning takes on board when he is looking at the whole planning application. Senator Norman said that he did not like the proposals that were coming forward. I certainly feel myself that it is a shame that we might end up with lots of square office blocks and lots of square buildings and lots of square squares and so on and it is going to end up looking totally square **[Laughter]** and I think that really we need to look at some innovative design in these buildings. I certainly myself have always liked tall buildings and extra height and I think that even on some of these buildings, we should be looking at the future, looking at buildings with central towers or buildings with towers on either side of the building to give it additional shape, curved buildings, pyramid roofs, glass roofs, roof gardens for the front of buildings with higher elevated sections behind the roof garden.

Deputy G.W.J. de Faye:

So is the Deputy advertising for a particular estate agency?

Deputy P.N. Troy:

No, I am not **[Laughter]**. What I am trying to say is that we do need to look at design issues in a different way. I am rather concerned that we are going to end up with a lot of buildings that look exactly like the hotel that is on the Waterfront at the moment and, from my point of view, that would be a disaster. There are a lot of disasters happening today by the looks of it but I am really concerned about some of the design issues and we really do need to be thinking a little bit better than just square blocks everywhere and when the design process is undertaken and the architects are finishing this off, I hope that we can have some innovations, little touches on buildings that make all the difference because otherwise it is really going to be a sorry state to look at. That is all I am going to say on that issue but I am supportive of the proposition. I want to see something at the Waterfront. In taking the reference back away today, I think we have achieved something. We do look as if we are going forward and I fully support the Minister for Planning and his staff in what they are trying to do.

1.5 Deputy G.W.J. de Faye:

I do feel I should make a brief interjection, given that there have been some queries brought up about the traffic position and I can clarify a number of details on that. Deputy Troy was just asking about the tunnel specifications. He is quite right to raise the aspects that he has done in terms of fresh air content, lighting and so on and so forth. I can assure both the Deputy and the Assembly that all those aspects have been thought of. The tunnel will be built to the highest of the existing safety standards and that, of course, is one of the reasons why it will be relatively expensive to maintain. For example, it is being estimated that in terms of the electricity required, the lighting will be costing something like £180,000 a year and that, bizarrely, is because of our good weather because the brighter the sunlight the more light we need in the tunnel. That is one of the many elements that has been taken into account. I am not sure frankly how much detail we have to go into to assure Members that aspects of traffic management have been considered in extreme detail. I know a good number of States Members have seen the computerised traffic model. If the fact that you can follow the track of the individual vehicle is not enough to satisfy Members that this will work - and we have studied it in enormous detail - I really do not know what more I can do. You could track lorries, you could track cars and, yes, it is a prediction of what will happen but it is a prediction based on calculations made on existing traffic and adding to the mix, we have run

through no end of formulae to see when it breaks down, how it breaks down and I can assure Members that the traffic management aspect has been gone into very thoroughly indeed. The only thing we did not do is assign particular vehicles to particular States Members because we did not want to go into that level. But it has to be said that there will be some traffic disruption during the construction period. That has been admitted. I hope it is fairly clear how little there will be. As you have heard, the Minister for Planning was referring to several years of construction. The reality is we have been able to follow a phased plan so that in the early part of the construction phase, the work will be carried on outside the existing underpass and effectively the new roads will be built alongside the currently functioning underpass. Then when the new roads are built, there will be opportunity to switch over while construction work deals with the underpass itself. It is simply during the switchover of the phases, the longest of which we anticipate is, in fact, 9 months, that there will be a likelihood of traffic disruption but the worst case scenario is that we will have eastbound routes and westbound routes and, as I say, the worst case scenario would be that we might be down to one single lane which would have an implication potentially at peak times but would be of no great consequence for the rest of the time. I want to assure Members that all these details have been looked at very intensively indeed and I am completely confident in assuring Members that once constructed, this will be a fully functional project in terms of all the aspects of traffic management.

1.6 Deputy G.C.L. Baudains:

Like the Deputy, I too want to see something on the Waterfront but unfortunately not what I have seen in the way of the plans. Could I start by saying that the Minister for Planning has my full sympathy because he has inherited a mess and we all know he has put enormous effort into trying to sort this out and I hope Members would join me in being grateful to him for that effort. I know he has put his heart and soul into that [**Approbation**] and because of that, I have to say that I consider his statement of: "Back me or resign" somewhat unhelpful because I think one has to realise that in politics you cannot always win despite effort and commitment and that does not necessarily mean that anybody is at fault even if others disagree. Basically we call that democracy, Sir. I would also add that I did find it slightly curious that the Minister for Planning appears to be promoting a scheme presumably which he will then later have to look at the application although, of course, we understand the reason why because he has been trying to sort out the mess that prevailed previously. Thankfully, we are now past the era when so much affliction seemed to be existing between W.E.B. and the Planning Department. I think that was around about the time that the footbridge was being suggested. Wiser and better more mature thought schemes have prevailed since then but I do have concerns. It was only yesterday we had another case of possible problems with bodies that we have set up at arm's length and W.E.B. is one such body. I have had concerns about some of the decisions that W.E.B. have made in the past and in the recent past with the problems created for the sale of land adjacent to the Marina and I just wonder if they - to be perfectly frank - are up to a job of this scale but, of course, that comes basically into Part 2. My concerns revolve chiefly around Part 1(a), which, after all, is the crux of the matter. Because I have to ask what exactly are we trying to achieve here, what exactly are we trying to achieve. Certainly the case has not been made that we need more office space. I simply find it difficult to buy into the Minister's belief that new offices are required to maintain our finance industry because surely it is not the quality of the buildings that determines or defines a business success but the expertise of the people working in those buildings and the infrastructure too but you can put the latest IT into virtually any building. I am concerned, as I know other Members are - and they have spoken about it during the reference back so I will not dwell on that - what effect will the new office space on the Waterfront have on what we properly refer to as the existing St. Helier? Because yesterday I think we recall the Dean made what I thought was a very good point, that we treat the symptoms but fail to see the big picture. I believe that is what we are doing here because the so-called regeneration has, in my view, not been helpful to St. Helier over the years. Businesses have moved out due to lack of access and other reasons and I believe that this plan can possibly exacerbate that. Do we

really want a town of the old St. Helier, as we will probably end up calling it, devoid of business, a purely residential area, because I do not think that is a good idea at all. Effectively, one huge housing estate will surely bring with it social problems that do not even bear thinking about. St. Helier surely needs to remain mixed residential and business and one of my fears is that this Waterfront development will take more business out of town and make the situation worse. So do we need more office space? If we do, is the Waterfront the right place for it? Sir, if we truly did need more office space, as I believe Deputy Southern referred to earlier, where are the workers going to live? I find it difficult to reconcile the environmental issues with this prospective growth that will be created and that is despite the Chief Minister's new-found green fingers, Sir. There are 2 alternatives surely. We suck the business out of St. Helier so that it rapidly becomes a purely residential area with the social problems I just mentioned, or we allow almost unfettered immigration. I do not see a middle road and we have just learned in the last 24 hours that immigration is now running at over 1,000 a year. If office space really is needed, Sir, where is the quantification? Given the ability to alter the mix of office/retail/residential by huge percentages as has happened recently only adds to my concerns which brings me to what I believe is the real driver behind this, money. We are becoming seduced by money. £50 million, £75 million, Sir, I can hardly keep up with those 3 bells whizzing around in the old slot machine, one-armed bandit. Where does it lead us? If we go back to that word "regeneration", the word that seems to mean a different thing to nearly every person you meet, we know fairly large sums have been spent in St. Helier, I do not believe with much to show for it. Traffic moves more slowly. As I said, businesses have moved out. The pollution has increased because traffic moves more slowly. I believe we are taking the heart out of town and this windfall from the Waterfront will generate funds for regeneration, which means, in my view, it will evaporate within a year or 2. In future years, people will ask where did the money go, what happened to it? So what will these millions achieve? What is this development really for? Well, I suspect very little. I recall what happened to the £20 million savings the Council of Ministers made that we were promised as part of the black hole filling package. If Members recall, those savings were recycled, Sir, and I fear that a similar fate will befall these funds. Yesterday, we were promised ring fencing. The Minister for Treasury, I seem to recall, suggested that somehow he would fix it because our finance law does not allow for ring fencing. I have to say that, given the way the G.S.T. (Goods and Services Tax) was handled, that does not inspire confidence in me one bit. So what are we really trying to achieve with this plan? I do not see the need for the planned buildings. I do not see the need for the money. It does not mean much, does it? I was recently approached by a parishioner complaining that it had taken the person almost an hour and a half to drive from the airport to St. Clement, an issue which Deputy Breckon had raised just a few moments ago. Of course, we know that was in part due to the roadworks on the Avenue. Can anybody imagine what it is going to be like when the main artery to the tunnel... it properly be described as mayhem for a couple or more years. Let us not forget, Sir, from an engineering point of view, you only build tunnels when there is absolutely no alternative and unfortunately we are not being given the alternatives and because the reference back has been rejected by this Assembly, we do not now have the opportunity to investigate those alternatives. Sure, the building of this tunnel is supposed to be at the developer's risk. Well, Sir, it may well be, providing, as sometimes happens in this Assembly, there is not a return to the Assembly with a long list of problems that we are asked to take it into our responsibility because, like so many things in which we have been involved in the past, it has gone pear-shaped. But what of the future? I can see from an engineering point of view, Sir, the problems with this tunnel in the future because if it is built it will be built on reclaimed land. So what is the possibility? Well, the possibility is that not too long into the future, the public will be inconvenienced by never-ending maintenance and possibly some time in the not too distant future be asked to stump up the cash to keep it functioning. I believe it was Deputy Troy who mentioned pollution in this tunnel. It is not quite as short as the 50-metre tunnel that we have along each section at the moment. I have to ask are the traffic engineers really happy with the resolution of the difficulties that were thrown up, such as underground islands, joining it up with other roads, emergencies, accidents, et cetera. Apparently

not, from what I have heard. So I have to say that if this plan was simply about building without a tunnel, I would consider it in great detail. But the inclusion of the tunnel, I have to say, is a fundamental part of the plan and makes it unacceptable to me, Sir. It is unfortunate that we are not given an option without a tunnel because I may very well be able to support it but the inclusion of the tunnel means that I cannot, Sir.

1.7 Connétable M.K. Jackson of St. Brelade:

I would first of all commend the Minister for Planning for driving this project forward in a cohesive way and suggest that after the trials and tribulations of its implementation, Jersey will be proud of the result. But looking forward to the longer term, there are one or 2 points which I would ask perhaps the Chief Minister to answer in his summing up. I am concerned that there seems to be no mention of the St. Helier Roads Committee in all this and its involvement at any stage or, more importantly, in the longer term. I am concerned, particularly, in picking up a point from the previous speaker, there has been a slight lack of cohesion between W.E.B. and its immediate neighbour, Jersey Harbours, over the matters surrounding the Marinas and I think we need, in the longer term, to ensure that that does not occur here. We do not want to end up with an autonomous enclave in the middle of St. Helier and in order to avoid that, I would like to think that we should not overlook the quirky parochial system we have in Jersey, which can be overlooked by imported experts, and ensure that the development does become part of St. Helier, becomes part of its whole management system which, at the present, certainly works very well. The other point that concerns me, Sir - and I am sure is being addressed by the Minister for Transport and Technical Services - is the overall cost. I wonder how much the rest of the Island is having to suffer because of the plans and proposals being discussed at present. Clearly, this department, we are always being told, is strapped for cash but resource seems to be found for putting an awful lot of effort into the tunnel design work and the roads that lay out systems down at the Waterfront plans. I have not quite worked out who has banked that. Is it the rest of the Island in lost projects or is this money coming from elsewhere? With that, I conclude, thank you.

Deputy G.W.J. de Faye:

If the Constable will just give way for a moment, I can give him a very straightforward answer. All that has happened was that my own determination to bring forward integrated travel and transport policy was put on hold and those people who would have been working on that were instead working on the Masterplan project. So, in a sense, the only person to really suffer is me.

1.8 Deputy A.E. Pryke of Trinity:

I just want to ask Members before hopefully we finish this debate to think what is there now and what we could be having, divided town, 15 to 20 storeys high blocks not in sympathy with the existing town; could not see Fort Regent; cannot see Elizabeth Castle; 6-lane road; is that what Jersey wanted? I think not, it would be an absolute disaster, and I think, as it was said before, that the Minister must be congratulated for being able to go back to the drawing board, grasping it by the nettle, seeking professional advice, interviewing 4 world-renowned architects, for what purpose? To make sure that Jersey has the best for the Waterfront. The Minister acknowledged that. It is an important area of real estate and it needs a Masterplan and this is what this proposition means. It is the Masterplan. There has been a great deal of public consultation, workshop, public meetings, and, importantly, the Minister has listened and changed the Masterplan accordingly. It sets out the highest architectural standards. The buildings will be of outstanding quality. The world-renowned architect has worked, and continues to work, with local groups, especially the Waterfront Design Group, to make sure that what is delivered will relate to Jersey's history and architecture. Will it link the old town with the new? Yes, it will. This is achieved not only by creating boulevards for pedestrians but linking through with open spaces, public open spaces, vital now for any development but, more importantly, lowering that road. There have been many comments about lowering the road but I ask who really wants to cross 6 lanes of traffic or go over a

bridge or see cars stuck in traffic jams at least twice a day when a situation seems to be so simple of just lowering that road, getting it out of the way and, more importantly, at no cost to the public at all? Surely what is on top of it is more important than that. We must not just give way to the cars and put them as our priority but add that the underground area would also have the air-conditioning units, refuse bins, et cetera, and that is important, to take it off the top of the buildings. What we gain here is a financial quarter that Jersey can be proud of. Businesses are looking for and requiring more buildings which are sustainable. To keep us as a world financial player, we must provide it. It was often said that it is the old town versus the new town but I disagree. It is Jersey versus the world. This district is that important. We know that the financial industry is vital to our economy but will this Masterplan deliver some housing for Jersey? Yes, it will, 400 affordable housing for us all and £50 plus million to go towards the regenerating of the town. It must be a win-win situation. The Minister has stated, and the Minister for Housing has confirmed, that the majority of units will be (a) to (h) and that is what the Islanders have been asking for. I urge Members to really think what they will achieve for the Island. It will be a wonderful gateway for Jersey, public open space, tree-lined boulevards, and providing those funds for regenerating the town and, it is stressed, at no cost to the taxpayer. If this Masterplan is approved, the next step is that applications will be submitted and then it will be accompanied by a full environmental impact assessment, provide a sustainable waste management report, transport assessment and further consultation on the detailed proposals. The development will be sustainable. That means that all the buildings will have to meet environmental and social objectives. Due to the importance of the site, the application will go through Jersey's first public inquiry. The Inspector will present the findings prior to the Minister making the decision. That decision, as per planning law, will be subject to third-party appeals. States Members need to remember too that if the Masterplan is not approved, then the old 2005 plans are still there. Do we want that? I think not and I really urge Members to think seriously about that and vote for the Masterplan.

Deputy G.C.L. Baudains:

May I seek clarification from the previous speaker, Sir. Sunken road at no cost to the public. I am not clear who will be paying for the maintenance and the running costs of this sunken road. Is it us or the developer and if it is the latter, for how many years?

The Deputy of Trinity:

As I said before, Sir, that is still up for debate and there have been some suggestions for that but that will be done in the final plans when they are set before the Minister.

Deputy G.W.J. de Faye:

Sir, if I can assist on that matter. The situation is that the developer will pay for the construction of the sunken road. The reality is that under our local highways law, it is an obligation on behalf of Transport and Technical Services to take responsibility for the road and its maintenance itself. That will then fall to T.T.S.

1.9 Deputy J.B. Fox of St. Helier:

As a resident of St. Helier and a Deputy of St. Helier, needless to say we have been watching over the years the various plans and the various aspirations and the various projects coming to light. Well, we can see at the moment what happened when they are piecemeal. They have been an absolute disaster. In fact, the only time that it made any sense was when Dick Shenton, what seemed like about 20 years ago, suggested we leave it for green land until we needed it and had it as a nice children's play area and recreational area for the residents of St. Helier and those who choose to come to St. Helier. But we have moved on and we have to look to the future and we have to look to our well-being and when we are doing that, for the first time, we have a co-ordinated plan and we are very suspicious because we are looking at what went before but I feel confident that we do have the right experts and the right specialists and the right people on board to bring this

together but it is up to us, us as States Members, us the residents of St. Helier, us the businessmen of St. Helier, Chamber of Commerce, I.O.D. (Institute of Directors), and all the rest of us to ensure that it continues to be a good co-ordinated process. Yes, it will need challenges to ensure that it remains on course. Yes, it will need challenges to ensure that the qualities remain and that we do not end up with things like hotels that start off at 4 and 5 star and end up at 3 star or something like that because there is always a danger when you are dealing with people who are doing things for a reward, for money, instead of because it is mine and I want to live or I want to work or I want to own something that is personal, that is good. We have seen the results. Fortunately, most of those buildings that have gone up already I suspect will alter as time goes by because they will be embarrassed that their building is not up to the modern standards and it will get improved, it will get investment. Likewise, I can see the old St. Helier dovetailing nicely with a new St. Helier. We see it elsewhere in the world and I have seen some very good examples elsewhere in the world where it is a joy to see the old town being upgraded, sometimes all at once and sometimes it takes a while longer, several years. It depends on the circumstances and the financial availability and everything else. I have confidence that this time, we have learned from the past and we are going to see a positive future with something that our children and our grandchildren will be proud of. If they are not, it is our fault. Let us make no bones about it. We are sitting here today probably making one of the most important decisions for the future of Jersey for many a year but it is also up to us to keep the pressure up to ensure that all the best advice is taken on board, all the best quality materials are used and the old town is not left to be abandoned but there is a positive programme to ensure that while the new town is being built, that the old town is being regenerated and replanned to make it a very pleasant place for us townspeople to live and to work. Thank you, Sir, I shall be voting for this proposition.

Deputy R.G. Le Hérisier of St. Saviour:

A point of clarification for Deputy Pryke. What is the Deputy's basis for saying that if this proposal were not to go forward, somehow by default the last proposal comes forward?

The Deputy of Trinity:

Well, as I understand, Sir, the application is still there going back to 2004-2005, but I am sure the Minister will enlighten you on that when he does his summing up.

1.10 Deputy C.F. Labey of Grouville:

I would like to congratulate the Minister, his Assistant Minister and Hopkins for bringing forward these delightful plans on this prime site. These plans will infuse life and vitality into St. Helier's Waterfront and I really think that we ought to start being a little more enthusiastic about it because I do not believe **[Approbation]** we have seen such superior plans put before us and certainly the hideous reminders of what exists on our Waterfront thus far are nothing but reminders of bad planning, blunders and mistakes. **[Approbation]** Here we have the opportunity to bring life and some quality into our Waterfront. There are 3 concerns I have on which I am hopeful that the Minister for Planning can give me his reassurances in his summing up. The first 2 I have brought up in the past. On the first meeting, when these plans were first revealed, one thing that jumped off the page at me was the 65 units of self-catering accommodation. I know I have mentioned this before on several occasions but it jumped out at me because at the same time as these plans were being unveiled we had the planning and housing roadshow trying to sort of sell their idea of what we are going to debate in a couple of weeks' time; building on swathes of our good agricultural land. So these 65 units of self-catering accommodation, along with 65 parking spaces, does not fill me with joy, I have to say. I think personally I think we have to be honest about this. I have heard what the Minister has said this morning. The Minister said that appropriate legislation will be put in place to ensure that tourist accommodation will be used for tourists but who said self-catering is for tourists? There is nowhere where it says this so I read this and I am really not comfortable with it. I read this as 65 units of unqualified accommodation and I think that is totally wrong when we

are looking to rezone swathes of our countryside for people in desperate need. The second concern I have is about the soil that is going to be excavated and I know I raised this at a workshop this week and was told that 80 per cent is going to be recycled but where is it going to go and if it is going to be tipped into our reclamation site and use up about 3 years' worth of space, then is there going to be some form of compensation to the Island for this use? I am just not altogether comfortable with that scenario, so, again, I would like some reassurances. My third concern pertains to W.E.B. so, Sir, I am looking for your guidance. Should I bring this up now or in the second part?

The Bailiff:

In the second part, Deputy.

The Deputy of Grouville:

Okay, so those are the 2 concerns I have at the moment but otherwise I think these plans are wonderful.

1.11 Deputy S. Power:

I came to this proposition and this debate with a degree of misgiving but that has now changed because I did have reservations about the scale and size of this conceptual Masterplan and I have listened to Members of this Assembly who are far wiser than I on areas like this and have to say that my view, having listened to colleagues in the Assembly, is that the Minister and his team have painted a picture of something that at the moment does not exist but can exist if we support it. We have, as all Islanders know, been looking at an area of land that has been used and abused and has not been developed properly over the last 20 years so I commend the Minister and his team for getting it to this stage because I think it has been a lot of work. Like any big scheme, even by Jersey standards, there are risks attaching to this but that is not for today. There are financial risks, engineering risks, developer risks, and so on, and they, I think, will have to be dealt with as due diligence and due process is carried through on the Masterplan. I would remind the Minister and the Assembly that 20 years ago, I had the good fortune to meet a partner in a Waterfront architectural firm called Ben Thompson and Associates and persuaded one of those Partners to come to Jersey in 1987 and one of the things he immediately observed, looking at the St. Aubin's Bay area from the top of St. Aubin, was that the building of the underpass then was in the wrong place and that he would have liked to link what was then called the West of Albert with the rest of the town and integrate the whole of the Waterfront and here we are, 20 years later, doing exactly that. I subsequently looked at some of Ben Thompson's work, Boston's Faneuil Hall, the inner harbour in Baltimore and 2 of their schemes in Manhattan and they were all very impressive on a scale and on a size with Cape Town. Like any of these large Waterfront developments, they are disruptive. They can be difficult to live with and sometimes they can enrage the public. But, no doubt, and I hope that the evolution of the Jersey Waterfront will create a sense of satisfaction for the Island after it goes through the frustrating areas. I would put the Hopkins input into this and the input of the Planning Department in the same league as some of the best architectural practices in the world and I think we should acknowledge that effort that has been put in, that too much comment has been made about the input into the design side of the Waterfront without looking at the facts and I think that is unfortunate. We have to do something with the Waterfront. Anyone who drives past it on a daily basis and has observed buildings that are on it, it is unacceptable in its present form. With any large risk, there is a downside but the higher the risk, the higher the return and being an incurable optimist, I think that that will be my approach to this. Those of us in this Chamber who are reluctant to move forward with this, I would say that we are in this Chamber and elected in this Chamber to make decisions and sometimes it is easier not to make a decision than to make a decision and I think this is one of the big decisions that we will make that we will be responsible for in the days, weeks, months and years to come and it is not easy sometimes to make these decisions because there is a chance that things could go wrong in any one of a number of

aspects of this Waterfront in the months and years to come but we have to make this decision and I believe that the decision to make is that we go ahead with this one so it is a big one. I will be supporting it even although I did come into this debate with some reservations. I do congratulate the Minister and I do congratulate the Hopkins team for what they have achieved to date. I think it paints a picture of something we do not have and I think it is something that the Island needs and there may be people at the moment who say it is too big, too much, too soon, too whatever, but I think it will work.

The Bailiff:

If there are no other Members wishing to speak, I will call upon the Minister to reply.

1.12 Senator F.E. Cohen:

I will start by saying that I am grateful to Senator Syvret for introducing me to a new word, “ozymandian” which I had never heard of and certainly had not heard used before and I decided to research where it had come from. I lost the piece of paper and I am grateful to Senator Vibert for having provided me with a copy but it comes from Shelley and I will read it to Members: “My name is Ozymandias, Ozymandias, king of kings. Look on my works, ye mighty, and despair. Nothing beside remains round the decay of that colossal wreck, boundless and bare, the lone and level sands stretch far away.” Well, that is what we have at the moment. **[Laughter]** The purpose of this Masterplan is to change all that, to paint a new, beautiful vision for our Waterfront and for our town. A lot of this debate has focused on criticising change during the consultation process. I must say, I am absolutely staggered. If you have a fixed view, you are criticised for not consulting and if you consult and respond, you are criticised for not being robust. Well, I find that a bit strange. This has had one of the most extensive periods of consultation I think of anything that Members have ever considered. We have, and I repeat, had numerous public consultations, numerous presentations to States Members. We have given States Members every opportunity to come and see the department. A number have and we have done everything we possibly can to satisfy Members. I believe what we are presenting today is the potential of an architectural masterpiece, of something that people come to Jersey specifically to see, particularly the proposal of a winter garden. Imagine the space, twice the size of Portcullis House, one and a half times the size of the Royal Square, an enclosed, magnificent garden. We can use it when it is raining. We can use it when it is sunny. It is there for us, for the people of Jersey, 365 days of the year. On top of that, we have 2 other wonderful public spaces, the entry public space and a water garden. Do not need to tell you much about that. It will be a space filled with water. **[Laughter]** It will be a space that Members can hear the water as they access it, as Islanders can hear as they access it. Then we have a central undercroft, a lowered public space surrounded on all 4 sides by granite arches, not stick-on bits of appliqué, but solid pieces of masonry just like we are all used to if we look at the vernacular of Jersey. Now, I will deal, as much as I can, with points raised by Members. I will not refer to Members by name but I will try and cover the main points and I will not speak for terribly long. There have been a variety of issues relating to demand. Let me make it clear that there is no doubt that over a period of 7 to 10 years, taking into account historic demand for office space, that this space is eminently lettable. We have seen demand of 100,000 to 150,000 square feet per year for some years and this represents 4, 5, 6 years’ demand. I can see no problem there. This is going to be the best space in the Island. Of course it is, it is going to have the best environmental credentials, it is going to have the best architectural credentials. What is wrong with that? There will still be other space available. There is still a similar quantum of other space potentially developable in the town and there will be a natural competition between the 2 types of space. Yes, this space will probably get a bit more per square foot than the other space but there will be a natural competition. There seems to be some imaginary belief here that we are suddenly going to import thousands of people to Jersey. That is never what this has been about. This proposal is about providing office space and residences predominantly for businesses already in the Island and for workers already working in the Island. There may be a difference of about 700 but that is over

10 years so you are talking about 70 per year, not a huge number and well within the growth already accepted by this House. The next is where is all the fill going to go? Well, firstly, we need to set a recycling rate and I can tell Members that I, for one, will not be satisfied with a 20 per cent recycling rate. Had there been a 20 per cent recycling rate accepted, that would have meant we would have taken 2 to 2½ years off the life of La Collette but every load dumped at La Collette will pay the full rate. It is not for nothing, it is not thrown into the contract and given as a freebie, they will pay the full rate. However, my aspiration is to set a recycling rate very, very much higher than that. We saw on Liberation House, a development recently completed by the same developer, approximately 80 per cent recycling achieved. I do not see why, on this scheme, we cannot achieve levels similar to that. There may be special circumstances and they cannot quite achieve it but I cannot see any fundamental reason why we should not look at numbers like that as our primary target. So I hope we will be not using 2 to 2½ years of La Collette and we will set ourselves up as an exemplar for recycling on a large scale. Remember, we are also going to set very high recycling rates for the scheme once it is completed. This is a scheme designed to deliver pride and inspiration to Members and to Islanders and I have no doubt that if it is completed under the stewardship of the Hopkins team, that that is precisely what we will achieve. We have heard accusations that is not properly being presented to Members because we have not presented an environmental impact assessment. Well, that is because we do not have a development application. This is a 2-dimensional Masterplan that sets out a vision for this area. It is not a development application. We heard some criticism of the grid pattern. Well, students of Jersey architecture will no doubt have looked closely at the northern parts of the town which are a very good example of a grid pattern of informal status. We heard strangely a claim that the Franco-British Union of Architects had criticised the grid pattern but yet I have in my hand a letter from their President to the Hopkins team saying that from all the comments made afterwards, it was clear that everyone was impressed with the logic and sound ideas behind the plan. What more could you want? Everyone says it is marvellous but yet there is criticism of it from Members. I find it strange. We have heard that there seems to be a misunderstanding among Members of what happens next. Endorsement of my intention to sign the Masterplan will be an invitation to the developer to submit an application but it will be subject to a public inquiry with a proper Inspector who will be brought in with experience to deal with presiding over a public inquiry. All the issues that Members have talked about today can come up again at a public inquiry. It will be the Inspector's job to look at all those issues and to report to the Minister. We have heard an argument about an emphasis on (a) to (h). The Minister for Housing has given his undertaking that there will be an emphasis on (a) to (h) but for some reason, it does not seem to be believed. There is no question about this. This is not a mechanism to provide unqualified accommodation through the back door. The self-catering will be for tourism. It will not be utilised by non qualified people for the purposes of permanent accommodation. The Economic Development Minister and the Housing Minister will make absolutely certain of it and I give my personal undertaking to ensure that it happens. We have heard issues from Members relating to traffic but yet the basic principle is, yes, there will be some pain during the construction. It will be limited but there will be some pain. No-one is going to say there will not be any delays. For short periods of time there will be delays but when it is completed we will have a much better traffic scheme than we have presently and the pain is very well worth bearing. There are huge environmental benefits to come out of this. We will be providing environmentally sound space and we will be setting key environmental objectives for this scheme that will hopefully follow on to others as well. The regeneration of our town depends entirely on this scheme. Firstly, we have to have connectivity. Anyone who says that we do not need to lower the road simply has not understood the architectural issues surrounding connectivity. It is absolutely essential and the money from this will come out of the scheme and will go into the town; whether it is through W.E.B. or J.E.B. (Jersey Enterprise Board) or the States or the Regeneration Task Force, it will happen. It will not be hived off for other States expenditure. It will go into the town because that is what we are committed to doing. Controlling all this and ensuring delivery of this wonderful vision depends on having good contracts; a good contract between the Waterfront

Enterprise Board and the developer but more importantly on rigid and robust controls through the Planning Consent and Planning Obligation Agreement which I intend to ensure that I personally supervise. I wish to conclude by making it clear what will happen if we do not approve this Masterplan. That is the developers will have a right to return to the already approved 2004 development brief. That means if the developers come in with an application for 500,000 square feet of developed space on the Esplanade Square alone - that is not on the Les Jardins site; on Esplanade Square alone - they would have a reasonable entitlement for that application to be considered favourably against the 2004 development brief. Do we really want that? I do not and I hope Members do not want it either. This Masterplan represents a huge step change in architectural, environmental and public space standards. I urge you to support the Masterplan and I call for the appel.

Deputy J.A.N. Le Fondre:

May I seek a point of clarification from the Minister? It is quite crucial to how I vote on this. The Minister made reference to the planning inquiry, Sir. Just for my clarification and also the public record, if objections are raised, for example the level of retail comparison space at the point of a planning application and at the point of a planning inquiry and the inspector agrees with those objections and that it would be reasonable for such levels to be reduced, is there the legal ability to reduce the planning permit?

Senator F.E. Cohen:

Sir, I should have said during my summing up that the figures in the documentation associated to the 2 dimensional Masterplan includes figures for offices, retail comparison, restaurants et cetera. Those should be regarded as the absolute maximum figures. There is room to move below that but there is not room to move above that. Certainly the planning inspector will accept representations in relation to quantum of space within those constraints. If a convincing argument can be shown to an Inspector then it would be reasonable that he would take those into account in his recommendations.

The Greffier of the States (in the Chair):

Very well. The matter before the Assembly is paragraph 1, subparagraphs (a) to (e) as amended of the proposition.

POUR: 40		CONTRE: 6		ABSTAIN: 0
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Deputy A. Breckon (S)		
Senator W. Kinnard		Deputy G.C.L. Baudains (C)		
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator M.E. Vibert		Deputy of St. Ouen		
Senator P.F.C. Ozouf		Deputy S. Pitman (H)		
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				

Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy P.N. Troy (B)				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. Mary				

The Greffier of the States (in the Chair):

Very well. The Assembly now comes to paragraph 2 of the proposition. It is not unduly lengthy and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

Paragraph 2(a) To approve the acquisition by the public of the parcels of land and any interest therein comprising part of the Esplanade Quarter site currently vested in Waterfront Enterprise Board Limited or its subsidiaries and in consideration, therefore, to approve the leasing by the public to Waterfront Enterprise Board Limited of the entire Esplanade Quarter site shown for identification purposes edged black on drawing number P.58097 attached as Appendix 1 by way of a lease for 150 years at a nominal rent; (b) to authorise the Minister for Treasury and Resources to agree the detailed terms of the acquisition and to the lease referred to in subparagraph 2(a) above with Waterfront Enterprise Board Limited; and (c) to authorise the Attorney General and the Greffier of the States on behalf of the public to pass any contracts which might be found necessary to pass in connection with the acquisition and the lease envisaged by this paragraph 2.

The Greffier of the States (in the Chair):

Chief Minister, I understand you are acting as rapporteur for the Council.

1.13 Senator F.H. Walker (Rapporteur):

I am indeed, Sir. I have to say I am dismayed that so many Senators have deserted their seats as I stand to speak [Laughter] but I can probably take that slight. I think I can. Sir, part 2 of the proposition gives effect to the transfers of land necessary to enable the Esplanade Quarter Masterplan we have just agreed to be delivered. We have agreed the plan. This is how we will achieve it and this is in my view the only way in which we will achieve it. Sir, it has been suggested that more information will be requested during this part of the debate and I will wait obviously to see what information that specifically is but I do have more information which is commercially sensitive which is not in the best interests of the public to disclose in open debate. If Members wish for part of the debate in order that I can disclose more information then I would propose in that circumstance that we might move for part of the debate only... I do not like in camera debates intrinsically but it may be useful to Members to enable me to give more

information which I say is commercially sensitive and not in the best interests of the public to disclose in open debate. But we can come to that a little bit later. Part 2(a) of the proposition provides for the transfer of a number of parcels of land currently vested in W.E.B. to the public and the subsequent lease back of the entire Esplanade Quarter site to W.E.B. for a period of 150 years. Parts 2(b) and (c) of the proposition authorise the Treasury Minister, the Attorney General and the Greffier to draw up and make the necessary arrangements. It should be highlighted I think at this stage that some of the land currently in W.E.B.'s control is held as freehold on the back of previous decisions of the States. Therefore, by drawing these areas of land back to public ownership, the States will retain freehold ownership when the new 150 year lease expires. I think that is an important point. Some questions have been raised about the value attributed to a 150 year lease. What we cannot ignore is the fact that we retain ownership of the land and the value, therefore, of the land at the end of the lease. "We" being in this case of course the public. So far from ceding control of public land on the back of this proposition we are taking it back into the control of the public prior to leasing it out. We are, in other words, tidying up our arrangements with regard to this land. In asking the States to agree to part 2(a) I will deal with a number of questions that have been raised both during the earlier debate that we have had and previously about the proposals. Most importantly and lying behind all of those parts of the proposition, is it a good deal? That is the question that I think is foremost in Member's minds. Does this represent a good deal for the public? Does it represent good value for money for the people of Jersey? Let me just take a look at the benefits. Firstly, the developer will fund and procure the construction of the tunnel which has a cost attributed to it of £45 million. If the costs of the construction of the tunnel and associated roadworks exceeds £45 million, these costs will be borne by the developer. The agreed deal ensures that the project - ensures that the project - is completed at no risk to the States, no risk to the public whatever happens. I will come back to that in more detail a little bit later. This means that the Island gets the benefit of the tunnel we have already agreed to in the earlier debate at no cost and no risk; a hugely beneficial deal whichever way you look at it. It reflects well on those who have negotiated what is a deal which is in my view is in no doubt of great benefit to the public. In addition to that, in addition to getting the tunnel at no cost and at no risk, the public under the terms of the agreement through W.E.B. will receive a guaranteed - guaranteed - base payment of £50 million from Harcourt, the preferred developer. This point answers a number of the questions put in the earlier debate because this figure of £50 million together with the cost of the tunnel of £45 million matches an independent valuation by Cushman & Wakefield who are an international firm of reputable valuers. They have confirmed that this deal represents good value. I think we have to take account of the advice of people of such international repute and expertise when it comes to telling us this is a good deal. They are totally independent. They had no reason to tell us it was a good deal if it was not. They would most certainly have told us if the reverse had been the case. Crucially there has been no higher professionally prepared valuation whatsoever. No higher valuation prepared by independent professionals or indeed anyone else whatsoever. So I do believe that Members can be confident that this figure does indeed represent good value and would be highly unlikely to be exceeded. Some Members seem to believe that there has to be a better deal somewhere. But what evidence do they have for that? None has been put forward. It is the sort of idea: "Oh well, this seems to have been a bit easy to achieve" which is not true. It has been very toughly negotiated over a period of time but there seems to be a vague notion: "Oh well, there has to be a better deal somewhere." There is no evidence to support that view whatsoever. This is a full value deal and no better alternatives have been put forward. Sir, I can give greater support to those statements with commercially sensitive information if Members wish to go in camera at a later point. Turning to the developer, we know that Harcourt Developments Limited are world class developers who were appointed by competitive process for the Esplanade Square site. I already dealt with that this morning. They acquired from another private developer the other part of the site. So the major part of the site has gone out for competitive tender. The other part was already in the ownership of a private sector developer and Harcourt have bought them out. So I do not believe there should be any question about that. It is estimated that the development of the

Esplanade Quarter will take up to 10 years and this 10 year period is stipulated in the development agreement and also matches the third guaranteed payment period. There are guaranteed payment periods in the development agreement and, going up to 10 years, matches the third guaranteed payment which must be made after 92 months. The development agreement also provides that the developer must complete the tunnel and the associated roadworks within 36 months and the 520 public car parking spaces within 47 months of the lease transfer date. So there are tight date controls throughout the entire contract. If these dates are not achieved or the entire development is not completed by 31st December 2018 - that is the absolute backstop date - W.E.B. could commence proceedings to recover the site and call on any outstanding guarantees. By outstanding guarantees I mean a total of £95 million. So whatever of that £95 million had not been spent is recoverable and reclaimable by W.E.B. so any failure we can take back the site and receive whatever proportion of the £95 million we are due, thereby creating the funding to complete the outstanding work. Importantly - and this is one of the things that mystifies me about some of the positions taken in the debate so far - the process arriving at the transaction has been reviewed by the Corporate Affairs Scrutiny Sub Panel who have expressed not only their satisfaction with the process but also with the value achieved. I am astonished that all of a sudden Members who normally say that Ministers have to listen to Scrutiny are in effect completely ignoring the fact that this has gone to Scrutiny, been thoroughly evaluated and Scrutiny have ticked it off. I find that astonishing. That is exactly what Scrutiny are there to do. I am aware it does not suit some Member's political agenda that they have come out in support of the deal but that is the fact of the matter. I would ask Members who place so much credibility normally quite rightly on the scrutiny process to look at that and ask themselves why and how the panel have arrived at their conclusions and whether or not we should take account of the work they have undertaken because generally speaking Members will argue that we should. In this instance we are, and now they are arguing in effect that we should ignore them which seems to me to be a rather unsupportable stance. The payments that would be made as a part of the development agreement under the terms of the contract are £8 million after 47 months, £31 million after 68 months and £11 after 92 months from the lease date. These payments - we go back to risk here - will be guaranteed - guaranteed - by independent banks or insurance companies. Members were looking at risk earlier quite rightly but these payments once we sign the development agreement are guaranteed. I will come back to other safeguards in a minute. So in the event that the developer fails to make these payments within that agreed timetable, W.E.B., as I have already said, will have the ability to recover the site and reclaim any outstanding guarantees - the outstanding part of the £95 million - in compensation. The developer will also be in default if they do not comply with the Masterplan or the design codes, the approved plans, the agreed usage schedule or the Highways Works Agreement. In the event of default, again W.E.B. is able to take the action I have already referred to to recover the site. Perhaps here I could just go through that in a little bit more detail. If there is a default - and I am emphasising this - W.E.B. can commence proceedings to recover the site and the outstanding guarantee payments. A default is if the developer abandons any part of the works or suspends execution of any part of the works for a period exceeding 30 days; if the developer fails to complete the development in accordance with the approved Masterplan, design codes, plans or usage schedule; if the developer fails to complete the tunnel and road network within 36 months or the 520 public car parking spaces in 47 months; if there is any breach of the Highway Agreement and if there is any failure to make payments in accordance with the agreement. That means - I repeat - that W.E.B. can step in, take back the land concerned with the value of course and any outstanding elements of the £95 million. Pretty good security under any circumstances for a deal such as this. On top of the base payments, I have already outlined that there are significant sales overage participation with results in additional payments being made to W.E.B. once values hit certain trigger prices. W.E.B. will receive 33 and a third per cent; one-third of any valuations above the trigger prices. Those trigger prices are not index linked meaning that those proceeds are likely to increase in the future and are not placed at risk by inflation. This is a much better return than we would have received from inflating the base price in line with general inflation. The overage

payments are conservatively estimated as an additional £25 million so that is £95 million up front guaranteed plus £25 million if the market develops as anticipated and this is a conservative estimation. I say it is conservative because even based on current comparable residential prices being achieved on the Waterfront today here and now, we - the public - would receive an addition £10 million to £20 million. Thus the overall income to the States could well come to £95 million plus the overage of somewhere in the region of £40 million giving us a total up to £140 million. That is not free money. It has been suggested by Deputy Southern much earlier in this debate this is free money. He, I think, mentioned it was almost a bribe. It is anything but. This is value for the land that the public owns. Would we not be being criticised, and rightly so, if we were not generating that sort of value from a long lease of land the public owns? We would be subjected quite rightly to the most heavy criticism and that I think would be an indefensible position anyway. There has been concern that even taking the lower figure - the guaranteed figure of £95 million - that if we divide that by 150 years it comes to a pretty low return. But that has been valued - I repeat - as full value by one of the most leading, one of the most eminent independent valuers internationally. Also at the end of the day we retain ownership of the land so the inherent value of the land remains with the public. That is one of the reasons it represents such a good deal. Deputy Baudains said he thought this had become all about money. Well, it has not but at the same time money is vitally important. This is a public asset and surely every Member will want us to achieve the maximum value from the use of a public asset. That is exactly what we are doing here. The money side is hugely important. The value for money is fundamentally important to the public. But it is about much more than money. I was deeply impressed with the speech of the Deputy of Grouville when she painted a picture of a vibrant area enjoyed by residents of Jersey, by visitors - vibrant, good, beautiful, attractive, entertaining place to be. It is much more than just about money. It is about a tremendous environmental and social boost to the people of Jersey as well. While I do not propose to repeat a large part of the speech Senator Cohen gave yesterday but in outlining the financial benefits of the proposals I think it is also important - in fact it is very important - that we should not lose sight of the huge additional benefit to St. Helier and as we agreed yesterday other rural areas adjacent to St. Helier and indeed to the Island in general. The level of investment in what I would call the wider St. Helier is a fantastic one-off opportunity that I firmly believe we must grasp with both hands. There is no other realistic prospect of the funding being made available to improve and regenerate the urban area on this scale in the foreseeable future. If we turn this down and we kiss goodbye to our ability to regenerate St. Helier, parts of St. Saviour, St. Clement and so on for the foreseeable future. I am astonished that some representatives of St. Helier have voted against that proposal. I find that absolutely amazing because what is the alternative? We have no money or very little money to invest in the old part of town. Surely one of the fundamental aspects of this is that the Waterfront should not overshadow the town as we know it; that it should create an opportunity for the town as we know it. Well, it does providing we accept this deal. If we do not accept this deal and the funding is simply not there. So in that event we have already approved the Masterplan, in that event if it was to go ahead it would indeed - I do not think it would unless we support this proposed deal - then the rest of St. Helier would be left to its own devices. The Deputy of St. Ouen in his earlier speech asked who took the decision that the money generated should be invested in the rest of St. Helier? The answer is the States yesterday. We decided on the amendment of the Constable of St. Helier as amended by the Council of Ministers that that is precisely where the money should go. That is the Deputy's answer, Sir, that that was a States decision taken yesterday. It was the States who have decided that the funding should go to the regeneration of the wider urban area. I repeat again this is a one-off opportunity. Where on earth would the money otherwise come from to enable us to do great things to the town as we know it? Where on earth would it come from? Can anyone imagine just finding £75 million, plucking it out of the air, to invest in the rest of St. Helier? I do not know where it is going to come from. I really do not know where another opportunity would exist to enable us to do that. I repeat I cannot believe that some representatives - not all by any means - of St. Helier are prepared to vote against that opportunity. Much concern has been expressed about the costs arising from the

maintenance of the new tunnel. As Members know these are estimated at £500,000 a year. I just make the point that does not kick in until 2012 but never mind they are estimated at a maximum of £500,000 a year thereafter. We do have time thereafter if we decide this is the way we want to approach it to build this into our Annual Business Plan processes but also and importantly to think about whether we want to raise this from increased charges, service charges or from some other means. But look at it another way. We receive a guaranteed £95 million from this development and almost certainly much, much more. All we would have to do is invest £10 million of that £95 million at a 5 per cent rate of return and we have our £500,000 a year. No additional cost to the public. It is an investment income which we could if we wished spend on the maintenance of the tunnel. I frankly do not see the problem there that many other Members seem to suggest there is. Sir, if Members wish it I do have a breakdown of the maximum £500,000 per annum on the maintenance of the tunnel. If Members wish to receive that, that is readily available and would have been readily available to any Member who had requested it before today. Also of course the main roads are already accounted for effectively within Transport and Technical Services budget. That pretty well does not change. The minor roads in the development will be covered by a service charge so again no problem in that respect. Sir, the Deputy of St. Ouen in particular has made great reference to parking. Again the information was available - is available - that in fact because of the way that this has been constructed, the public through W.E.B. will make more money out of the parking arrangements than would otherwise be the case. I referred to this in one of my earlier speeches. The Deputy of St. Ouen seems to suggest that W.E.B. is not a public body; that money goes into W.E.B. is lost to the public. Not true. Absolutely not true. W.E.B. is 100 per cent owned by the public. We are the shareholders. Ultimately shareholders decide how a company operates, who operates that company and how its financial structures are arranged. So we, the shareholder, have that ability. Not only do we have that ability but we have 3 Members of this Chamber who sit as members of the board of W.E.B. to ensure that the public interest is protected at all times.

Deputy R.G. Le Hérisier:

Can I ask a point of clarification? When the Chief Minister mentioned the minor roads are covered by a service charge, are the roads not covered in terms of major roads by T.T.S. and minor road by the parish? I cannot understand where the service charge comes from.

Senator F.H. Walker:

The service charge would be levied on tenants, therefore, again no charge either to the public or the parish. Again representing a very good deal overall. But, Sir, let there be no confusion in Member's minds about the status of W.E.B. It is a publicly owned body and we, the States, and ultimately the public through us, control how it operates and control its finances. I really do not know why or how the Deputy of St. Ouen has come to the conclusion that money going to W.E.B. is in effect lost to the public because it is not. Very clearly is not. Sir, I am also asked - one of the other major questions - whether we are putting the Island at risk by using a single developer. The answer here is no. There are no economic concerns regarding sole ownership of the office space at the proposed Esplanade Quarter Scheme. We expect with every right to expect and with confidence that the market will operate in an efficient manner and allocate the office space to the most suitable tenants and is, therefore, for reasons already outlined in the debate - the demand for up to the minute office space - definitely in the best interests of the Island as a whole. Of course as a safeguard if anyone was stupid enough to try and abuse the system then they can be dealt with now by the J.C.R.A. (Jersey Competition Regulatory Authority) under the competition law. I said this earlier and I say it again. It is difficult for me to see how the creation of additional office space in a market where there is pent up demand is likely to fuel rent increases. I just do not see the market logic of that. Where you will get rent increases if there is a shortage of office space and right now there is a shortage of high quality, up to the minute, office space. If we do not do this we will surely be stoking market rents far more than we can if we proceed. I believe that going ahead with this development as proposed and as agreed by the States just a few minutes ago, the reverse

will be the case. Sir, here I do take issues with the local surveyors who have come forward. I am sorry, I have no wish to criticise them but here is where they have a vested interest because they represent clients who own office blocks already in Jersey or clients who would like to own office blocks in Jersey. They can see that the rental return on those offices will not be as high with the Waterfront development as it would be without **[Approbation]** **[Laughter]**. Sir, I hope the Planning Minister has not injured himself again as he did a couple of weeks ago with that enthusiastic bout of foot stomping. At least there was not any motorbike this time, but anyway. The 620,000 square feet of office space as outlined in the Masterplan in the proposed development of the Esplanade Quarter will represent approximately 25 per cent only of St. Helier's total of 2.25 million square feet of office accommodation. Only 25 per cent - it is a big chunk, that is for sure but it is not market dominance. I was astonished to hear Deputy Baudains ask a question in his last speech: "Is the Waterfront the right place for these offices?" Where on earth do they go if they do not go on the Waterfront? Where is the space in the rest of St. Helier? We certainly do not want them in the countryside that is for sure. So where on earth would they go if they do not go on the Waterfront? Is it the right place? Not only the right place; it is the only place. I was astonished at that question. Returning to the point of the single developer, if the contract was let to a number of separate developers, no one of them could afford the below ground works and the tunnel and the public space which this scheme offers. That would make the creation of the tunnel, which we have warmly accepted by a huge majority, creation of the public space similar, and the below ground works that go with the tunnel, that would make that very difficult if not impossible to achieve. We have said we want it - and I go back to the point - this is how we achieve it. It is probably the only way in which we are going to achieve it. Of course the approach of one single developer is not new. It is not breaking new ground at all. There are numerous examples of large single developer delivered schemes in the U.K., including recently Argents development of Brindley Place in Birmingham which is acknowledged as a very high quality and popular development indeed and Broadgate and others in the city of London. We should not forget the risk that Harcourt is taking. We tend to think sometimes: "Oh well, developers really do not need to do anything. They are just going to make a huge profit and disappear." The investment and, therefore, the risk that Harcourt is taking under this proposed deal is enormous. They are committing under the development agreement to spend at least £330 million - that is their money, therefore, their risk - on below and above ground works. It is not money just falling into their pocket. They have to spend it. They have to risk it. Then they have to create the means of getting their money back. They are not likely going to commit to the development agreement terms unless they have confidence that they can do that and of course they are committed anyway. Whether they do or whether they do not, they are committed to the base payment of £50 million and the cost of the tunnel. W.E.B. obviously needed to be fully assured that Harcourt had the financial capability, the capacity, to deliver such a large project as single developer. So they went to PricewaterhouseCoopers to undertake an audit; an audit of Harcourt. This capacity study looked at Harcourt's worldwide assets and liabilities and their development programme and concluded that they were financially sound and lowly geared - which is massively important in today's market post credit crunch - and able to fund a development of this scale. They got that assurance from PricewaterhouseCoopers. Again I do not know where else they could have gone to get that sort of level of assurance. Harcourt are very experienced in major developments. At the moment they have undertaken and they continue to manage a major mixed use scheme in Dublin called Park West. They have also undertaken the regeneration of the waterfront in Belfast called Titanic Quarter. This has already attracted major international banking tenants. They also have experience relevant to the proposal overall in developing hotel and leisure schemes such as the acclaimed Carlisle Bay Hotel in the Bahamas. Furthermore, they develop and retain their developments. Generally speaking they do not develop to sell on. They develop and retain their developments, therefore, from a financial point of view they have a very large asset base upon which they can draw resource. This means that as they develop to retain ownership, as is planned in Jersey, they are more incentivised to provide high quality, low maintenance buildings. As I have already indicated the developers will be under their own commercial pressure - huge

commercial pressure - to complete the scheme and deliver completed buildings in order to recover, firstly, the road and substructure costs and the £50 million base land payments that have to be made to W.E.B. W.E.B. had entered into a detailed heads of terms agreement in July 2007 with Harcourt. Since that time W.E.B. has been working with them to procure the development of the Esplanade Quarter. This has now been encapsulated in an agreed development agreement. Assuming States endorsement of this proposition if the States do endorse this proposition, the development agreement will be signed prior to the submission of any planning applications. W.E.B. could have signed the development agreement already but they declined to do so in advance of this debate in order to give States Members the opportunity to express their views; absolutely right, absolutely as they should have done. It is necessary for Members to have the opportunity to have their say. Another factor is that the developer, Harcourt, has already spent in the order of £4 million on the scheme to date and prior to the planning application. They would of course lose that investment if they for any reason decided against or if we decided against signing the development agreement. I emphasise again that the terms of the development agreement provide W.E.B. with significant step-in rights so that if Harcourt do not meet their obligations under the terms of that agreement, W.E.B. can step in and complete the development to the required standard at no cost because the guarantees would kick in at that time. I am emphasising this because I think it is vitally important. Should Harcourt not comply with the terms of the agreement - and I mentioned earlier the default issues - or complete the development, W.E.B. can call on the full guarantees of up to £95 million. I repeat, therefore, there is no risk to the States from these proposals. Find me a better deal which no-one has suggested exists. Find me a better deal financially and socially and environmentally and from a built environment point of view which offers the public no risk. I, W.E.B. and everybody else would bite your right hand off. But no such deal has been put forward. To suggest that it might be possible is just playing with fire because by going down that road with no evidence to support it whatsoever we could stand to lose what in my view is a quite sensational deal; overall a quite sensational scheme for the people of Jersey. Sir, to summarise, I of course realise that to put it mildly this is a major project which will change the face not only of St. Helier but of our Island for ever. But Members have already endorsed the Masterplan. You have said you want the Masterplan to happen. Therefore, there is no realistic gain whatsoever to the Island in turning down the proposed land exchange and in so doing - which is the subject of this part of the proposition - in effect voting out the proposed deal with Harcourt. Without the transfers of land set out in part 2(a) of the proposition and the consequent agreement with Harcourt, nothing can happen. Our decision just this afternoon that we want the Masterplan to happen will count for nothing because it will not happen. It will remain a dream of what might have been. We will go away from here saying we have this fantastic vision of what the Waterfront can look like, overwhelmingly endorsed but, oh, we have decided that we are not going to agree the means of delivering it. What a pointless position for Members to put themselves in. It means we achieve nothing and not only anything else we have wasted one-and-a-half days or something of debate and we have wasted the most fantastic opportunity and turned our back on the financial, economic, environmental and social benefits that this scheme represents. Is there a logic in that? If there is, I am sorry, I fail to see it. When I say I fail to see it, I am not blindly or glibly accepting the change of the scale, a development on this scale, without receiving the assurances that I have asked for categorically and fully. But let us just look again in summary at what we are being asked to approve. We are being asked to approve, and we have already approved the planning aspect of it but this is the means of delivery and we are being asked to approve the creation of a vibrant, iconic Waterfront that will provide a boost to tourism, the finance industry, provide us with the high quality office space we so desperately need and other public amenities and infrastructure as well as being in itself a real investment in St. Helier. We are being asked to generate 400 additional housing units which would provide much needed accommodation for Islanders and relieve pressure on our green spaces. I cannot imagine why Deputies or Connétables for that matter from outside St. Helier would vote against this in that respect. If they have other significant problems, fine, but this relieves the pressure on our country parishes to create the housing we so desperately need. It

ticks all the boxes for what we want to achieve in terms of housing our own residents. If we agree to this deal we will get the construction of a tunnel, which all the experts have said is crucial to the scheme and which we have agreed, and the associated infrastructure at no cost to the public and with completion guaranteed. With completion guaranteed. I have already gone through the financial returns; the £50 million plus the £45 million plus the very real prospect of significant overage raising tens of millions of additional pounds on top of that as well. Absolutely fantastic deal for Jersey and one which as I said already if Members can believe they can better then they will require firm evidence, in my view, or else they are just floating red herrings past what is a precisely thought through, toughly negotiated, very detailed contractual agreement for the future of the people of Jersey. I repeat again all of this has been validated by an independent international specialist as a very good deal indeed for our Island. I am convinced - never mind what other Members may want to suggest - and all the experts are convinced which is probably more important than me, we are all convinced that we could not find a better deal. I am sure that even the most cynical among us... well, maybe I should not be so sure but I would hope that even the most cynical among us will find it hard to turn down such a package and the other benefits it brings to Jersey with no risk to the public whatsoever. There is no logic in doing so. To approve the Masterplan this afternoon and say: "That is what we want for Jersey. We think that is a great scheme for Jersey" and then deny Jersey the opportunity of delivering it just makes no sense whatsoever. There is no better deal on the table; no better deal whatever Members may want to think: "Oh, there must be a better deal", there is no evidence of a better deal on the table whatsoever. I will if Members wish go into more detail but I cannot go into more detail because it is highly commercially sensitive information. I cannot do that in open debate. I will if Members wish me to provide more detail to support that in camera, if that is what Members decide is appropriate. So whether they do or whether they do not, I very much hope that Members will support part 2 of the proposition. When they decide how to vote, ask themselves: "Is there any realistic alternative? Is there any realistic alternative?" The answer is, no, there is not. This is a great deal, no risk, guarantees, guaranteed completion and offers exactly what we all hoped it would offer when we approved the Masterplan earlier. So do not let us find ourselves in a halfway house position with a great Masterplan which we turn into an impossible dream by refusing the means to deliver it. Sir, I move part 2 of the proposition [**Approbation**].

The Greffier of the States (in the Chair):

I think it may be worth addressing the issue at this stage as to whether you wish to propose that the States sit in camera to enable you to continue your speech. Do Members wish to hear the completed speech?

The Deputy of St. Ouen:

I just have 2 short points of clarification before we go into camera, Sir.

The Greffier of the States (in the Chair):

As long as they are genuine clarification of what the Chief Minister has said not new issues.

The Deputy of St. Ouen:

Yes, Sir, absolutely. Could the Chief Minister confirm that in 2.6.7 of the report that it states that Transport and Technical Services are not allocated a budget for the ongoing costs. Also could he confirm...

Senator F.H. Walker:

Are not allocated a budget for the ongoing costs of what?

The Deputy of St. Ouen:

The tunnel which you suggested they did have. Also confirmation on who will take on the liability once Transport and Technical Services take over the tunnel. I acknowledge that you have

highlighted the risks covered prior to the tunnel being built but what you have not mentioned is about the liability of the tunnel itself once Transport and Technical Services take it over.

Senator F.H. Walker:

I think I have and I think the Deputy himself has answered his own question earlier in the debate. The tunnel will cost the public through T.T.S. £500,000 a year to maintain. There is no question of that but I made the point in my speech that that is fundable if we wish by investing only £10 million of the proceeds from the development and using the investment income not the capital to cover those annual maintenance costs.

The Greffier of the States (in the Chair):

Chief Minister, do you want to propose at this stage the States move into camera so you can continue? It is a matter for Members.

Senator F.H. Walker:

I am ambivalent about it. I am not wildly enthusiastic about debates in camera but if Members require additional information which is commercially sensitive there is no alternative. I think I had better leave that in the hands of Members.

The Greffier of the States (in the Chair):

If you do not wish to propose it, it is open to any other Member to make that proposition.

Deputy G.P. Southern:

Yes, Sir, I would like to propose that we do. We have just had a debate - a reference back - which was talking about the amount of information about the financial and economic basis on which we are operating. We have heard a great deal about the up to £140 million sweetener that is being offered. We need to have some idea of the scale of the operation that puts that into context, whether it is a lollipop or a real sweetener.

Deputy R.C. Duhamel:

Sir, could I speak to that as well? Sir, could I argue against that point. I mean if we do move into camera which might well be a sensible move if specific pieces of financial information are coming forward that is one thing and that would use the value of the in camera meeting to maximum potential but if we move into camera now that of course means that the public will not be able to hear any of the arguments or debates and I would argue against it [**Approbation**].

The Bailiff:

I hope Members will forgive me but I have only just come back into the Chair. Perhaps Deputy Southern could encapsulate what he wishes to achieve.

Deputy G.P. Southern:

It has been suggested by the Chief Minister that there are details which are commercially sensitive which he may want to reveal to the Chamber if the Chamber so wishes it. In order to do so he would wish to go into camera. I am suggesting that we go into camera to receive that information.

Senator F.H. Walker:

Sir, can I make it clear I do not wish to go into camera at all. I am not in favour of in camera debates generally. I am merely saying if Members request more information behind the deal and whether it represents best value for Jersey, there is some information I can provide which I cannot put into open debate. But that has to be an issue for Members not for me.

Deputy R.C. Duhamel:

Sir, could I make a suggestion? If we have an open debate and a Member raises a point on which the Chief Minister feels he would not be able to reply in an open debate then the suggestion could be in the open debate would be replied to and we could in camera to receive any commercially sensitive information that a Member may have raised.

The Bailiff:

Can I suggest to Members that perhaps the way forward is to hear out the Chief Minister during the course of his opening speech. You have done that? Right **[Laughter]**.

Deputy R.C. Duhamel:

In summing up, Sir. I meant in summing up.

The Bailiff:

I think it is open to any Member to propose if he wishes at this stage that the Assembly should go into camera so that the Chief Minister can deliver those confidential, commercially sensitive matters about which he has spoken. If no Member wishes to make that proposition then the debate will simply proceed. You have made that proposition? Is it seconded? Does any Member second Deputy Southern's proposition? Very well. I am afraid the proposition falls away, Deputy.

1.14 Deputy C.H. Egré of St. Peter:

Sir, I rise early hopefully to help the Assembly within this debate. The Chief Minister alluded to the fact that Scrutiny have looked at the financial dealings around the development of the Esplanade Quarter. That is in fact true. We were asked to look at the financial arrangements made around this development at the end of last year. We put together a panel chaired by myself along with the Constable of Grouville and Senator Norman. This was the same panel that was put together to deal with the J.C.G. (Jersey College for Girls). People may recollect that we were quite critical when it came to the J.C.G. plan and actions were taken based on our recommendations. When we went to look into the financial arrangements around the dealings with the Waterfront, we appointed Mr. Robert Wragg, who was the same adviser who assisted us with the J.C.G. review. I wish to point out at this particular stage that we made a preliminary assessment. We did not do a full review. I quote from a document which I hope all Members received. If they have not, there are still some of these documents available in the Scrutiny Office. I say here: "The sub-panel appointed Mr. Robert Wragg to investigate the history behind the current negotiations and to undertake a preliminary assessment of the proposed heads of terms including the package of monetary payments and development gains. Mr. Wragg is a resident of the Bailiwick of Guernsey and has previously provided valuable independent assistance in the review of the proposed Save the Former J.C.G. College for Girls site." I am aware that the Chief Minister is being very cautious in what he can divulge not in camera. But what I would like to put in front of you without boring you, I hope, is the information that was put in front of us by title not by content. We were allowed copies of the original agreements between W.E.B. and Harcourt relating to Les Jardins de la Mer and the Esplanade Square. We were given access to the economic advisers report to the Council of Ministers on the economic impact of the proposals for the development of the Waterfront dated February 2006. We also had access to the supplementary planning guidance to the Jersey Waterfront. In addition, the *West of Albert Infrastructure review on La Route de la Libération consultants brief*, Hopkins Architects dated October 2006; the *West of Albert Infrastructure Review Civil Constructural Engineering Report* from Scott Wilson; the PricewaterhouseCoopers *Updated Socio-economic Impact Assessment*, January 2007; Franklin & Andrews independent review of reports prepared by Scott Wilson, Cushman & Wakefield and Webb, dated January 2007; the site specification details supplied to Harcourt; the Ministerial decision by the Chief Minister dated the 3rd March 2007 authorising negotiations with Harcourt together with supporting reports; a copy of the legal advice to Webb in respect of negotiations with Harcourt and communications with other developers; also Cushman and Wakefield's updated report on the valuation of the Waterfront

development site, dated 30th April 2007; and also a copy of the presentation of the Council of Ministers on 28th June 2007. One would appreciate that within those documents there was some very sensitive information, but we did have access to it. Mr. Wragg subsequently advised the sub panel that he was satisfied, having reviewed all these documents, that the process which had been followed in negotiations leading to the revised proposals for the land transaction deal between W.E.B. and Harcourt Developments Limited had been carried out professionally and with due regard to obtaining value for money for the public. It confirmed that the process was fully in accord with the recommendations he had made in his report on the sale of the former J.C.G. site. He provided a written report to the panel, which was attached to this document, which I said was available to you all. In conclusion, the panel, having considered the advice and paperwork received, stated that it was satisfied with the process of negotiation with the developer and it complied with good commercial practice. That was the view of the panel. We also added, and wish to be recorded, our appreciation for the co-operation received in the course of the review from the offices of the Chief Minister's Department and of the Waterfront Enterprise Board and we believe that this investigation, during which we have been given good access to confidential information, has been a worthwhile opportunity to scrutinise a high profile transaction in some detail, and it was in some detail. We trusted that the exercise that we took on would be regarded as a useful contribution to the debate that we are now having. In conclusion, I reiterate we did not carry out a full review. What we did have was access to enough information for us to make the informed decision that the deal that was put on the table was good value for the public in Jersey and we stick by that decision.

Senator J.L. Perchard:

Just a point of clarification, Sir. Could I ask the previous speaker if the panel were denied access to any information in any way?

The Deputy of St. Peter:

No, Sir.

Deputy G.P. Southern:

Sir, a further point of information if I could? The Deputy referred to 2 documents in particular, the *Economic Advisors* report for the Council of Ministers on the economic impact of the proposals for the development of the Waterfront in February 2006 and the P.W.C (PriceWaterhouseCoopers) *Updated Socio-economic Impact Assessment* of January 2007. Can he state whether those were confidential documents and, whether or not they were, can this Chamber have sight of those because it seems to me that those 2 in particular are indeed extremely relevant to proceeding with this part of the debate.

The Deputy of St. Peter:

Sir, I have no definitive comment next to that list as to what was confidential. In general terms, a lot of it certainly was confidential and I am sure that if those questions cannot be answered by me and if they are required, the Chief Minister may be able to answer them if we need to go into camera.

1.15 Deputy R.C. Duhamel:

Members will refer to the proposition under Item 6. My copy is not page-numbered at the moment, but financial and manpower implications. What is stated here is the usual. There has to be a financial and manpower implication as set out and this particular proposition states that: "The financial implications are set out above and there are no manpower implications to the States arising out of this proposition." That, Sir, I feel is a little bit misleading, but let us leave it at that because although there are some financial implications set out in the schedules above, notably from 4 onwards, not all of the financial implications have been set out in the way that would enable States Members to determine once and for all how the Minister will be able to deliver the things

that we have agreed should be delivered at an acceptable cost to the taxpayer of the Island or indeed at a cost to the developer or at a cost to anybody else. What the financial and manpower statement does not do, is that it does not set out a cost schedule at the moment, which I would have thought must exist either at the W.E.B. offices or somewhere in between Planning and the Council of Ministers to identify what the Island will get out of this deal over and above what we have been told by the Chief Minister, because those are the broad headline amounts and they are quite clear. But it is anything else in order to reassure those Members of the House who are participating in this debate, in order to add value to the decision. I raise that point now, Sir, because if indeed it is not the intention by bringing this particular proposition to the attention of States Members in this House for discussion for us to add value, then I question the whole process as to why we are doing it. Quite clearly, in order to add value, there are a number of Members among the House who would quite clearly like to have just a little bit more information in order to put themselves in a position where they can be assured that in voting for this monumental proposition it is definitely, or as far as they are able to judge on the information given, the best way forward. I would like to refer to a number of the points in referring to the financial implications, just to give an indication of what is missing. As I say, there may well be other things that could have been referred to in the report that we do not know about as yet. Under 2.6.1 and further on, I think it is 2.8, and there is a small amount in 2.7, generally what is being suggested is that a number of amenities for the Island will be delivered to the Island, but what has not been stated in black and white is whether or not the developer will continue to pay for their upkeep, whether or not the upkeep will be paid for by the Parish through Parish rates or some other rating system as yet unthought of or unrecorded, or indeed whether it will be W.E.B, or whether it will be the taxpayer. The public squares and spaces I am told, by asking questions to the Board, will be retained in the administrative oversight of the developer. Whether that extends to the fact that they will be called upon to pay for the cleaning of them or the maintenance of them, I do not know, Sir and I do not think anyone else does from what has been presented in the schedule of financial implications that we have got in front of us. Likewise, under 2.6.3 the T.T.S. and the Planning Department and others have agreed that there will be knock-on traffic problems to solve in terms of the junctions at West Park and indeed in terms of heavier traffic that will be either traffic through the tunnel or indeed perhaps through a new road that is being mooted at this point that will run around the back of Commercial Buildings. All of these have cost overheads and implications to the public purse or to the Parish purse or to the W.E.B. purse or the developer's purse. We do not know who will be picking up these bills and I think we should. **[Interruption]** I would like to finish my points first and I will be making a recommendation and then we can see whether or not the Chief Minister is able to furnish the House with the answers to these points or indeed if there is another way of soliciting the information in order to put us all in a position whereby we can come to a serious decision based on the evidence in front of us. It does state that in relation to the improvement works to West Park Junction and Victoria Avenue that these works will be carried out as part of the development, but that is not the same thing as saying that all the costs will be picked up as developer's costs and if they are all I am asking for at this stage of play is that they be set out in a schedule on the right side in accounting terms to tell us what it is we will be picking up or what the developer or anybody else will be picking up. The next point, Sir, is 2.6.4. It is quite clear that there will be some disruption in terms of the traffic to the public in getting to and from work. In most commercial exercises in terms of development, the cost of this disruption is something that has to be considered. In doing a couple of calculations, if we are being told that envisaged delays in journey times will only be a matter of minutes, if you do a couple of rough and ready calculations, say 10 minutes or quarter of an hour a day, at £20.00 an hour or whatever, times the 8,000 people coming into the town and going out again, if you do the calculation over the period of the construction for the road, that adds up to quite a big amount potentially. It is all estimation, Sir, I know, and in achieving any sense in terms of financial evaluation one has to take into account the risk or the opportunity to make mistakes in making these calculations, but all of this is meat and drink to the firms who are employed to do it. There is no reference to the cost of this construction and it might well be a minor amount, but then

again it might be a major amount. In order to make a sensible appraisal as to the value of this particular deal... and I have no doubt that the overall £50 million or the £45 million road or the £25 million overage monies do represent a sizeable return in terms of potential to the Island. That said, there are other things on the other side of the balance sheet which should be referred to. Item 2.6.5, Sir, again because the Island is moving towards the adoption of what in places would be called a quango to carry out its development on behalf of it, and that is not meant in a derogatory fashion to the W.E.B. Directors or those who are dealing with these issues, but the relocation of the public car parking spaces from the current Esplanade car park will represent a loss of income to the Transport and Technical Services Department, which might be off-set by further charging at the proposed surface-level car park at the Elizabeth Terminal, which I am told is not under the auspices or the control of the T.T.S. Department but comes under Property Services, so you have got another department in the mix, so who gets the displaced income is not quite clear. I did take the time to speak to the Directors on W.E.B. and the T.T.S. Department and others before I made these comments and although there is a suggestion that the car parking is going to be displaced to the benefit of the Island, what people must realise is that the ownership of the car parking that is going to be replaced at the Esplanade will go into the ownership of W.E.B. We could play semantics on this and say well it does not really matter because there is not a big difference between W.E.B. and the States, i.e. the Treasurer's purse, but there is because the W.E.B. Board is set up specifically to carry out the development for the Waterfront; and the Treasury is set up to take back any surplus cash revenues in order to put them into other schemes across a whole host of different areas of remit. The suggestion at the moment, and this is what I have been able to glean, is that although the car parking spaces will be built by the developer company at a cost of some £29-30,000 per space, there is a suggestion that those spaces be bought back by W.E.B. at a later stage at a discount, so that is not too bad. But we were not told what the discount is, and the revenues accruing to the running of the Esplanade car parks will then go into the W.E.B account to pay for urban regeneration or whatever, as has been set out within the terms of the agreements that we are being told will be struck if we go ahead and agree with this part of the proposition. All of this might be well and good in terms of profit and loss and balance sheets and all the rest of it, but at the end of the day I think it is unfair to ask any Member of this House to make a balanced decision if we have not been shown the plusses, the minuses, the pros and the cons of operating in this particular direction. Members of the Council of Ministers must not be upset at the comments that I am making. I am not indicating that we should be scrapping the deal, as perhaps the Chief Minister was suggesting, but on the contrary. What I am suggesting is that I would like the whole of the exercise to be undertaken in as inclusive a fashion as perhaps the Planning Minister has undertaken his part of the proposition. Frankly, Sir, and we have to be honest in this respect, I do not think the same level of inclusion can be attributed to the financial part of the proposition. There are a couple of other points, Sir. In 2.6.6, this £500,000 per annum was mentioned on the Talkback programme just recently where I appeared with the Planning Minister and I raised it and suggested that if you did the base arithmetic that could represent a sizeable chunk of monies that the Island would have to pay. On a surface level you could perhaps suggest that if you did not do the proper financial calculations in a different way that perhaps the benefit of the £120 million potential to the Island would be off-set by the £75 million in terms of admin costs for running the road. On that particular programme we had the useful suggestion from the Planning Minister, from his accounting days, that perhaps the creation of a sinking fund might be a way of taking some element of the public monies that would accrue from the overall scheme and to ring fence them and put them into a different fund in order to pay for the maintenance. Under 2.6.7., as referred to by the Deputy of St. Ouen, if we take this proposition at face value we have difficulties because on previous occasions the ruling has always been that any decisions in the House generally go with what is in the proposition. But the practice has been allowed to creep in whereby the proposition refers to reports and if indeed, Sir, the wording of the reports is not the intention of the proposition - and in this particular case I do not think it can be - then we find ourselves in a position to be dismayed if we think we are going to be voting for something and we find out at a later stage that we are not getting

it. So under 2.6.7 it does suggest that the cost in maintaining the fabric of the tunnel and providing power will be met as usual by the Department of Transport and Technical Services but it should be noted that at present the department has not been allocated a budget from which to fund this ongoing obligation. We have got annual business plans that have not been mentioned and we have got the budget coming up and it is a sizeable mission into the future. It is therefore proposed that the appropriate allocation will be included in the department's annual budget, but only from 2012 onwards. Again, that might be fine when the tunnel first comes into use, the allocation will be funded from States general reserves, so we are not necessarily going to be ring fencing an amount from the proceeds as a sinking fund, we may be calling upon the States budget at budget time to find an extra £500,000 allocation in order to assist the impoverished Transport and Technical Services' budget to provide for this element of increased maintenance. As I have said all along, I do not mind how it is done and there are half a dozen different ways of dealing with these things, some more acceptable than others, but the key issue is that in asking States Members to agree to this, we should have what is on one side, the monies coming into the Island, the monies coming out from the States Treasurer's Exchequer or pot and we should know where we are. One or 2 final points, Sir. Inherent among all plans is the potential for one policy to contradict other policies and indeed in relation to the suggestions in 2.11 that the Masterplan proposes a sustainable waste management plan will be adopted which demonstrates the highest achievable level of recycling with extracted material and best practice for the removal and disposal of such material, bearing in mind that as much extracted material as practicable will be recycled on site while any remaining extracted material will be deposited at La Collette, it does strike me, Sir, that we have a conflict in what the Environment Minister would like to do in setting out guidelines, hopefully to be followed to the letter, to achieve recycling rates of the materials. Not the aggregates, as has been mentioned by T.T.S. if you speak to them, aggregates and the materials taken out of the site are 2 different things, because useful aggregates may well be contained in the material, but we have to bear in mind that the site was used to dump other materials, some of which will require further treatment and that is right in terms of their hazardous components and potential. But there will definitely be a lot more materials in terms of fine materials which are not suitable for aggregate recycling, are not suitable for putting into La Collette in order to provide a dense enough base for further redevelopment. The long and short of it is that the T.T.S. Department derive through their tipping charges an income from any material that is going to be passing through their gate. Sir, we are going to find ourselves in a state of conflict between one department and another, whereby T.T.S. may well be coming back saying in order to keep their tipping charges to the level that they think they should be at, and they have already identified an emerging pressure in terms of a £400,000 shortfall in tipping charges as part of this year's annual business plan, then we might well find them making a very strong case to ignore the wishes of this House as expressed through the Minister for the Environment. As I said earlier, Sir, I think we need to know exactly where we are in order to feel secure that whatever decision we are going to take has been based on the full evidence available in order to make the best decision possible. One last point, Sir, if we are going to be adding value to this decision, there are at least 4 different ways that we could do it. We could, as may well be suggested, just vote against, but I do not think that is playing a very good part. Alternatively, it could be argued that we should just vote for, but blind in the knowledge of any hidden costs. We could ask for an in camera debate if indeed some of these clauses have already been placed in the leases in order to tie the hands of the developer in terms of delivering what we have previously agreed through the Masterplan. We could possibly call for a further reference back, but it is getting late and I think Members' patience would not accept that. Alternatively, we could pick up on the point by Deputy Egré who suggested that although the scrutiny process has already taken place, the actual remits under which the scrutiny took place did not go far enough. So I think, in terms of the hierarchy of choices, I would be tempted, at this stage, to suggest that we go for the latter one and I would like to invoke Standing Order 79 to suggest that the debate be suspended to acquire the details that we have been discussing and that those details be acquired through a very short scrutiny process that need take no longer than a couple of weeks and then we

can all return to the debate safe in the knowledge that all the things that are causing problems and worries have been accounted for.

The Bailiff:

I am not sure that Standing Order 79 allows you to do exactly that. What Standing Order 79 allows you to do is to propose without notice that the debate on the proposition be suspended and that the States refer to the relevant scrutiny panel, that would be the Corporate Affairs Scrutiny Panel, so that it could consider whether it wishes to have the proposition referred to it.

Deputy R.C. Duhamel:

I think in doing that, Sir, there has to be a reason for suggesting that it be referred to the Corporate Services Scrutiny Panel and that would be to derive the answers to the areas in terms of the financial implications that have not been alluded to in the schedule that we have got before us.

The Bailiff:

I understand that, it is just that your proposition is framed by Standing Order 79.

Deputy R.C. Duhamel:

So what are you saying then, Sir? Are you saying that I can ask for the debate to be suspended and call for the States to request the Corporate Services to look into the issue and the terms of remit presumably would follow if they suggested they were going to go ahead?

The Bailiff:

You have explained what you think the Corporate Services Scrutiny Panel should do, but it is a matter for the relevant scrutiny panel to consider whether it wishes to have the proposition referred to it. The proposition that you would bring would be to suspend the debate and to refer the matter to the Corporate Affairs Scrutiny Panel so that it could consider whether it wishes to have the matter referred to it.

Deputy R.C. Duhamel:

I think I would like to do that, Sir, bearing in mind the speech from the chairman of the previous Scrutiny Panel who looked at the Waterfront leases.

The Bailiff:

That is your right under Standing Orders. Do you wish to make that proposition?

Deputy R.C. Duhamel:

It is either that or reference back that I think will get short shrift. I have made my mind up and I think I would like to go with that proposal under Standing Order 79.

The Bailiff:

Very well. Deputy Duhamel has proposed under Standing Order 79 that the debate be suspended and that the matter be referred to the relevant scrutiny panel with a request that they consider whether or not they wish to have the proposition referred to it. Is that proposition seconded? **[Seconded]** The proposition is now before the Assembly for debate.

1.15.1 Senator P.F. Routier:

Sir, I propose we do not.

1.15.2 Deputy G.W.J. de Faye:

Sir, I would like to address a few points. I have listened very closely to Deputy Duhamel's speech and I have to say that although he raises a number of points and I would like to record my very considerable thanks and appreciation for his concern for my department in particular, in particular

Transport and Technical Services' budget from 2011 onward, I have not heard anything that I would describe as a show-stopper for this element of the proposition. There are some quite good points to be taken up and I can certainly clear one up now. I am not sure if it is possible for my Chief Officer, who I know is in the precincts of the building, to tactfully remove the Chief Executive of W.E.B. The Esplanade car park belongs to W.E.B. and Transport and Technical Services' car parking budget and the issuance of scratch cards used therein have been effectively a very convenient gratuity to the States from W.E.B., for which I thank them very much. But Transport and Technical Services has realistically no say over the Esplanade car park. It is a W.E.B. car park already and all the issues about who is going to own it and who is buying it off Harcourt have frankly no relevance to the Transport and Technical Services Department and, in any event, they have no real relevance to the public either because there are public car parking spaces now on the Esplanade car park and when the development is completed precisely the same number of car parking spaces will be available for use by the public. The only difference is that they may be operated by a barrier system, as opposed to the use of scratch cards. As I say, Sir, I really see that we are getting into pretty significant minutiae here. I for one do not want to spend a lot of time working out how many minutes of traffic delays are going to occur over the 3 to 4 years of construction and if in any event my department could construe a suitable formula to work that out with any accuracy, what on earth is the relevance because who is going to pay the money to whom assuming this virtual reality calculation. We have already said there are going to be some delays obviously. It is a massive building project going ahead and there will be an element of disruption. We have narrowed it down and have said that the road will run as it is now for a very significant period of time, but there will be a couple of changeover periods. As I say, Sir, I see no reason at all why scrutiny would want to pour over the particular questions being floated by Deputy Duhamel or many other issues for that matter and I would strongly resist it. As I say, there are no show-stoppers in what I have heard so far and I see no reason to halt the debate.

The Bailiff:

I think Members would find it helpful, Deputy of St. Peter, if you could indicate whether or not your scrutiny panel would wish to receive a reference on this matter.

1.15.3 The Deputy of St. Peter:

Sir, yes, in the absence of my chairman, I am quite happy to offer that advice and I will do it via quoting from the document again that everybody should have had. It states here in the background to our initial review that the Corporate Services Panel, having acknowledged that the revised proposals for the area which form the heart of the new business centre for the Island and a prominent gateway to St. Helier, were: "A significant matter of public interest and agreed to undertake a review of the proposals within a specifically narrow purpose of examining the commerciality of the proposed arrangement between W.E.B. and Harcourt." That is what we did, Sir. I made it absolutely clear in my initial speech that we were satisfied with the work that we did then. We then went on to say: "The panel was aware that there were high significant social and economic and environmental issues relating to the planning, traffic and waste disposal, however these issues were clearly outside our remit." I stick to that comment, Sir, and I feel that we can add no more than what we have already done and therefore will not be offering the scrutiny.

The Bailiff:

I call upon Deputy Duhamel to reply to the Standing Order 79 proposition.

1.16 Deputy R.C. Duhamel:

I thank Deputy de Faye for his comments, but as usual in some cases he missed them by a mile. The key issue is whether or not the costs are significant to be borne by his department, any other department, the States as a whole, the States through W.E.B., the developer or anybody else. I thank Deputy Egré for his comments and just ask for the appel.

The Bailiff:

Very well. I ask any Member who wishes to vote who is in the precinct to return to his or her seat and I ask the Greffier to open the voting, which is for or against the proposition of Deputy Duhamel that the matter be referred to the scrutiny panel. [INSERT VOTE TABLE]

POUR: 1		CONTRE: 40		ABSTAIN: 0
Deputy R.C. Duhamel (S)		Senator L. Norman		
		Senator F.H. Walker		
		Senator W. Kinnard		
		Senator P.F. Routier		
		Senator M.E. Vibert		
		Senator T.J. Le Main		
		Senator B.E. Shenton		
		Senator F.E. Cohen		
		Senator J.L. Perchard		
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Connétable of St. Clement		
		Connétable of St. Helier		
		Connétable of Trinity		
		Connétable of St. Lawrence		
		Connétable of St. Brelade		
		Connétable of St. John		
		Connétable of St. Saviour		
		Deputy A. Breckon (S)		
		Deputy of St. Martin		
		Deputy G.C.L. Baudains (C)		
		Deputy P.N. Troy (B)		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy G.P. Southern (H)		
		Deputy S.C. Ferguson (B)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy G.W.J. de Faye (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy D.W. Mezbourian (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy A.J.D. Maclean (H)		
		Deputy K.C. Lewis (S)		
		Deputy of St. Mary		

The Bailiff:

Deputy Duhamel, have you finished your speech?

Deputy R.C. Duhamel:

No, I have just a few closing words, Sir. Having tested the machinery of government, I am yet to see whether or not the information that I will be calling for as being absolutely vital before any of us can be in the true position to determine whether or not what is being proposed is a sensible way

forward in terms of the financial costs that may be brought to bear in places that have not been identified as yet. I am not going to suggest a reference back. I wonder whether or not the specifics of the points I have made could be addressed through an in camera debate by the Chief Minister and would ask the Chief Minister to address the House briefly as to whether or not he thinks the schedules that I have been referring to have been carried out by W.E.B. and are in a position to be revealed in camera to other States Members. If indeed they are, then all well and good. If they are not, then I feel that by moving towards a request for an in camera debate to discuss those issues would be a meaningless or semi-meaningless exercise if the work has not been undertaken to achieve it in today's sitting.

Senator F.H. Walker:

Sir, could I perhaps respond to that and offer some clarity?

The Bailiff:

I do not think you can, Chief Minister. I am sorry, I am not sure I understood what the Deputy was asking. I did ask earlier on, before the Chief Minister concluded his opening speech, whether any Member wished to move that the Assembly move into camera but nobody wished to do that.

Deputy R.C. Duhamel:

That is right, Sir, but I did make the point, and I think which was well made at the time, that if we did that then that would mean there would be no public record of the points behind the debate and everything would be done behind closed doors. We did feel at the time I think in not picking up Deputy Southern's suggestion to go for a full in camera debate but only to perhaps invoke one on specific items to be revealed to those States Members before they make a decision.

The Bailiff:

I do not think it is open to do that at this stage in the middle of debate. If the Chief Minister wishes to propose during the course of his closing speech that he would like the Assembly to move into camera for that purpose then it would be open to him to do that.

Deputy R.C. Duhamel:

In that case, Sir, I close just by reiterating the point if indeed there are cost schedules that have been prepared by W.E.B. that could be shown to those Members of the States who would wish to see them or be advised of them, then perhaps he address that in his summing up.

1.17 Connétable G.F. Butcher of St. John:

Just a very short question. This House has been sold this project on the basis of £50 million up front and £45 million for a sunken road. I may have a memory problem, but I seem to recall in the early days when the sunken road was mentioned the figure was significantly less. What I wonder, Sir, is it possible to deal with the sunken road part on an open book basis, i.e. if it comes in well under the £45 million that there is a further advantage to the public.

1.18 Deputy P.V.F. Le Claire:

When the first Waterfront debate took place I went into great depths of investigation and my desk at the time was piled with papers, being a young, naive Deputy - I may still be a little naïve but not so young - I went into the accounts of the proposed developer in some depth with some accountants and I looked at everything I could to try and get an understanding of what was being proposed. My gut feeling at the time was that what was being proposed was not going to be good for Jersey and it did not really matter to me about how much it was explained to me about the deal not being a good one and the counter arguments from the Policy and Resources Committee and W.E.B. at the time that it was a good one. I was still able to make up a picture in my mind of what it would look like in 10 years time and the only thing that has really not come about that I had pictured in my mind was the wheel, Jersey Eye. Everything else that we see on the Waterfront was what I expected that

we would see on the Waterfront and that was why at the time I was so concerned, because I do not believe it delivers the significant outstanding natural, beautiful Waterfront that I had hoped for, as many Islanders had. It certainly did not do due justice to this magnificent castle, which I keep repeating, has significant historical global importance. We may never know how much money is in the developer's wallet and I do not know anybody that likes other people to know what is in their wallet. What we do know, and this is for certain - and most Members having more of it than I probably ever will see and more experience with it than I probably ever will have - that money is in short supply these days. Here, we have an opportunity to deliver a scheme when everywhere else in the world there is no money available to commit to this kind of a project. None that I know of. All of the economies around the world, barring perhaps India and China, huge schemes cancelled in Dublin I am being told by the Housing Minister, here we have something that will give us back the opportunity to have something worthy of sitting opposite our castle and something that would restore the vista of that castle and give us back the pride in our town that was taken away from us. I do not think there will be anybody else coming along with this kind of a deal and I do not think anybody else has got the money to come along or the interest. We must not forget, and on consideration I am not skipping across it lightly, Jersey has a lot of ground to make up, a huge amount of ground to make up in how it is perceived by the rest of the world given the current ongoing scrutiny that this Island is facing by the international media. Here we have an opportunity to deliver something to the people of Jersey that will enable us to have a future that will deliver opportunities for the people of Jersey by the outcome of the investment that this is going to make. If we turn this down, I believe it will be a serious shake to the confidence in Jersey. I remember being told that I should read the *Daily Telegraph* one day because a former company, well actually somebody I used to bodyguard owned that paper, but the former company I used to work for, Merrill Lynch, had just stopped the negotiations about moving into a new building after having got rid of its chief executive officer and had decided to stay put in New York and seek to extend its lease because it did not have the money to take up the new offices. The markets around the world are facing serious challenges and I just do not think, regardless of how many accountants we have or how many experts or how many formulas that people put in front of me, that the Waterfront could be any worse than it is. I do not see anything better than what is on the table today. Maybe the developers will make some money out of this. I have yet to meet a developer that did not make any money that was in business for a very long period of time. Developers take risks and they make money, but they develop. An interesting point was made to me at lunchtime by Senator Vibert: "A town must change, it must live, it must develop." I said in reply: "In order for a town to live, it must change and develop, it cannot remain static." We have an opportunity to correct what has been a disappointment and everybody is wondering about how much the developer is going to make. I am not wondering. The developer is probably going to make a bucket load but what I am sure about is that unless we agree the second part, we will not get the first part and there is one thing that I have grown up with in Jersey that I think many of us would agree has been the bane of Jersey society, let us cut a few pounds off the bottom line and have something just a little smaller. If we do not go with this financial package, then that is what we will get. We will get something just a little bit less than what we wanted. Just 6 inches short of an Olympic swimming pool so we cannot have the competitions. Just a little bit less than the best. We all know the reasons behind many of the States disasters, one of them at the airport with the foam. All of these issues revolved around whether or not we decided we spent money when we should have spent money or whether or not we went for the full scheme. I think this is an opportunity for the States of Jersey to say: "Hey, you have got the money, nobody else seems to have the money, you put up the money, you give us what we want, you give us this scheme. We have approved the Waterfront design brief in the first part; you deliver with this money the first part. That is the condition and you can have the second part. You can make your money. Make your money and good luck to you. Give us the first part." If we do not support the second part today then I am certain that we will not get anything like the first part and just as they did in New York I believe the people that are looking to invest will consider what they are doing.

1.19 Deputy G.W.J. de Faye:

Point of order, Sir. I do not see the Senator and I am sure I am very sympathetic because I also sense the mood in the House for an adjournment, but I do want to just test one thing. Clearly there are a number of Members, there may be only a handful, who are of course aware that the Chief Minister has some additional information that can only be revealed in camera and to test the mood of the House, Sir, I wonder whether given the time, I imagine the Chief Minister would only take about 5 minutes, whether it would be convenient to hear that now. The journalists will have to be cleared and they might as well go home because if we hear what the Chief Minister has to say in camera, we can then adjourn immediately afterwards.

The Bailiff:

I think it is a matter for the Chief Minister, Deputy, as to whether he wishes to. He is the person who is going to give his closing speech in due course and I do not think we can at this stage interrupt the debate to allow the Chief Minister to speak twice. That is the procedural problem with what you are suggesting. That is why I invited Members before we had moved on from the Chief Minister's opening speech.

Deputy G.W.J. de Faye:

That is right, Sir. If I raise a point of order, of course I would have to establish whether the Chief Minister was in a position to speak in camera on a point of information, but that may be procedurally incompetent, and also judging from the mood of the Assembly, so, Sir, I will defer to a senior Senator for the next procedural issue.

Senator F.H. Walker:

Sir, I think it might help the House if I made it clear that I have not so far been requested to provide any information for which I think we need to go in camera. Frankly, the information being requested so far is pretty insignificant and I am quite capable and quite prepared to give that in open debate.

Senator L. Norman:

In that case, Sir, may I propose the adjournment in the hope and expectation that the Privileges and Procedures Committee are giving full consideration to just how we are going to complete this agenda.

The Bailiff:

Very well. If Members agree, we will adjourn until 9.30 tomorrow morning.