

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 22nd JUNE 2011

<b>QUESTIONS.....</b>	<b>5</b>
<b>1. Urgent Oral Question.....</b>	<b>5</b>
1.1 Connétable A.S. Crowcroft of St. Helier of the Minister for Transport and Technical Services regarding the ordering of railings for the St. Helier Town Park.....	5
Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):	5
1.1.1 The Connétable of St. Helier:.....	5
1.1.2 Deputy D.J. De Sousa of St. Helier:.....	6
1.1.3 Deputy A.K.F. Green of St. Helier:.....	6
1.1.4 Deputy J.B. Fox of St. Helier:.....	6
1.1.5 Deputy M.R. Higgins of St. Helier:.....	6
1.1.6 Deputy D.J.A. Wimberley of St. Mary:.....	7
1.1.7 The Connétable of St. Helier:.....	7
Deputy S. Power of St. Brelade:.....	7
<b>PUBLIC BUSINESS - resumption .....</b>	<b>8</b>
<b>2. Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)).....</b>	<b>8</b>
2.1 Deputy J.A.N. Le Fondré of St. Lawrence: .....	8
2.1.1 Deputy T.M. Pitman of St. Helier: .....	9
2.1.2 Deputy M.R. Higgins:.....	10
2.1.3 Senator A. Breckon: .....	10
2.1.4 Deputy P.J. Rondel of St. John (Chairman, Environment Scrutiny Panel): .....	11
2.1.5 Senator S.C. Ferguson: .....	11
2.1.6 Deputy G.P. Southern of St. Helier: .....	11
2.1.7 Connétable P.F.M. Hanning of St. Saviour: .....	12
2.1.8 Deputy J.A. Martin of St. Helier: .....	12
2.1.9 Senator F.E. Cohen (The Minister for Planning and Environment):.....	13
2.1.10 Senator F. du H. Le Gresley: .....	13
2.1.11 Deputy P.V.F. Le Claire of St. Helier: .....	14
2.1.12 The Deputy of St. Mary:.....	16
2.1.13 Deputy M. Tadier of St. Brelade:.....	17
2.1.14 Deputy C.H. Egré of St. Peter: .....	18
2.1.15 Deputy J.B. Fox: .....	18
2.1.16 Senator A.J.H. Maclean:.....	19
2.1.17 Deputy J.A.N. Le Fondré: .....	19
<b>2.2 Island Plan 2011: approval (P.48/2011): forty-seventh amendment (P.48/2011 Amd.(47)).....</b>	<b>23</b>
2.2.1 Senator F.E. Cohen:.....	23

2.2.2 Senator J.L. Perchard:.....	24
2.2.3 Senator P.F. Routier: .....	26
2.2.4 Deputy D.J. De Sousa:.....	26
2.2.5 Deputy J.A.N. Le Fondré:.....	27
2.2.6 Senator T.A. Le Sueur: .....	29
2.2.7 Senator A.J.H. Maclean:.....	29
2.2.8 Deputy G.P. Southern:.....	30
2.2.9 Deputy M.R. Higgins:.....	30
2.2.10 Deputy J.G. Reed of St. Ouen: .....	30
2.2.11 Senator F.E. Cohen: .....	31
<b>2.3 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 10 .....</b>	<b>34</b>
2.3.1 The Connétable of St. Helier:.....	34
2.3.2 Deputy P.V.F. Le Claire: .....	34
<b>2.4 Island Plan 2011: approval (P.48/2011): sixth amendment (P.48/2011 Amd.(6)) .....</b>	<b>35</b>
2.4.1 Deputy R.G. Le Hérisser of St. Saviour: .....	35
<b>2.5 Island Plan 2011: Approval (P.48/2011): sixth amendment (P.48/2011 Amd.(6)) - amendment (P.48/2011 Amd.(6) Amd.).....</b>	<b>35</b>
2.5.1 The Deputy of St. Mary:.....	35
<b>2.6 Island Plan 2011: approval (P.48/2011): sixth amendment (P.48/2011 Amd.(6)) - as amended.....</b>	<b>36</b>
2.6.1 The Connétable of St. Saviour: .....	36
2.6.2 The Connétable of St. Brellade: .....	36
<b>2.7 Island Plan 2011: approval (P.48/2011): eighth amendment (P.48/2011 Amd.(8)).....</b>	<b>38</b>
2.7.1 Deputy A.E. Jeune of St. Brellade:.....	38
<b>2.8 Island Plan 2011: Approval (P.48/2011): thirteenth amendment (P.48/2011 Amd.(13)) .....</b>	<b>38</b>
2.8.1 Deputy A.E. Jeune:.....	39
2.8.2 The Deputy of St. Mary: .....	39
2.8.3 The Connétable of St. Brellade: .....	39
2.8.4 Senator F.E. Cohen:.....	39
2.8.5 Senator S.C. Ferguson: .....	39
2.8.6 Deputy M. Tadier: .....	40
2.8.7 Deputy S. Power:.....	40
2.8.8 Deputy A.E. Jeune:.....	41
<b>2.9 Island Plan 2011: Approval (P.48/2011): forty-eighth amendment (P.48/2011 Amd.(48)).....</b>	<b>42</b>
2.9.1 Deputy D.J. De Sousa:.....	43
2.9.2 The Connétable of St. Helier:.....	43
2.9.3 The Connétable of St. Saviour: .....	44
2.9.4 Senator F.E. Cohen:.....	44
<b>2.10 Island Plan 2011: Approval (P.48/2011): thirty-third amendment (P.48/2011 Amd.(33)).....</b>	<b>44</b>
2.10.1 Deputy D.J. De Sousa: .....	44
2.10.2 Deputy A.T. Dupre of St. Clement: .....	44

2.10.3	Deputy T.M. Pitman:.....	45
2.10.4	Deputy M.R. Higgins:.....	45
2.10.5	The Deputy of St. Ouen:.....	45
2.10.6	Deputy M. Tadier:.....	45
2.10.7	Senator F.E. Cohen:.....	46
2.10.8	Deputy P.V.F. Le Claire:.....	46
2.10.9	The Connétable of St. Helier:.....	48
2.10.10	Deputy J.A.N. Le Fondré:.....	50
2.10.11	Deputy G.P. Southern:.....	50
2.10.12	Deputy J.M. Maçon of St. Saviour:.....	51
2.10.13	Deputy D.J. De Sousa:.....	52
<b>2.11</b>	<b>Island Plan 2011: approval (P.48/2011) thirty-seventh amendment (P.48/2011 Amd.(37)).....</b>	<b>53</b>
2.11.1	Deputy J.A.N. Le Fondré:.....	54
<b>2.12</b>	<b>Island Plan 2011: approval (P.48/2011) thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 12.....</b>	<b>55</b>
2.12.1	The Connétable of St. Helier:.....	55
2.12.2	Senator P.F. Routier:.....	55
2.12.3	Senator F. du H. Le Gresley.....	55
2.12.4	The Connétable of St. Helier:.....	55
	<b>LUNCHEON ADJOURNMENT PROPOSED.....</b>	<b>57</b>
	<b>LUNCHEON ADJOURNMENT.....</b>	<b>58</b>
<b>2.13</b>	<b>Island Plan 2011: approval (P.48/2011) twentieth amendment (P.48/2011 Amd.(20)).....</b>	<b>58</b>
2.13.1	The Deputy of St. Mary:.....	58
2.13.2	Senator F.E. Cohen:.....	62
2.13.3	Senator S.C. Ferguson:.....	63
2.13.4	Deputy P.V.F. Le Claire:.....	63
2.13.5	Senator T.J. Le Main:.....	64
2.13.6	Deputy M. Tadier:.....	64
2.13.7	Senator A.J.H. Maclean:.....	64
2.13.8	Senator F. du H. Le Gresley:.....	65
2.13.9	Deputy M.R. Higgins:.....	65
2.13.10	Deputy G.P. Southern:.....	65
2.13.11	Senator P.F. Routier:.....	66
2.13.12	Deputy D.J. De Sousa:.....	66
	Mr. T.J. Le Cocq Q.C., H.M. Attorney General:.....	66
2.13.13	The Deputy of St. Mary:.....	67
<b>2.14</b>	<b>Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraphs 13 and 14.....</b>	<b>68</b>
2.14.1	The Connétable of St. Helier:.....	68
<b>2.15</b>	<b>Island Plan 2011: approval (P.48/2011): tenth amendment (P.48/2011 Amd.(10)).....</b>	<b>69</b>
2.15.1	Senator J.L. Perchard:.....	69
2.15.2	The Connétable of St. Lawrence:.....	72
2.15.3	Senator F.E. Cohen:.....	74
2.15.4	Deputy M.R. Higgins:.....	75
2.15.5	Deputy M. Tadier:.....	77

2.15.6	Senator T.J. Le Main:.....	77
2.15.7	Deputy G.P. Southern: .....	78
2.15.8	Senator P.F.C. Ozouf: .....	80
2.15.9	Deputy D.J. De Sousa: .....	81
2.15.10	Deputy T.M. Pitman: .....	81
2.15.11	The Deputy of St. John: .....	81
2.15.12	Senator F. du H. Le Gresley:.....	83
2.15.13	The Deputy of St. Peter:.....	84
2.15.14	Connétable G.F. Butcher of St. John: .....	85
2.15.15	The Deputy of St. Mary: .....	85
2.15.16	Deputy J.A. Martin: .....	86
2.15.17	Deputy P.V.F. Le Claire: .....	87
2.15.18	Deputy S. Power:.....	88
2.15.19	Deputy J.B. Fox:.....	89
2.15.20	Connétable J.M. Refault of St. Peter: .....	90
2.15.21	The Connétable of St. Brelade: .....	91

**ADJOURNMENT.....93**

[9:31]

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

## **QUESTIONS**

### **1. Urgent Oral Question**

#### **The Bailiff:**

Now before we begin there are 2 matters. First of all, Deputy Charles Parkinson, the Treasury and Resources Minister for Guernsey is in the gallery visiting Jersey today and I am sure Members would like to welcome him. **[Approbation]** Secondly, I have given leave for an urgent question to be asked by the Connétable of St. Helier. It seems to me it would be convenient to do that at this stage before we resume debate upon the Island Plan. So, Connétable, would you like to ask your question?

#### **1.1 Connétable A.S. Crowcroft of St. Helier of the Minister for Transport and Technical Services regarding the ordering of railings for the St. Helier Town Park.**

Will the Minister agree to place on hold the ordering of railings for the Millennium Town Park until the outcome of the debate on the proposition of Deputy De Sousa Millennium Town Park: railings P.117/2011 is known?

#### **Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):**

I would first like to start this answer by saying that the Transport and Technical Services Department has been charged to deliver the Millennium Town Park and its name in itself indicates that the project is long overdue, as all Members will know. We are forging ahead with this project and have undertaken it in a proper way. We have consulted with numerous people and the feedback has been significant. We have charged a professional designer to design the park and the park designs have been well circulated. Subsequently, there has been a petition with 400 signatories asking for railings. We have had numerous meetings with the Friends of the Town Park, we have had numerous meetings with politicians of the area and the result is that there have been several changes of mind in that the roads surrounding the park were to be closed initially and are now to be opened. This has cast a different set of circumstances on the project and thrown in some safety issues, which has resulted in the requirement for railings from the Planning Department. Having said that, the area under contention, as I understand it, is the area at the Talman end, which is the Bath Street or David Place end of the site. My suggestion is that I would rather not put on hold the whole of the railing order because I understand that the Gas Place end is not contentious. I would rather be given leave by the House to proceed with those and discuss the Talman end upon completion of the road improvements, which will take place towards the end of the year. The granite work on the road will incur the necessity to close the roads for a period of time and I think at that point it will be the period best judged whether to have the low railings at the Talman end. So I would respond to the question directly by saying I would rather not hold the ordinance in its entirety because that will then prolong the delivery of the town park even further than it is already and I do not think it will serve any material purpose. I am happy to discuss the situation further with Deputy De Sousa by way of a comment later on or by way of informal meetings so that all parties can be satisfied.

#### **1.1.1 The Connétable of St. Helier:**

I am grateful to the Minister for his concession and that is indeed of comfort to us. Could he further clarify or confirm that, while we appreciate the need to get this job done after 12 years of waiting, it is important that it should not be rushed. Phrases have been used at officer level such as “sacrificial turf”, in other words, that the park may be hurried into a state of completion for its grand opening with work that will then be undone after the opening. That, I think, would be of real

concern to ratepayers and taxpayers and I would ask him to confirm that the job will not be rushed and if he needs more time to get it finished, he will delay the opening by a matter of weeks or possibly months.

**The Connétable of St. Brelade:**

There are 2 issues there which I would like to answer: one is in terms of sacrificial turf. I think at any opening ceremony if there is to be one, and I am sure there ought to be as we have waited so long for it, there will be, inevitably, initial damage. I think in terms of sacrificial areas it does need to be accounted for and dealt with. In terms of delay, delay to me means cost and I am very conscious of the tightness of the budget on the town park. So while I take the Connétable's point and would not wish the project to be rushed, I do not want it to cost any more.

**1.1.2 Deputy D.J. De Sousa of St. Helier:**

I thank the Minister for his reply this morning. **[Interruption]** I just wonder if the Minister would clarify... and I will meet with the Minister to discuss a way forward and if it is satisfactory then I will withdraw the proposition that is in place. I just wonder if he could categorically assure the Assembly and members of the public that he is 100 per cent sure that no child will ever be impaled on these railings because the designs that we have seen are really not very good.

**The Connétable of St. Brelade:**

I think it is unreasonable for anyone to expect me to give a 100 per cent assurance but in terms of design of the railings, I would like to think that they will be put in such a position that that will not arise. I have to say the primary reason - or one of the reasons - for the low railings around the Talman end of the park was to allow the formation of hedging which clearly takes some time. I suspect that after 2 or 3 years the hedging will subsume the railings and they will in time disappear completely.

**1.1.3 Deputy A.K.F. Green of St. Helier:**

Just widening the question but still with the Town Park. On Monday night we were surprised to hear that there was to be no changing place toilets in the park, which was part of the original plan. Since then, I am pleased to say, the Minister has confirmed to me there will be a changing place toilet, that is, a toilet for disabled people who need to have greater facilities than just wheelchair access. I wonder if the Minister would be good enough to confirm to the Assembly that there will be a ...

**The Bailiff:**

Deputy, I am sorry, this is an urgent question which was given specifically in relation to the question of railings, so I think we must confine ourselves to the urgent matter. **[Laughter]** I know the toilet can sometimes be a matter of urgency but ... Deputy Fox.

**1.1.4 Deputy J.B. Fox of St. Helier:**

Will the Minister give the assurance of re-approaching the States of Jersey Police with regards to design against crime in relation to these railings for the benefit of the security and safety of the people that will be living in and using the park? If there is any change, obviously. Thank you.

**The Connétable of St. Brelade:**

Yes, the department is in contact with the States of Jersey Police with regard to this and appreciate their input and hopefully that will be of benefit to all concerned. I would quickly just add that the department are happy to concede to Deputy Green's request in that design.

**1.1.5 Deputy M.R. Higgins of St. Helier:**

Following on from what the Constable said, if the railings are going to be subsumed in a hedge, why go through all the expense of purchasing expensive railings, installing them and so on? Why can temporary railings not be put in until the hedge has been reinstated?

**The Connétable of St. Brelade:**

While I take the Deputy's point, and I am all keen for saving funds, I think it is important to ensure that there is a permanent safety barrier should the roads remain open, which is the crucial point. In terms of conscious conscience, if you like, it is difficult to accept an open area, and that could be caused by temporary railings, should the roads be opened, of having the risk of children running out into an open road. That really is of quite grave concern to me.

[9:45]

**1.1.6 Deputy D.J.A. Wimberley of St. Mary:**

Could the Minister just confirm that a key consideration in whether to have railings or not is whether that road on the north side of the park is open in the normal sense or is basically "residents only" or very restricted in access? Is that a key consideration in the future discussions?

**The Connétable of St. Brelade:**

Yes, it is.

**1.1.7 The Connétable of St. Helier:**

Again, I am grateful to the Minister for his approach on this in agreeing that the Talman end of the park will not have these railings ordered until the debate. Could he further confirm that the Millennium Town Park support group, who have worked tirelessly for over a dozen years and whose signatures amount to far more than 400, will be fully involved in the stages leading up to the opening on 16th October?

**The Connétable of St. Brelade:**

Absolutely. They are an essential part of the whole process of creating the town park.

**The Bailiff:**

Very well, that concludes the urgent question. Then before we resume debate the Greffier has received notification from Deputy Power that he proposes to withdraw the 27th amendment. Deputy Power just said: "All Members can be aware of the position." Can you confirm to Members whether that is the case?

**Deputy S. Power of St. Brelade:**

Yes, Sir, I did submit to you this morning the reason for that and if I am allowed read it, it would be less than 2 minutes.

**The Bailiff:**

Yes, by all means speak for a moment about the reason.

**Deputy S. Power:**

I was in London yesterday at the Houses of Parliament during a prayer breakfast. During the breakfast there was a flurry of emails between various parties, the Jersey Construction Council and the Association of Jersey Architects. I do not know whether there was any sort of divine or political intervention as a result of this but I do believe that Senator Cohen has now agreed with the J.C.C. (Jersey Construction Council) and the Association of Jersey Architects a number of significant compromises that suggest to me that I am not alone, but I am better negotiating and working better with the Senator to effect a result on the troublesome area of affordable and social housing. It was also made clear to me and to Deputy Le Claire that the Jersey Construction Council and the Association of Jersey Architects had initially agreed last weekend to support the rally in the

Royal Square today and yesterday seemed to change their mind completely and withdraw support. This is regretted but it leaves me and Deputy Le Claire with the decision now as to whether to go ahead or cancel the rally. Therefore, it seems, that without large scale support from the construction industry that the rally may not be that effective. Accordingly, I am withdrawing Amendment 27 because I now believe it is not in the best interests of States Members or indeed this Assembly to spend possibly hours debating an amendment when the Minister, with myself, Deputy Le Claire and Deputy Le Fondré, are possibly close to reaching a compromise solution. I do hope that the Minister will at some time this morning confirm this. On the complex and vexatious area of affordable housing and social housing, I do say that the Senator has my trust. Finally, Deputy Le Claire and I will be in the Royal Square at lunchtime to meet those that may turn up. Thank you.

## **PUBLIC BUSINESS - resumption**

### **2. Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37))**

#### **The Bailiff:**

Very well, so that amendment is withdrawn. Then we return therefore to the Order Paper and the next matter is the 37th amendment, paragraph 2 lodged by Deputy Le Fondré. That is a long amendment and with Members' permission we will take it as read and therefore before inviting Deputy Le Fondré to propose it, Minister, can you indicate whether you will be accepting any of it?

#### **Senator F.E. Cohen (The Minister for Planning and Environment):**

I will be accepting parts (a), (c) and (e) and rejecting parts (b), (d) and (f). Thank you.

#### **The Bailiff:**

Very well, accepting (a), (c) and (e) and rejecting the others. Deputy Le Fondré.

#### **2.1 Deputy J.A.N. Le Fondré of St. Lawrence:**

As we have just heard, the Minister is accepting (a), (c) and (e) which is basically all to do with internal space standards. The reason I brought this amendment is irrespective of whether one is a proponent of apartment living or not and the issues that surround it. In my view, there are a lot of apartments being constructed on this Island. What I was intending in respect of this amendment is that if one wants to make sure that such apartments are of an appropriate quality and not built to the lowest common denominator there are 2 key aspects of spatial standards and noise. That is, noise transmitted from one flat to another, whether it be via the ceilings or walls, or whether the external noise generated from one flat can significantly disturb another, perhaps due to hard materials magnifying - what I will call the echo impact, as it were - noise generated in the estate. Appendix A in the Island Plan does refer to the intention to produce a Supplementary Planning Guidance on noise but that could be a different type of noise. The reason I have raised this is that we seem to argue that from time to time ... and we are following U.K. (United Kingdom) standards for whichever ones. Then we get stories that in development X they put in cut-down furniture to make it look bigger and then when individuals buy a flat and try to move their own furniture into it, they suddenly find it does not fit. That is why I welcomed the Minister's previous decision to increase the then minimum by 10 per cent, however, we still seem to get comments and that is why I wanted to raise the emphasis. But similarly that is why I wanted to talk about noise; I suppose that is a statement in itself. I am not a technical person in planning terms and it appears to me that the argument against supporting parts (b), (d) and (f) is that they should be considered under planning bye-laws even though the comment does begin - that is in the large A3 sheets - that: "Deputy Le Fondré is right to be concerned about standards of sound insulation." As Members we do not get the opportunity to amend building bye-laws very often and in raising this I wanted to draw emphasis to it so it could be considered in the round. We could argue that there is a tension between bye-laws and planning stipulations. One would presumably expect the energy efficiency or carbon efficiency, depending on what you want to call it, of a building is laid down in bye-laws.



But if at the planning level, planning decision might require, say, particular types of roof style or even - I would hope not - that solar panels are put on the north side rather than the south side of the roof, all that sort of stuff, if that becomes the case, one is automatically making it harder later on to produce a more energy-efficient building which I would understand will come down to bye-laws. In other words, there needs to be a holistic approach rather than just pigeon-holing everything. There are 2 other comments in the reasons for not supporting this second part to my amendment, if you like, which I have a couple of issues with. Firstly, it says that the department has no record of complaints. Well the trouble is, that does not necessarily mean there is not a problem. It may be that there is just a general apathy towards making complaint, that people only find out that there is a problem once they have bought and moved in. To complain obviously takes more time and hassle and plus it might even impact on the value of their property, which they probably do not want to do. Bear in mind, this is purely to consider whether there should be any improvements. It does not say there should be, it is saying that as part of the general exercise one is doing on certain matters, sound should be a factor that is also reviewed. In 1.7 of the Island Plan it refers to applicants being required to submit more detailed information on a whole raft of issues, including noise levels and standards. Proposal 1 talks about the Minister issuing supplementary planning guidance to complement that which already exists. Paragraph 4.61 in section 4 and those following it leading up to Proposal 10 in the Island Plan then talks about, for example, the number of commercial occupants relocating to the new financial and business centre to be created in the Esplanade Quarter and the necessity to consider alternative appropriate uses such as conversion to residential. It then talks about issues such as sustainability, energy efficiency, amenity space, and indicates that the Minister is looking at measures to encourage regeneration in town and to quote Proposal 10: "To assist with the regeneration of St. Helier." Now as far as I am concerned, the quality of accommodation that results from these proposals is important. I am glad that the Minister has accepted part of the amendment and I would ask Members to consider whether they consider that the other issue I have raised is really so far out of kilter that it should not be reviewed at the same time. That is all I am asking for. I would consider that surely this would be an S.P.G. (Supplementary Planning Guidance) that complements that which already exists, and I do ask Members whether they would support the whole of the amendment. It is a fairly short matter. Thank you.

### **The Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak? Deputy Trevor Pitman.

#### **2.1.1 Deputy T.M. Pitman of St. Helier:**

I am always pleased to support Deputy Le Fondré especially since he has come back from the dark side. **[Members: Oh!]** The sound issue that the Deputy raises is something that is very important. I will not name the development in question but I had a couple who went to see a place with the lady's father and they were trying to talk to the sales person and they were very annoyed by this what we might call "wallpaper music" being played very loudly in the background and eventually asked if it could be turned down because they said: "It is stopping us hearing what you are saying about the development." Because when they did very reluctantly turn it down, the noise was all just bashing and crashing about. It was as if you were on just the other side of what they described as being a sheet of cardboard. I think anything like this is going to help because we do need to have some integrity with people who are going to develop for us. It is very misleading and very dishonest that you are not just going to buy a property and then find out that the furniture has been cut down for little people - I was not looking at the Minister for Planning and Environment - but that also you have to go about your whole daily and nightly existence with a whisper. So I am going to support Deputy Le Fondré fully on this. I think it is an important issue which is all too easy to overlook in the haste to get things developed. I welcome this and I would urge all Members to support him.

### **2.1.2 Deputy M.R. Higgins:**

Again, I will be supporting Deputy Le Fondré on this. One of my concerns is that St. Helier is going to become the main destination for most housing under this Island Plan and high density housing means that people are going to be thrust closer together and we are going to get more disputes between neighbours, and noise is going to be one of the main ones because I am absolutely amazed since I have been in the States the number of complaints I have had on this matter. I am very concerned about what appears to be buck-passing between the Health Protection Unit and the police and trying to get someone to take action on some of these complaints. So I would rather that we deal with these matters at the planning and building stage then try to deal with these disputes which take an awful long time to resolve afterwards. I would also echo what the Deputy is saying about floor space and about what is definitely mis-selling in the sense of developers showing show flats which have this purpose-built bedroom furniture. I went round one looking at it and there were no cupboards for people to store in. When I looked at the floor area, it included the balcony as part of the floor space for the flat. So, I think we have got a problem with some developers and we need to deal with these things now. As we are dealing with the Island Plan, let us get it right the first time. I will support the amendment.

### **2.1.3 Senator A. Breckon:**

I will definitely support this for a number of reasons. The noise pollution is an issue in new and old. Some of the older places have wooden floorboards and no insulation between them and I have known cases before the Rent Control Tribunal where it has been an issue. It is an issue as well, not just for the people who live there, but for neighbours. What you have is you have the noise of TVs, bathrooms, whatever it is, people's living noise that are polluting their neighbours. I think anything that increases the standard by the planning process has got to be a good thing to do. It is sensible and some places are better built and purpose built than others appear to be but when people move in they find out that they are not. The same applies to space. I have seen some big developments of flats but when you look at that of course with the planning process, if you can put another 30 flats on the development and cut the space down, then it will generate an extra £10 million or more. So obviously there is a reason for a developer or an owner or whoever it may be to put more flats on there. I have seen that happen on a number of occasions where even in a garage a developer mocked-up what the flat would look like and people went: "Oh, these are wonderful" and when they built them they were not like that at all and those were supposed to be for people with some mobility problems and special needs. What happened was, about another 30 apartments went on the development but again that is the £10 million. The other thing that has happened, some developers have been very creative in getting lounges into bedrooms into kitchens. It all seems to sort of come together as the living area combined. Add that to poor standards of insulation with the neighbours and somebody, when they move in, if they move in at 2.00 p.m. in the afternoon, it seems okay, but by 10.00 p.m. at night they realise that there are lots of other people living around them making a noise, which they had not bargained for; they had not bargained for everything. So, I think, I am not sure why the Minister for Planning and Environment is not accepting all of this because it is an improvement and it is, if you like, us as Government through the planning process giving people who are buying and spending terrific amounts of money some sort of quality assurance and quality guarantee. I welcome this and I hope the space thing will be an issue and the noise thing will be an issue because people do not always realise it, and as others have mentioned, some of this furniture is purpose-built.

[10:00]

I know of one case where a couple paid a deposit, an option to buy, and when they saw it the chap was fairly tall and he could not really get in the bedroom unless he laid diagonally, so that is really how it was, and that might sound daft but it is true. That was the reason why the lawyers were not very keen because the contract had been signed with guarantees. They did get their money back but that did not solve the problem of where they were going to live. So I hope Members will

support this and there are examples out there, and other Members have quoted it for the Minister for Planning and Environment, but for me this is something that he should be accepting. Thank you.

#### **2.1.4 Deputy P.J. Rondel of St. John (Chairman, Environment Scrutiny Panel):**

Over my time in 2 Parishes as a Centenier and also in my time as a Deputy in this House which goes back to 1994, I have had umpteen complaints about noise from neighbours. Generally they can be 2 super families, but one family continue to have a radio or a gramophone, whatever you call these things nowadays **[Laughter]** that plays bass that vibrates through the building, so much so I have had to deal with people who have moved house because of the noise coming from their neighbour's house. No matter how many requests those people make because they are semi-detached or town-type houses or flats, another member of the family will walk in who has not been involved in the original conversation and turns up the music. It is one of the biggest problems I would say I have had over a period of 40-odd years in office in one capacity or another and noise is one that comes through, probably more than any. As I say, all parties are super but for some reason or another; it may be somebody pulls a flush at 3.00 a.m. and it is a building that has been converted from a house into a number of units and they hear the water running through, not only from the flush but also from the header tank up in the loft when the tank is filling. This goes on week in, week out and people's nerves get frayed. Whatever can be done within the Planning Department to make life easier for people living cheek by jowl as is happening now, and is going to happen probably more in the future, to make people's life that much more comfortable, working closer together, I think this is an amendment that I hope the Minister will accept. Thank you.

#### **2.1.5 Senator S.C. Ferguson:**

The Minister says this is not a matter for the Island Plan. Well the Island Plan specifies so much with regard to lifestyle that I would think inclusion of this is totally sensible. We do have a problem with apartments and the current fashion for wood or laminate floors does increase the probability of noise from the flat above. It is the clatter of high-heel shoes and then somebody kicks off one shoe and you are sitting there waiting for the other shoe to drop. **[Laughter]** It is funny once perhaps but if it goes on continuously then it is a problem. There is also the lateral problem; Deputy Pitman has mentioned wallpaper music, and the Deputy of St. John has mentioned bathroom ablutions and so on. I wish the standards to be as good as those of my New York apartment. **[Members: Oh!]** Yes. **[Laughter]** It was possible to have a gathering of students, about 30 in a single-bedroom apartment which was fairly noisy but none of our noise, which was substantial, could be detected either from the flat above or the apartment below or the ones on either side and that was a building built in 1860. Surely with modern materials we can achieve good standards. Also there have been a number of complaints or comments on the design of apartments. I do wish our architects could look at some of the American designs which have more than adequate storage space. They put the cabinets in the bathroom. We were shown some flats by a particular developer when I was first elected and I will confirm what other Deputies have said that there was no storage space, there was not even a cupboard in the bathroom. I mean, really. I support Deputy Le Fondré's amendments and I hope the Minister will think again and accept them.

#### **2.1.6 Deputy G.P. Southern of St. Helier:**

Not only do I support Deputy Le Fondré but I thank him for bringing this proposition. I am absolutely amazed to hear that the Minister for Planning and Environment does not consider that this is a problem or thinks it is a minor problem. It is the most common problem and certainly living in town I was going to say: "I wonder what planet he lives on?" but I know what Parish he lives in. Maybe he does not have noisy neighbours out in St. John but I know plenty of people who do have noisy neighbours and they live apparently cheek to jowl and it is the most common complaint. Perhaps I should have amended the amendment to suggest that every time I get a complaint... and these are very difficult to resolve. Ask the police; ask anybody. They are very

difficult to resolve as to who is to blame and what level of noise is acceptable and what is not. I think my future tactic when somebody phones me up and complains about a noisy neighbour will be to phone Senator Cohen and say: "You deal with it. You left this out of the Island Plan; it is your fault." So at 2.00 a.m. I will have a little chat to - it will be ex-Senator by then - Mr. Cohen in St. John and say: "Come and sort this noisy neighbour dispute, will you? Thanks a lot. There is a good chap." Thank you.

### **2.1.7 Connétable P.F.M. Hanning of St. Saviour:**

There are a couple of issues here. One is that standards always rise. In a few years' time, people will be looking for better standards of living and better standards of comfort than is acceptable now. I think when we are looking at design and the way buildings are constructed, we need to look ahead and make provision for this. Now you cannot increase the size of a building once it is built. Your rules will be governed by the area that you have in total. So I think we need to make provision, as they are saying now, for increasing the size. That is fine. But for sound insulation you have a problem with high frequency and low frequency sound. Some, I believe it is high frequency, you can help by putting in insulation once the building is built but low frequency is very difficult because of the way the building is constructed. That has to be taken care of at the time of design. We need to look at this right from the beginning to make sure we get it right. The downside to all of this is that there is a cost. All the time we are worrying about the cost of providing homes, we have to realise that if we want higher standards they will cost more. But it costs an awful lot less to do it at the design stage and build stage than it does at a later stage when we have it wrong. Let us get it right now.

### **2.1.8 Deputy J.A. Martin of St. Helier:**

I follow on from the Constable of St. Saviour and I will use the word again "town-cramming" and I will be again told by the Minister for Planning and Environment that it is not because the designs are already going to be 10 per cent larger than they are now. Everybody has described the very small apartments where you need purpose-built furniture, so 10 per cent larger than that is not a lot. Now why is the Minister for Planning and Environment not accepting this? The Constable of St. Saviour put his finger on it exactly: money. It is going to cost money to soundproof these very high-density apartments. The Minister for Planning and Environment is shaking his head. Well, I am probably not as gullible as Deputy Power, and I have been here before in 2002 when I had assurances from Ministers for Planning and Environment who were leaving and have left and nothing ever got done. This needs to be put in the planning law. If developers do not want it and the architects do not want it, tough. If they are going to build high-density flats, small flats where people are living on top of one another, and they will be the majority in town, this needs to be done. Now the Minister's comments about "there is no evidence and if there is it should be cleared now by the bye-laws" is absolutely naïve because as the Constable of St. Saviour said, once something is built ... oh, it is all right, the Minister for Planning and Environment is more interested in chatting to the Minister for Treasury and Resources, I suppose. As you say, we have assurances from a Minister for Planning and Environment who is not standing next time; he will not be here. We have already heard this morning that there is no longer any upset with the Association of Jersey Architects and the construction industry because the Minister for Planning and Environment has done some sort of deal. Well did they not like this one either? Did they not like the: "You must make sure that your apartments have got a bit of soundproofing" so the Minister for Planning and Environment rolled over again. I am sorry, that is exactly what it is. It is going to cost money but if you want to put these apartments in town ... they are not apartments; that is an American word that Senator Ferguson would like to see. They are small, tiny, cramped flats and I do not care what anybody says, the Minister for Planning and Environment wants to open his eyes and literally go round some of the districts 1, 2 and 3 and see how people live. I am very sorry, this comes down to money and I think the Minister has been pressurised again by the people who stand to make the most money; the same people he absolutely criticised in his opening speech yesterday. I know he is

going to talk after me. He should accept this and I hope he does accept it. It is absolutely simple and it must be done. Thank you.

### **2.1.9 Senator F.E. Cohen (The Minister for Planning and Environment):**

I find the comments of Deputy Martin literally extraordinary. How she can possibly say that I am not supporting this amendment because I am concerned about costs and someone has got at me is quite beyond me. The reality is there is nothing I want more than to deliver the highest quality apartments in the town, that are of high-quality design, of large space and that are soundproofed. I can assure Members that no one has even spoken to me about this issue. The reason that I have taken the view that I have laid out in my comments is because this is the mechanism that has been advised through the department, which is that the building bye-laws deal with the matter of noise. I rather set my own trap by telling Members yesterday that I have recently discovered that I am partially deaf but that is not the reason why I do not support this proposal by Deputy Le Fondré. The reason I do not support this proposal by Deputy Le Fondré is very simple. It is because this matter is better dealt with by building bye-laws. If Deputy Le Fondré has a concern about this matter, I am more than happy to invite him to work with the department and the Director of Building Control, who is a first class officer, to bring forward changes to the building bye-laws quickly, which I am more than happy to implement should there be any inadequacy shown. I am entirely co-operative in this process. I know that the Deputy of St. John has mocked me previously for including every States Member in different projects but the reason for doing that is I believe that if a States Member has expressed an interest in a particular area, it is right and proper that they should be involved in resolving the issue and that they should not just raise the issue and be told by the Minister what to do. I am more than happy to place Deputy Le Fondré in total charge of this area to examine the issue - he has gone to sleep, I think **[Laughter]** - to identify any problems. It is my view that the building standards that we currently have in place are adequate. I believe that modern buildings are built to high sound insulation standards.

[10:15]

I am very well aware that lots of old buildings are not. It is very difficult to introduce retrospective legislation that requires everyone to suddenly sound-insulate all their buildings. We can control it at the point that a planning application appears, but I am entirely supportive of the principle; it is just the mechanism that Deputy Le Fondré has put forward is not the correct mechanism. It is the right mechanism in relation to space. I am happy, as I have said, to increase the size of apartments. I do not want to see furniture that is too small and having to be specially made for apartments. I have not seen that myself but if it is the case I certainly would not be proud of it. We are delivering now really good accommodation. I went only last week to see the first show house at the dairy site; it is absolutely fabulous. It is a cracking scheme designed by a fabulous classical architect. It is very spacious and I would be more than delighted to live there. The standard of room size, the standard of fittings in the house, the standard of finish, the standard of noise insulation is all exemplary and will put us right at the top of the tree in terms of European construction standards. So if there is any inadequacy in the issue of sound insulation and the building bye-laws, I am more than happy to adapt them and to do it instantly. I am not concerned with the threats of Deputy Southern that he is going to wake me up at 2.00 a.m. because I am usually awake at 2.00 a.m., Deputy, so you are more than welcome to call at any time. **[Interruption]** As I have said, the Deputy is more than welcome to call me at any time, I always enjoy chatting to him. **[Laughter]** I must conclude by saying that I am very sorry that I did not know Senator Ferguson in her partying days when she had an apartment in New York, because it all sounds pretty good fun but I am sorry that she found it too noisy when she came back to Jersey. Thank you.

### **2.1.10 Senator F. du H. Le Gresley:**

It is quite difficult to follow the Minister after that little speech but I would point out that possibly the reason his department has no record of complaints about poor sound insulation is the very

reason that he alluded to. It is that a lot of the complaints, certainly in my old job at Citizens Advice, were in connection with old conversions of townhouses and not in new buildings as the Minister has quite correctly pointed out. That is why I think it is important that we do accept Deputy Le Fondré's amendments so that it is absolutely clear to anybody that we are very concerned about sound insulation. I need to remind the Minister that a lot of people live and sleep in what is called "bedsit land" for non-qualified and there is a particular problem there with sound insulation. Of course, a lot of our town workers do shift work and find it very difficult to sleep in the day time because of poor sound insulation. I think it is a very important matter and irrespective of whether it is covered in bye-laws I believe it should be in the Island Plan. Thank you.

### **2.1.11 Deputy P.V.F. Le Claire of St. Helier:**

I live in one of probably the noisiest parts of town and certainly in any evening past 9.00 p.m. the windows and doors and outer doors, unless it is extremely inclement weather, the windows, et cetera, are closed. For years we have been talking about complaints in regards to nuisance. I am sure Members will remember that I asked the Minister for Health and Social Services to undertake a study of the nuisance law in a previous Assembly because of the complaints from one vociferous neighbour opposite the Seigneur de St. Ouen's Manor who impinged upon the ability of St. Ouen's Manor to have wedding fairs to maintain the manor to keep it open for the public. That caused me great concern that one neighbour in St. Ouen can have that effect upon such a generous family who are giving access to their home in so many different ways just to be able to maintain the thing. I think it is really very important that we consider what has not been done in relation to addressing the issues. Today we received an email from one of the States communication officers discussing our health and we are now going to give breathing classes to people with breathing difficulties. That is where our resources are going now: teaching people how to breathe who have pulmonary bronchitis and asthma when there has been nothing done about an air quality strategy or a nuisance strategy in relation to noise. Frequent attempts in the past by myself and in real practice in personal issues about trying to contain noise in and around where I live, and from neighbours who have complained about noise within the town, have been challenging, to say the least. Deputies of St. Helier No. 1 District and I, the Constable, the Honorary Police, various Ministers, including the Minister for Treasury and Resources, and the police officers within the community have been umpteen times to Berkshire Court to try to address some of the noise issues there and the complaints they have. Invariably what we are told is: "Log it in, phone it up, get it into the police station, complain, get it on the log books and then we will try to do something about it." The reality is that we have an ever-increasing population issue and the more people that come in, the more noise there is going to be. At the moment we are doing all of our numbers based upon 150 heads of household which is our Imagine Jersey figure when in reality what we are seeing is 725 people coming in, above person deaths a year, every year for the last 4 years; 640 people every year on top of the people who are being born, another 250, coming into Jersey every year for the last 5 years. Not 325 - 640 - the last 4 years at 725. I discussed briefly with the Minister yesterday that there is a significant under-estimate in relation to the provision of housing and this particular element as a consequence, and this plan is going to try to address this problem that we have - it is a crisis - by increasing density. I spoke yesterday about the density levels and it is exactly that issue: when you close people together and make them live in confined higher-density neighbourhoods that you have greater noise issues. A plethora of examples could be given by myself about the issues in relation to difficulties in re-designing existing buildings. Not only do we have sites for special interests in town but we also have sites in different ownerships. Within a certain house ... I am sorry the Minister for Planning and Environment is going because I am trying to make an important point. Nevertheless, regardless of anybody paying attention I will say it and it is on Hansard. We recently have been looking - the Planning Applications Panel - at a site in St. Saviour which has been split up into so many different units that the ground floor unit, which they wanted to turn into a bedsit which is now vacant, cannot deliver a shopping unit. We could not approve it because it was too small. So the owners are left there with this house and several different parcels of

ownership with a unit of accommodation we desperately need that they cannot get permission for. It is just sitting there vacant. We are at an impasse because we have allowed these houses to be broken up and sold into share transfer units. Because those houses in themselves may then be, as I said, in sites of special interest, it is very difficult to increase and design those things out. But if we are looking for noise, let me make a noise. Look at this Le Coin site delivering sites on States-owned land. Members may not know of this site just opposite Ann Court where there is a pub - or there was anyway last time I looked - just down the road from the Mayfair Hotel which is going to be designed and built into multiple flats. There is a huge State site been sitting there doing nothing. Now if you look at the town capacity studies that were undertaken by the planners in relation to the need, they talk about the density ...

**The Bailiff:**

Deputy, this is on whether there should be a reference to noise insulation, not on whether there is shortage of housing.

**Deputy P.V.F. Le Claire:**

A consequence of this plan and increasing the density in town is that by doing so the noise issues will be compounded. We are needing to support Deputy Le Fondré because this town's principle is increased density in town. Increased density means more noise. I appreciate that Members may think it is off-track but it is right on the money. It is specifically on the money. Trust me, I live in a noisy part of town and we are ready to start shouting about these things. If you look back through the last several development policies that have come to this Assembly; this is one from 1989. They had to adopt more housing sites because, as with the previous one, they did not get enough in the first time. They say this: "Clearly in a small Island where land is at a premium it is essential to adopt a sensible policy for housing densities to ensure the sites are developed economically and efficiently. Only in this manner can the incursion of buildings into good agricultural land and open countryside be kept to a minimum. It is equally important, however, for the Committee to ensure that higher land-saving densities are not pursued at the expense of the local environment. The actual development densities obtained on each site will depend upon a whole range of factors, including location, physical site characteristics, environmental constraints, environmental noise." Noise is a part of our environment. **[Interruption]** Thank you. **[Laughter]** I am speaking like Deputy Le Hérisier today and I intend to carry on. **[Members: Oh!]** He is my noisy neighbour in St. Saviour: "Mix of house types and sizes and relationship with neighbouring properties." Mix of house types and sizes and relationships with neighbouring properties. Many, many of the opportunities that we are told are going to be delivered by windfall sites and increased densities in this town plan are going to come about to the examination of the reality. The town capacity study which has been done by the planning officers identifies quite clearly that there are significant issues in relation to building these houses in the first place around those constraints and the effects they will have. When you look at things like, for example, the Eagle Tavern site which I objected to and dissented ... I do not often dissent on the Planning Applications Panel. I may not be happy on some decisions but I do not often dissent. I dissented on that decision because they failed an amenities standards and the *J.E.P. (Jersey Evening Post)* phoned me up said: "What is the story?" and I told them the story. They phoned up the owner: "No, it met all the amenity standards." "Okay, that is the story, then it met all the amenity standards, what is Paul Le Claire on about?" Daft as usual; that is the way they like to portray me. They did not meet the amenity standards and that is why I dissented. It has even been recognised now by, dare I say, the Minister himself. You cannot take an inner goalmouth of a football field and put 3, 4-bedroom houses on it. So we need to start to take care of the people we are cramming - cramming - into town. Cramming into town. There is no other word for it in this increased density. In conclusion I will just give Members a flavour of that cramming which is what it is. Let us look at the Le Coin site at the permissions I have said. The latest proposal for this site where the guidance ... because we do not have that yet; I asked for a 2-week delay. The guidance we are relying upon is from 1994 because the upcoming

Supplementary Planning Guidance which would help us determine whether or not this is all going to be okay is 2 weeks away. They cannot give it to me: "It is 2 weeks away, Paul. We have to get the Minister to sign it and read it and decide it, so you cannot have it." So everybody is working on 1994 numbers. The 1994 numbers say: "There should not be more than 100 to 120 habitable rooms per acre on sites in the centre of St. Helier." That is confirmed within the department's own town capacity study where they say increased density, higher levels in town identified at 40. This is on page 10 and I can give all this to Members if they want it but they will not want it so I will say it anyway: "Higher density levels are considered to be 40 and above." Right. Forty and above from 100 to 120 maximum. The Le Coin site where we are going to deliver these homes at the moment has plans in, and I have these emails from the Property Holdings Department: "Planning permission granted for 23 number 1, 2 and 3-bedroom flats on Le Coin site in 2002 ..." still a temporary car park though even though we have a housing crisis; States are not delivering housing: "... on only a quarter acre of site. This represents a high density of 275 habitable rooms per acre which is double the density standard normally permissible in town." Then the latest proposal which I have from Property Holdings, which is on the table, is for 32 number 2-bedroom flats in respect and it equates to not 40, not 100, not 120 but 400. Four hundred habitable rooms per acre. Four hundred rooms on that car park site. Four hundred rooms on that car park site. Where is the amenity space? We have a country park, they can go there! Yes, but hang on, was not the country park included in that town capacity study? Yes, it was.

**Connétable D.W. Mezbourian of St. Lawrence:**

I wonder if the Minister can do anything to insulate me from Deputy Le Claire. **[Laughter]**

**Senator F.E. Cohen:**

I would like to suggest that Deputy Le Fondré's first case be the insulation of Deputy Le Claire. **[Laughter]**

[10:30]

**The Bailiff:**

Can I remind Members we do have a very long agenda? This ...

**Deputy P.V.F. Le Claire:**

This is a housing crisis and I am going to speak, I am afraid. I know Members may not want it to be done but I am going to speak.

**The Bailiff:**

Deputy, you of course can speak on the housing matter; this is on sound insulation, though. I do ask Members, it is hard to think of much more that can be said on a topic such as this but if a Member feels he or she has something new to say then of course they may speak. But there has been a certain amount of repetition already and I do invite Members to consider very carefully which amendments they need to speak on and for how long. Now the Deputy of St. Mary, do you feel you have anything new to add?

**2.1.12 The Deputy of St. Mary:**

Yes, in the sense that we have strayed somewhat. What I would like to do is make it quite clear what this amendment says and therefore my starting point is how extraordinary I find the resistance of the Minister for Planning and Environment. What ...

**The Bailiff:**

That has been said before by a number of ...

**The Deputy of St. Mary:**



Okay. So what he is saying is he accepts that space should be included in the Supplementary Planning Guidance but not noise. Now the Supplementary Planning Guidance is a part of the Island Plan and what this amendment says is it wants to add a specific request to look at something. It is not imposing these standards ...

**Senator F.E. Cohen:**

Sir, would the Deputy give way? This is getting awfully torturous. I have already said that I am more than happy to include this in the building bye-laws and I would have hoped that would have been enough.

**Deputy M.R. Higgins:**

If the Minister would just accept it we could all move on.

**The Deputy of St. Mary:**

Well that is exactly the point, the Minister is booting it into the bye-laws but the proposal as it stands on page 144, proposal 10, says that: "The Minister for Planning and Environment will develop and issue new S.P.G. to assist with the regeneration of St. Helier." This is under the heading "Guidelines for Residential Development" and we have heard how important that is from Deputy Le Claire about the densities that are now emerging. "This would establish and inform the application of minimum density standards and will address and establish guidelines for the provision of amenity space and parking." Well, why just amenity space, density and parking; and all that Deputy Le Fondré is saying is that noise should be added as something that should be looked at. He wants to add the words "and whether there should be any improvements in internal noise and sound insulation" he wants to add that as a consideration in the guidelines, which the Minister is already going to review and create and S.P.G. So I really do find the problem extraordinary. The second part of the amendment, which the Minister also rejects I would remind Members, paragraph 6.153 it is just useful to look at the words, is it not, and look how amazing it is that we are talking about this. This is part of the text which Deputy Le Fondré wants to amend, 6.153: "All new housing developments will also be expected to provide an adequate standard of accommodation. In particular in relation to dwelling size, internal layout and room sizes this will be assessed along with other considerations relating to site density, privacy, daylight and noise, energy efficiency, car parking space, private and public open space, children's play areas, designing out crime and landscaping; as appropriate relative to S.P.G. to be published by the Minister." All Deputy Le Fondré wants to do is add to that list: "... and any further improvements in standards for internal noise and sound insulation." All he is doing is adding to a long list. Why is the Minister resisting this, I do not understand and I shall be voting in favour of it.

**2.1.13 Deputy M. Tadier of St. Brelade:**

What I have to say is new and I will time myself, I hope to keep to 3 minutes and it should be germane. First of all though I was joking with my colleagues that the reason that Senator Ferguson's apartment did not get any complaint from the neighbours was not because it was so well insulated, it was because all the neighbours were around her New York pad drinking gin and so there were no neighbours to make complaints. Let us get back to basics here; I do not think any of us disagrees with the principles put forward here by Deputy Le Fondré. I think we agree that they are correct. The argument seems to be coming from the Minister that it is better to deal with some of these things by bye-laws, and that statement is being made, but unfortunately he has not made the case why it is better for these to be dealt with by bye-laws. We have been given a statement but the case - I do not believe - has been made. Now, we may hear from the Assistant Minister who may tell us why these things are superfluous. But it seems to me that the Island Plan is both a high level document setting out general policy and general levels of acceptability. We know that it already contains issues to do with space and it addresses these issues; and it seems to me that it would be quite the right place for it to be included in the Island Plan. Now, if that is also addressed

by bye-laws elsewhere it seems to me that we could have a system of belt and braces, that seems perfectly acceptable. But I do not see why there is so much resistance being put up to this being included in the actual wording of the Island Plan as is being suggested here. So that is the first point. The second point; regarding the 10 per cent increase in floor space, it seems to me that if certain flats the practice was that furniture was having to be introduced that was miniature, simply introducing a 10 per cent increase and by extension a 10 per cent increase on that furniture. It would still be miniature furniture, so I think we really need to look at in fact the absolute minimums which are being put forward; because as has been alluded to there is a link between floor space size and noise carrying et cetera. I think those are really the only points to make but just perhaps one last point which is I think quite disturbing and it was alluded to by Deputy Le Claire, is the fact that we are being told there are lots of complaints, presumably lots around the Garden Lane area when Deputy Le Claire is practising his speeches late at night, from residents. We are being told that these people should be submitting complaints to the police and my fear is - and it is just an observation - that we are criminalising behaviour here which is just normal living, so people are being made criminals of because they are simply conducting behaviour in their houses which most of us would take for granted because we do tend to live some of us in detached houses; some of us right in the countryside. I am not one of those, by the way, I live in an attached house; but we can take things for granted and to say that complaints are being made from one neighbour to the other simply because toilets are being flushed, because music is being played loud, because somebody happens to work a night shift and so they have got a completely different work pattern to somebody else; I think that is really the disturbing underlying problem for me. So these people are clearly not criminals and while complaints are being made it would be better if we can eliminate these kind of problems at the planning process and I think that is what we need to do today.

#### **2.1.14 Deputy C.H. Egré of St. Peter:**

Sometimes I despair and this is one of the occasions which that description fits. We all seem to have missed the main point here; we all seem to be working on the principle that there is a problem and I agree there is a problem. Where we are getting confused is the mechanism by which we deal with that problem. It is quite clear from what the Minister has said that the conduit for dealing with this issue is the bylaw. The building bye-law requirements relating to noise insulation under the auspices of part 9, resistance to the passage of sound, were first introduced in 1997 specifically to deal with the problems of poor sound insulation. These were extended and improved in 2004. What we have is a mechanism for dealing with the problems of sound insulation in buildings, and please do not get confused with other sound problems, with other noise problems that we have; neighbours that make noise. I have a brilliant one, it is called the airport where I live. That is a totally different issue to what we are dealing with here with building insulation and sound proofing. If I wanted to deal with a problem with boats I go to the harbour; if I want to deal with a problem with aeroplanes I go to the airport. If you have a problem with sound insulation you go to the facility that is there and it is called the building bye-laws. The Minister has said clearly - more clearly than anybody else has spoken in this Assembly - that he is willing to bring Deputy Le Fondré to the Planning Department and go through the issues as they exist or perceive to exist. We do not have a problem in dealing with the situation, the problem that we have are people are people trying to move the situation out of the building bylaw and into the planning law. That is daft.

#### **2.1.15 Deputy J.B. Fox:**

I am not going to repeat. The only point that has not been covered when I was on planning is, yes, we had building bye-laws; what we did not have was enough officers to go around and do the inspections to ensure that the bye-laws had been complied with. That has not been brought up and that might be one of the problems. Thank you.

**2.1.16 Senator A.J.H. Maclean:**

Very briefly, I fully appreciate what Members are saying about the noise issue. It is a problem. But I think just getting back to the point here, my understanding is the bye-laws are where we control how a property is built. I think what the Minister is saying is that to put this into the bye-laws is the appropriate place for it to be to control the issues which are concerning Members most about noise. I would add just on top of that the noise matter is not going to be resolved, whether it is in the planning law or the bye-laws necessarily. There is the external noise issue which the Deputy of St. John has talked about which is a problem, how neighbours get on with each other. But equally there are problems with the structure of the building, you get a lot of noise transgressing down through downpipes, for example. Living in apartments does have noise issues, but nevertheless there are opportunities to improve the position, I accept that. But really the position has to be, in my view, to support the Minister because the bye-laws are how we do it, that is how the system works. The bye-laws are how we control how a property or a building is constructed and to ensure that the measures are right. One other point that was raised, and I think it was Deputy Higgins who raised it, was about the size and the way in which properties are marketed, some developers, for example, putting undersized furniture and so on. What we do not have in Jersey is a Property Misdescriptions Act and this is not a planning issue, this is very much an issue for another piece of legislation should this House at some point in the future feel it is appropriate then we perhaps should have something to control property misdescription, sizes of properties where the balconies are included in ...

**The Bailiff:**

Pardon me, Senator, that is moving away from the question of sound which is ...

**Senator A.J.H. Maclean:**

I was just addressing that point that was raised by another Member. But I think I have made my ...

**The Bailiff:**

Well we do not need Members to address every highway and byway that other Members address.

**Senator A.J.H. Maclean:**

Thank you for that. I think that is all I really wanted to say, that I would hope Members would support the Minister in rejecting - although it is very well meaning - the proposition amendments that have been brought forward by Deputy Le Fondré. The bye-laws are really where we should maintain the control.

**The Bailiff:**

Does any other Member wish to speak? I call upon Deputy Le Fondré to reply.

**2.1.17 Deputy J.A.N. Le Fondré:**

I will firstly just thank everybody who has spoken, I do not think I will be responding to the comments. I suppose the only thing I would say is obviously what I wanted to do by bringing this amendment was to draw emphasis to the matter, and I do appreciate that standards change - I think the last time was in 2004 - but there still seem to be issues that keep coming around. The grey area here is, so far as I am concerned - and obviously I am speaking as a layman - is that internal space standards to me are also how a building is built, or at least implements how a building is built and the impact upon them. All I would say is that in proposal 1 of the Island Plan it specifically says: "The Department for the Environment will issue S.P.G. to complement that which already exists." Therefore that is why I then amended proposal 10 to add this in as a further emphasis in the consideration in the round to assist with the regeneration of St. Helier. I do note the comments. As I said, I go back to the point I feel it is something that one needs to emphasise. It is an issue about the quality of the accommodation that we will be producing going forward. I think Senator

Ferguson's comment about the standards on other areas, whether it is the U.S. (United States) or potentially Europe, if we are looking for increased density and things like that in town we need to make that quality better. If one wants to make that quality better the greater emphasis we can put on it the better and, as Senator Ferguson said, the Island Plan certainly makes other lifestyle comments and, therefore, that is why I want to implement this aspect of lifestyle, if you like. I am going to stop there. One, just procedurally, I have obviously tried to design the proposition so it can be taken in separate votes, is it practical to take the ones that the Minister is accepting which is I think (a), (c) and (e) as one vote; and the other 3 which is (b), (d) and (f) as a separate vote?

**The Bailiff:**

I suppose they do stand or fall together, if Members are happy to proceed in that way.

**Deputy J.A.N. Le Fondré:**

Yes, so it is 2 votes, thank you very much and I maintain the amendment and call for the appel.

**The Bailiff:**

So on that basis then, as Deputy Le Fondré has requested, the first vote will be on paragraphs (a), (c) and (e) which are the paragraph which the Minister has accepted. All those in favour of adopting paragraphs (a) ... the appel is called for in relation to paragraphs (a), (c) and (e). I invite Members to return to their seats and the Greffier will open the voting.

[10:45]

<b>POUR: 47</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Deputy of St. Peter		
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				

Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				

Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Then the Greffier will reset the machine and the next vote will, therefore, be on paragraphs (b), (d) and (f) and the Greffier will open the voting.

<b>POUR: 31</b>		<b>CONTRE: 16</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator T.A. Le Sueur		
Senator J.L. Perchard		Senator P.F.C. Ozouf		
Senator A. Breckon		Senator T.J. Le Main		
Senator S.C. Ferguson		Senator B.E. Shenton		
Senator F.du H. Le Gresley		Senator F.E. Cohen		
Connétable of St. Helier		Senator A.J.H. Maclean		
Connétable of Grouville		Senator B.I. Le Marquand		
Connétable of St. Martin		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of St. Saviour		
Deputy of St. Martin		Connétable of St. Clement		
Deputy R.G. Le Hérisier (S)		Connétable of St. Peter		
Deputy J.A. Martin (H)		Connétable of St. Mary		
Deputy G.P. Southern (H)		Deputy R.C. Duhamel (S)		
Deputy of St. Ouen		Deputy of Trinity		
Deputy of Grouville		Deputy S.S.P.A. Power (B)		
Deputy J.A. Hilton (H)		Deputy A.E. Jeune (B)		
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				

Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**Connétable J. Gallichan of St. Mary:**

Sir, I wonder if this might be an opportune moment for me to just interject. I was asked last night whether I could liaise with the Greffe about timescales, et cetera. So the Greffier, who has got much more experience in this than I, has looked at it and I have sort of double checked everything. Even with the matters which have been dropped I make it we have 21 issues still not accepted by the Minister; some of those are very contentious, but the ballpark figure is we have got about 33 hours as a conservative estimate of debate on the Island Plan alone; and probably another half day to a day on other matters to come after that. I think Deputy Gorst asked whether we should be thinking about starting earlier and sitting later. That is in the hands of Members but I do not think that is going to dent the task ahead of us, I think we are going to have to accept that we will back next week, in any event. But I will leave it to Members whether they want to sort of top and tail the sittings, but the only thing I could say is to echo your words that we need to speak to the amendments and to be forceful, if necessary, but concise.

**2.2 Island Plan 2011: approval (P.48/2011): forty-seventh amendment (P.48/2011 Amd.(47))**

**The Bailiff:**

We come next to the 47th amendment which is lodged by the Minister for Planning and Environment. It is lengthy so if Members agree we will take it as read and I invite the Minister to propose it.

**2.2.1 Senator F.E. Cohen:**

While I can accept the principles of parts (a) and (e) of Deputy Le Fondré’s amendment, which is subsequent to this, about masterplans which significantly impact upon States-owned land; I cannot accept them in their present form which has led me to lodge my own amendment. Deputy Le Fondré’s proposal I consider may be flawed. It seeks to conflate the considerations of the detailed economics of the development of States-owned land with the development of a planning framework for specific areas of the town. While the Assembly may wish to involve itself in the financial details of the use and development of States-owned land, the approval of area based masterplans is not the appropriate mechanism to do this. The purpose of the Regeneration Zone proposals set out in the plan is to enable the Minister to develop, through liaison with key stakeholders as well as

through public consultation, a framework for the development of an area. I would also expect States Members to be involved in this process. This will provide overarching direction and guidance, as well as site specific guidance, about the development and use of particular land. The development of such frameworks is not just of relevance to States land and may not even affect States-owned assets; but, most significantly, provides a context against which landowners, businesses and developers can make informed decisions relating to investment, which will assist in particular in the regeneration of St. Helier. The proper planning of these areas should not be unduly encumbered by detailed financial considerations relating to States land which ought to be duly considered through other mechanisms. I consider that any referral of masterplans to the States is only of relevance where the development of States-owned land is the key determinant and driver for the delivery of a masterplan. This approach, as set out in my own amendment, is supported by the independent planning inspectors as efficient and sensible while reflecting the Deputy's concerns well. I would encourage Members to support my amendment. Thank you.

**The Bailiff:**

Is the amendment seconded? [**Seconded**]

**Deputy J.A.N. Le Fondré:**

Can I seek a point of clarification just on procedure here? Obviously what the event of this is that I have lodged an amendment to the Island Plan and the Minister has lodged, if you like, a further amendment. Is the nature of the debate likely to be that we debate this as the main debate; and what happens if this accepted versus the 2 of my full amendments which subsequently follow?

**The Bailiff:**

As with others it is really a matter for you, Deputy. I mean, suppose the Minister's amendment is accepted, as I understand it he is only dealing with certain paragraphs of your amendment, which he is agreeing with; and you must then decide whether you still want to press ahead with those paragraphs, or whether you accept that the Assembly has voted on his and, therefore, yours rather fall away leaving only the subparagraphs of your amendment, which he did not accept. Have I made that clear?

**Deputy J.A.N. Le Fondré:**

Yes, I had not realised it was going to be that way around so I am going to have to think about the impact. My instinct was that I did not support the amendment and, therefore, I think at this stage it is going to be debate the amendment and argue ...

**The Bailiff:**

If you do not support the Minister then we debate it and we see what the Assembly decides. But if the Assembly agrees with him I would have thought the bits of your proposition he is dealing with you should not probably proceed with it.

**Senator J.L. Perchard:**

Just a point of clarification, I wonder if the Minister could confirm whether he will take parts (a), (b) and (c) *en bloc*?

**The Bailiff:**

Minister, can you help on this stage at the moment?

**Senator F.E. Cohen:**

I think they may be better separate.

**2.2.2 Senator J.L. Perchard:**



I would like to talk particularly on part (c) of the Minister's amendment to the Deputy's amendment to the Island Plan. So concerned am I, I have taken the liberty of getting an A1 photograph of the airport, which the usher is kindly pinning up for me now. This is an enlarged copy of the photograph that appears in the draft Island Plan, I think on page 150 if I am right. The information on proposal 12 about the Airport Regeneration Zone comprises simply of a map, this map, with a red line. We are told that this red line is the proposed Airport Regeneration Zone. There is not any substantive information, in fact there is no information to support this Regeneration Zone proposal; there is no detail, just a picture and a suggestion that the airport site can provide sites for rezoning. I am not an expert on all planning matters and, unlike some Members in this House, just follow my eyes but even when you give this plan the most modest of scrutiny and when one considers that there should be no loss of aircraft hard-standing or taxiways or car parking or there should be no loss of the existing modern buildings, no loss of public safety zones around the fuel farm and airport safety zones, and appropriate sight lines - and I have drawn the new control tower there in the little black square - no loss of sight lines, it appears to me to leave only 2 areas where there could be some development at the airport: one to the south of Aviation Beauport and the other to east of the Aero Club. It is also very interesting that the inspectors have also queried the ability of the airport land to provide space and to take up demand for industrial development; and they acknowledge that there are safety issues with any development on the site. In paragraph 7.35 of their first report, and I will just quote briefly, the inspectors state: "It is now clear that the Airport Regeneration Zone is tightly defined and, in any event, it is likely to be most attractive to aviation related business." On page 15 of their second report they say: "We are, however, dubious regarding the Island Plan's provision. Restraints around La Collette should not be underestimated and may well remain over the lifetime of this whole plan. We would be more sanguine about the airport if there was so much as a preliminary layout; but for the present it remains to be seen how much can be achieved there." They go on to say: "We are very dubious about the reliance on something as vague as States-owned property. These may not become available." I set the scene because this is important. I feel it is right to question the process that the Minister is proposing here and the lack of preparation in advising Members of even the smallest of detail regarding the Airport Regeneration Zone. No masterplan. No masterplan that has been the subject of impact assessments, financial appraisal, and very importantly a risk analysis. Nothing of this type. Nothing. Nothing of this type is included in the draft Island Plan, no; just a red line around the runway or next to the runway. This is not good enough. I believe that the States would be failing if in their duty today if we do not support Deputy Le Fondré's amendment, and let me tell you why. Firstly, Members will recall that we have recently established a Harbour and Airport Shadow Board and we have recently established a States of Jersey development company. These are mechanisms who are now expected to undertake master planning in areas such as this. There will be no opportunity for the States - as we have done with the north of town and the Esplanade Quarter - for the States to approve this masterplan; we are going to outsource this responsibility to some quangos. I had planned to say more but I will finish because I understand the urgency around us moving the debate on. I just want to quote from the last paragraph of Deputy Le Fondré's report accompanying his proposition and it is very short: "Therefore, in order to ensure that there is an adequate control over this process and to ensure that the Minister for Planning and Environment is able to properly produce and consult on masterplans, I am proposing that the States should not at this stage give a blanket approval to creating these Regeneration Zones. I am proposing that these should be designated as proposed Regeneration Zones, which will then need to be ratified by the States once the appropriate level of master planning has been performed. As a States Member, I expect that such plans will also include appropriate financial appraisals and risk analyses for consideration by the States at that time." Deputy Le Fondré and I both hope that Members will be supportive of his proposal.

**The Bailiff:**

Just to be clear, Senator Perchard, we are of course speaking on the Minister's at the moment, but I understand that you are saying that in effect they are alternatives, is that right, and that Members ought to go for the Deputy's rather than the Minister's?

**Senator J.L. Perchard:**

Yes, they are obviously alternatives. I am surprised the Minister's proposal was permitted by the Greffe because it really does negate the Deputy of St. Lawrence's proposal. But, having said that, I think Members have got it clear; you have got 2 options here, either we outsource master planning to quangos, or the States will take control.

**2.2.3 Senator P.F. Routier:**

I just really want to touch on what the previous speaker has just spoken about the airport regeneration. Perhaps I should just make it clear from the outset that there is a need for the airport to use their available land in an effective way because if the airport is not able to do that the financial model of the airport - which is currently under a great stress because of the amount of business coming through the airport - there is a need to generate more money to ...

[11:00]

**The Bailiff:**

Senator, can I intervene, this is not a debate about the airport regeneration scheme as such.

**Senator P.F. Routier:**

Well I would just like to counter what the previous speaker had just spoken about, about outsourcing to quangos. That is not happening, although the Shadow Board is being established they are to advise myself as the Assistant Minister and the Minister on what is happening. There is a masterplan being worked up and that is under the control of myself and the Minister. So please Members do not think that is something that is being outsourced to other people. It is not correct at all. I just make that observation. There is a need to use our facilities appropriately and to ensure the viability of the airport.

**2.2.4 Deputy D.J. De Sousa:**

I just want to remind Members that the Deputy of Grouville last year brought an amendment on businesses that are not local paying tax. That amendment was watered down by the Minister for Treasury and Resources. This section from the Minister is watering down the next amendment from Deputy Le Fondré. I will be voting against this and would urge Members to do so and vote for the next one.

**Deputy J.A.N. Le Fondré:**

I have got a speech but I think I will just ask a further point to make sure I have got it right. Presuming that an alternative interpretation of where we are, if this amendment is voted through by the Assembly, does my amendment, if it was then accepted, override where we are because it is subsequent or does it fall away? That is the question.

**The Bailiff:**

Well, I think that the 2 are inconsistent because as I understand it ...

**Deputy J.A.N. Le Fondré:**

When I say that, Sir, is that, for example, the Minister's amendment introduces some text into a particular place in the Island Plan. My first amendment changes that text and so ...

**The Bailiff:**

The point is one has to look at the substance, Deputy, but obviously the Minister and you will have a greater knowledge and detail. But as I read it, the Minister is, in effect, saying that where there is

a masterplan for a regeneration area, he may bring it to the Assembly whereas you are saying he must.

**Deputy J.A.N. Le Fondré:**

Yes.

**The Bailiff:**

Now, those are inconsistent so if the Minister's amendment is adopted, then I do not think you can propose those parts of yours because the Assembly would have decided against you.

**2.2.5 Deputy J.A.N. Le Fondré:**

Okay, Sir, thank you. In which case, I shall do my main speech on this one and then we will see where we go. Just to clarify, I welcomed a number of comments that Senator Perchard made but just for clarification, it is the Minister for Planning and Environment that makes the master plan. It is not outsourced. However, it is the Regeneration Steering Group, as I have understood it, that then sets the terms and the specifications for whatever happens and S.o.J.D.C. (States of Jersey Development Company) then does the building. That is the plan. The essential difference between what I am proposing and what the Minister is proposing, as you have just alluded to, is that the Minister may bring it back to the States while I am saying he will and I am also trying to basically put in so this is about checks and balances. Just to clarify, if it does help, we are on page 144 of the Island Plan and it is 500 pages at the end of it. It is a relatively small section but it is one with a relatively large impact. Now, also be very clear the principal Regeneration Zones, as far as I am concerned, are absolutely worthwhile. It is nothing to do with interfering with the good works happening at the airport and all that type of stuff but, as I said, the impact of these, the Minister does the master planning and the development briefs for the areas and the key sites within them. The other point relevant to this - and there is a wider argument - is that the adoption of Regeneration Zones is important because the proposition which established S.o.J.D.C. specifically states that before any land transfer takes place between Property Holdings and S.o.J.D.C., the Minister for Planning and Environment must have adopted the Regeneration Zone within which the assets are located and must have approved the masterplan for that particular Regeneration Zone. So the decision to adopt these Regeneration Zones is a very important trigger point. Now, I would also point out that the States are significant landowners in all of the proposed zones, if not the largest landowner in all of the zones. All my amendment simply does is to add a further safeguard into the process and I shall explain why I think that is important. Members might be slightly interested in it when we get to that. Now, I would also remind Members that both Esplanade Quarter and North of Town masterplans have been presented to the States and certainly the latter included various financial pieces of information at the time. So what my amendment is doing is to build on that principle which effectively, in my view, has been established by the Minister previously. I am suggesting that we should adopt these Regeneration Zones. This is in my amendment so I am basically arguing that we should not support the Minister's amendment and we should support mine. I am suggesting that we should adopt these Regeneration Zones but as "proposed" Regeneration Zones. I am basically asking that we will be required to give our final consent to approving these as actual Regeneration Zones once we have seen the masterplans and, where applicable, financials if States assets are involved. Now, why am I asking about this? Well, it is about the primacy of the States. It is about having that final safeguard before we start going down an otherwise potentially unknown road of unknown financial consequences. This is a 10-year plan. We have got about 5 months left in this Assembly. We are going to have a new Council of Ministers, new Members, et cetera. It is one of the safeguards and checks and balances going forward. Now, why is that important? I am going to give 2 examples. I would stress that they have not been invented. They are actual documents that came across into my former department in the last couple of years and I would emphasise that these documents were not endorsed by my former department. One example talks about the values of a certain number of sites around the

harbours and South Hill area and advocate 2 ways of valuing the land, one attempting to value the land as if it was a normal developer doing the relevant scheme and the other one is if W.E.B. (Waterfront Enterprise Board) were producing the value. Now, my understanding was that this was to show how much more value would be generated by utilising what is now going to be S.o.J.D.C. However, just to pick one scheme. The document in question was apparently showing that a normal developer would not even pay £1 for South Hill. It showed what is called the residual land values calculation for South Hill, which was negative. That would effectively have meant that we would be paying them to develop out the land. Now, what I will say is that certainly in my time there, I was aware that an independent appraisal of that piece of land valued it at over £10 million based on relatively conservative planning assumptions.

**Senator J.L. Perchard:**

Could the Deputy just define what he means by “South Hill”? It is a very big area.

**Deputy J.A.N. Le Fondré:**

The site of Planning and Environment and T.T.S. (Transport and Technical Services) at South Hill. I am not going into the various assumptions and things that were made there but it seems to me that that kind of presentation being made to make those cases that we, I think, should see these kinds of decisions before they come through. Now, the other example is probably of greater interest. Again, I am not challenging the assumptions behind necessarily all the viability of the schemes. What I am saying is that these are significant numbers. Now, there was a presentation made by the present Acting Chief Executive to another politician a little over a year ago and which was provided to me at the time. At the time, it was a request for further funding details of about £500,000 for further feasibility studies, et cetera. I am again given to understand that advice was provided by a group of people including the M.D. (Managing Director) from W.E.B. Documentation I have in my possession showed at the bottom of the cash flow forecast for phase 2 of the scheme lasting some 27 years and expenditure on that scheme was in the order of £1.2 billion. The key aspect that drew attention to me was that the funding requirement on the cash flow I am referring to, in about midway through, was for £400 million. Now, it is my understanding that in order to achieve that sort of funding, one must provide unencumbered security of at least 4 times that much. That is about £1.6 billion and, put simply, that is every property asset that we, the States on behalf of the public of this Island, own. That is schools, hospitals, you name it. So simply if you wanted to borrow money from the bank, you put your house up for security. My understanding in this case is our house is not worth what would have been needed to allow the bank to lend to us. As I say, I am not challenging because these are initial studies, these are feasibility studies, et cetera. The point I am making is that some of the schemes that will be produced under the system of master planning, et cetera, will be very large numbers and have potential risk. That is why I am not prepared to rely on assurances that the Minister may bring back proposals to the States. That is why I am saying that irrespective of the argument that this is only a land use plan, I want an extra safeguard built in. Now, the argument that this is a land use plan is very plausible. That is what the argument against my amendment is but I have to say I think it would be far more plausible if, for example, there was what I will call a “quasi tax” being introduced through the Island Plan under policy H3. That specifically refers to commuted sums, available by site and/or purpose as decided by the Minister. In my view, that is not a land use matter. That is a form of taxation and that is what the Island Plan is introducing. Now, whether that is the right place for it or not is a matter for the debate. That may come later, I do not know. However, to me, you cannot have it both ways. So in conclusion, and it is a very simple principle, it is either the Minister “may” or the Minister “will” bring back sufficient documentation to the States for consideration. In my view, I want some checks and balances in there to say that the Minister will, and that is why I think we support

the principle of regeneration - very good - but I think having the checks and balances it says are proposed, it does not quite unlock the door; the Minister brings back the plans, the financial risks, then we unlock it. So, in conclusion, there are direct consequences of designating the land. That is the only role the States presently has. The rest of the process is controlled by the Regeneration Steering Group and the Minister for Planning and Environment. So that is why I want the designation of this land to be finalised only after very careful consideration by this Assembly of schemes that are being proposed. In my view, there are 1.6 billion reasons for my stance. Even if there are not 1.6, there are a lot of noughts in there. I hope Members will support this and that is why I say I will not be supporting the Minister's amendment. I will not be talking very long on my amendment but I will obviously ask Members to support that one in return.

**Senator B.E. Shenton:**

Could I just ask the speaker, did he say that W.E.B. were offered £1 for the South Hill land?

**Deputy J.A.N. Le Fondré:**

No, what I was saying is that in proposals in some conjunction or other I believe W.E.B. were involved in producing, they were trying to demonstrate in some of the calculations that a normal developer would only have paid £1 for South Hill under whatever assumptions they were operating under for the residual land value, whereas they would have produced an extra value of about £2 million to £3 million. I am not challenging the assumptions or anything along those lines. All I am saying is that, in my view, when one is dealing with valuable sites and when one is dealing with significant numbers, which is what I am trying to demonstrate, I think those proposals need to be open to a further check and balance before being effectively released potentially by the Minister for Planning and Environment and the R.S.G. (Regeneration Steering Group).

**Deputy P.V.F. Le Claire:**

Could I ask the speaker? I recently brought a proposal to the Assembly when the speaker was previously at the helm in Property Holdings, to do this very thing, to make sure that all significant property was agreed by the States and it was argued against at the time. I am just wondering how it is, now that he is not a part of the Council of Ministers, his logic has changed. I would like to support him. I would just like to know why it was when I was suggesting it, it did not make sense.

**The Bailiff:**

I think that is not a matter of clarification. It is a matter for you, I think, to make in debate, Deputy Le Claire. Now, does any other Member wish to speak?

**2.2.6 Senator T.A. Le Sueur:**

Yes, I think that last speaker just highlighted the difficulty we are liable to get into here in trying to conflate and confuse the planning aspect of regeneration process and the financial ones. In fact, it also serves to remind Members that there is a third part in any regeneration scheme, as those who were alerted at the time of the debate on the States of Jersey Development Company will remember. Those of any transfer of assets such as South Hill into a regeneration scheme, whatever their value, will come to the States for reporting in the normal way as a transfer of States property. I think if we try to use the Island Plan as an excuse or as a reason for trying to bring in the economic justification for regeneration, be it at the airport or anywhere else, we risk tainting the planning process with financial considerations. That is why I think the Minister's amendment is timely here. There is a right place for looking at the economic aspect of any Regeneration Zone. There is a place for States Members being involved in a transfer of States assets but there is a separate place for the planning process within that lot, and I think it is right that we should try to keep that planning aspect separate.

[11:15]

**2.2.7 Senator A.J.H. Maclean:**

Just very briefly on this. I am naturally, as Members would appreciate, concerned about the references and the map that has been put up in relation to the airport, in particular, under the Minister's proposal here under (c) where he makes the comments that any major master planning exercise he may bring back to the States. I would just like Members to be familiar and aware of the fact that there has been quite a lot of work already undertaken with regard to master planning the areas around the airport. That has been done, as Members would appreciate, in conjunction with Planning and Environment. It has also had a full commercial appraisal undertaken by W.E.B. in its previous incarnation and the Shadow Board, which has also been referred to, has also been involved in the process. Members would appreciate that the airport faces significant financial challenges over the next 10 to 15 years and the flexibility to be able to ensure the commercial aspects of the long-term sustainability of the airport needs to have flexibility to be able to progress that particular matter. I would just urge Members to support the Minister under at least (c) in this regard and I would give my undertaking that should any substantive changes proposed in terms of redevelopment at the airport, would, of course, be brought back to this Assembly, any major development. It would be inconceivable to consider that we were not going to do such a thing but, again, from a commercial perspective, the flexibility, I believe, must be maintained in terms of progressing such matters and I would urge Members to support (c) in particular.

#### **2.2.8 Deputy G.P. Southern:**

I have heard the magic words "checks and balances" and my experience of this House is that there are very few effective checks and balances in this House on ministerial control. If Deputy Le Fondré is correct when he defines this decision that we are making now as one in which the Minister "may" bring to the House subject to his opinion of what is important, when it is timed right and what is appropriate to release, and a decision that we make today to say the Minister "will" bring to the House prior to such examination of such and examination of such, then I know where I stand on this and it is with giving the greater control to this House, to say the Minister will be accountable to this House and will bring such material as is required before such-and-such and that is the key element that we must vote on. What do you want? "May" subject to ministerial decision, ministerial - and I use the word "whim" - or "will" because we are holding that Minister to account for various stages of master planning or whatever, including financial and economic and it is absolutely vital that we keep control of that and I will be voting for Deputy Le Fondré's amendment.

#### **2.2.9 Deputy M.R. Higgins:**

Just very briefly. I will be voting against the Minister and supporting Deputy Le Fondré. I have been concerned like others have been about the way this House is bypassed. The Ministers have almost unfettered powers. What I will say is Deputy Le Fondré was at the heart of a lot of the decision making on planning and development of States-owned properties and so on. If he is raising concerns, I am definitely concerned. He has had the information, we have not. We have always been denied proper information so therefore I am going to take heed of what he is saying. I would like to see this information come back to the States.

#### **2.2.10 Deputy J.G. Reed of St. Ouen:**

Much has been said about checks and balances but on page 150 of the revised draft Island Plan, under 4.79 and 4.8, it clearly spells out what the Minister is required to do and that is to: "Undertake and develop a land use masterplan in consultation with stakeholders and the local community." It then goes on to say: "Any land use masterplan or development brief for Jersey Airport will be adopted and published as supplementary planning guidance by the Minister for Planning and Environment following consultation engagement with key stakeholders, including residents." Therefore, before we ever get to any decisions, everybody, including local residents and indeed this Assembly, will be fully involved in that process. Therefore, I think it is absolutely

appropriate that amendments brought by the Minister for Planning and Environment strengthen the consultation process that is already included in the plan.

**Deputy G.P. Southern:**

As a point of clarification, on page 150, I do not have it in front of me, does it say “the States Assembly”? It said “local residents and stakeholders”. It did not say “the States Assembly”. Can the Minister clarify?

**The Deputy of St. Ouen:**

If it is a public property we are indeed, representatives of this Government, stakeholders.

**The Bailiff:**

Does any other Member wish to speak? Very well. I call upon the Minister to reply.

**2.2.11 Senator F.E. Cohen:**

A number of points have been raised by Members, all very worthy points. There are some issues at stake here and it is a matter for States Members to decide what they believe should be the role of the future Minister for Planning and Environment because it is unlikely that I will be bringing any more significant masterplans to the States. I have always taken the view that masterplans should be endorsed by the States. I have always made it very clear that there was a difference between being endorsed and being formally approved. They may amount to the same in many people’s eyes but there is a fundamental difference and the reason for that was that the States elects a Minister for Planning and Environment with the job of carrying out the functions of a Minister for Planning and Environment, and the basic control is that if the States think the Minister for Planning and Environment that they have elected is doing a poor job, they throw him out. There are a variety of different measures that have been suggested in amendments to this Island Plan that seek to bring back control of planning within this Assembly and I, as a retiring Minister for Planning and Environment, think that would be a bad move. It makes the process of planning extraordinarily difficult. A Minister for Planning and Environment will always live in fear of the Assembly and will always bring important matters to the Assembly by a matter of being sensible. It would be inconceivable, for example, for a Minister for Planning and Environment to simply sign off the Waterfront masterplan, the Esplanade Quarter masterplan or to simply sign off the North of Town masterplan. No Minister for Planning and Environment in his or her right mind would seek to do that but I think to cast in stone the principle that every masterplan should by obligation be brought formally to the States for debate and approval is rather going about changing the principles on which the position of Minister for Planning and Environment has been created. As far as the central issues are concerned, we are dealing with here the separation of master planning from a design and spatial planning perspective from economics and the 2 must be entirely separate. If one is to start trying to generate a masterplan from the perspective of consideration of economics, then I am afraid the masterplan, from a perspective of those who will live and work in the future area, will be ruined before one starts. It is absolutely essential that master planning remains the sole task of the Minister for Planning and Environment and that the Minister for Planning and Environment is unfettered by having to adopt masterplans or consult on masterplans with particular elements of the States structure, particularly those relating to economic considerations. The reality is that the Planning Department, in master planning in large scheme applications, has done a very good job of maximising value for the States. Members will remember the proposals that came forward for the Ladies’ College site, the J.C.G. (Jersey College for Girls) site, which far from maximised value to the States and those through a process that involved the Planning Department and the engagement with Mr. Marcus Binney and Mr. Kip Martin developed a fabulous plan for that site that not only was better for the site and better for the Island and better for the town and better for regeneration, but delivered significantly larger value. So if master planning is taken from a design perspective, it usually results in better economics anyway. I have been forthright in my negotiations and

discussions with the Council of Ministers to ensure that in the creation of the S.o.J.D.C. - and I was assisted in this by the constant attentions of my Assistant Minister, Deputy Duhamel - that master planning is entirely the gambit of the Minister for Planning and Environment and sits outside the S.o.J.D.C. policy and structure. So I think that we have shown ourselves as a Planning Department to be responsible in bringing forward masterplans where appropriate to the States. I think that the system of electing and throwing out a Minister for Planning and Environment provides sufficient control. I think that my proposal is the most appropriate and will deliver the best balance and I urge Members to support it.

**The Bailiff:**

Minister, can I just clarify as to whether you want to take them together or separately? I have to say that they seem to raise the same issue in each one and it might be easier for Members to take them as a package.

**Senator F.E. Cohen:**

I will take your advice, Sir, and go for the package.

**Deputy G.P. Southern:**

Will the Minister clarify, point of clarification? Is the Minister suggesting that the mechanism for holding the Minister for Planning and Environment to account is to sack him?

**Senator F.E. Cohen:**

Ultimately, absolutely. I have always made it very clear to the States that if I made a significant mistake as Minister for Planning and Environment, I expected to resign. I believe that is the process of holding Ministers to account. Ministers, as a number of Members have pointed out, have exceptional powers. Those powers need to be exercised in a responsible way and the ultimate sanction is that they are removed.

**Senator B.E. Shenton:**

Could the Minister explain why he is still there then? [Laughter] [Aside]

**Deputy P.V.F. Le Claire:**

Could I ask for a piece of clarification? A lot has been said but could the Minister just explain how it was he claimed earlier in the life of his ministerial office that the Minister for Planning and Environment had too much power?

**The Bailiff:**

I am sorry, that is not a point of clarification.

**Senator F.E. Cohen:**

I never said it anyway.

**Deputy D.J. De Sousa:**

Can we have the appel on the vote, please?

**The Bailiff:**

Of course. Yes, the appel has been called for then, so all paragraphs being taken together of the Minister's amendment. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 30</b>		<b>CONTRE: 19</b>		<b>ABSTAIN: 0</b>
-----------------	--	-------------------	--	-------------------



Senator T.A. Le Sueur		Senator B.E. Shenton		
Senator P.F. Routier		Senator J.L. Perchard		
Senator T.J. Le Main		Senator A. Breckon		
Senator F.E. Cohen		Senator S.C. Ferguson		
Senator A.J.H. Maclean		Senator F.du H. Le Gresley		
Senator B.I. Le Marquand		Connétable of St. Helier		
Connétable of Grouville		Deputy of St. Martin		
Connétable of St. Brelade		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy G.P. Southern (H)		
Connétable of St. John		Deputy P.V.F. Le Claire (H)		
Connétable of St. Saviour		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Clement		Deputy S. Pitman (H)		
Connétable of St. Peter		Deputy M. Tadier (B)		
Connétable of St. Lawrence		Deputy of St. Mary		
Connétable of St. Mary		Deputy T.M. Pitman (H)		
Deputy R.C. Duhamel (S)		Deputy T.A. Vallois (S)		
Deputy R.G. Le Hérisier (S)		Deputy M.R. Higgins (H)		
Deputy J.B. Fox (H)		Deputy D.J. De Sousa (H)		
Deputy of St. Ouen		Deputy J.M. Maçon (S)		
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				

Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				

**Senator F.E. Cohen:**

May I answer the comment made by Senator Shenton? The reason I am still here is because I clearly still have his confidence. **[Laughter]**

**The Bailiff:**

Deputy Le Fondré, while this has been going on, I have been going through your amendments. It does seem to me that, in fact, they are all now inconsistent with the decision that the House has just taken.

[11:30]

**Deputy J.A.N. Le Fondré:**

That is what I was about to say. The will of the House has been noted unless we have the position that where they are significant, the present Minister would bring them back and I hope the future Minister would also consider it and, on that basis, I withdraw my amendment.

**2.3 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 10**

**The Bailiff:**

Very well. Thank you, Deputy. So then we move to the next amendment which is the 38th amendment lodged by the Connétable of St. Helier, paragraph 10 of that amendment. I will ask the Greffier to read the amendment.

**The Greffier of the States:**

Paragraph 10, page 2. After the words “the revised draft Island Plan 2011” insert the words “except that in Proposal 11 - St. Helier Regeneration Zones (page 148) after the words ‘5. Old Harbours’ insert a new area as follows ‘6. Eastern gateway’, and modify Map 4.1 accordingly as shown on the map attached at Appendix 2.”

**The Bailiff:**

Minister, what approach will you be taking to this amendment?

**Senator F.E. Cohen:**

I will be accepting this excellent amendment.

**2.3.1 The Connétable of St. Helier:**

I will be brief. I thank the Minister for accepting it. It does seem to be an oversight that Havre des Pas in the eastern side of town has not been given the status of having a Regeneration Zone set for it, given the degradations the area has suffered in recent years and I quote from my report: “In particular, through the folly of siting the incinerator at La Collette 2, adjacent to the Island’s Ramsar site, a high priority area for regeneration” and I am grateful to the Minister for accepting it.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

**2.3.2 Deputy P.V.F. Le Claire:**

It is just a pity that when the first Minister’s open planning application process was inducted, he basically threw the planning process open to the public and the first issue on the open agenda was

the siting of the incinerator at La Collette and the only people there were Deputy Martin, myself and one member of the public, nobody from the Parish of St. Helier, so I will be happy to support the Constable but too many of us forget about Havre de Pas.

**The Bailiff:**

Does any other Member wish to speak? Very well. Do you wish to reply, Connétable? No. All those in favour of adopting the amendment, kindly show? Those against? The amendment is adopted.

**2.4 Island Plan 2011: approval (P.48/2011): sixth amendment (P.48/2011 Amd.(6))**

**The Bailiff:**

We come next then to the 6th amendment lodged by Deputy Le Hérissier and I will ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2. After the words “the revised draft Island Plan 2011” insert the words “except that in paragraph 4.83 (pages 151-152) after the words ‘to improve or enhance local community infrastructure.’ insert the words ‘This should, in particular, include a review of the need for, and provision of, youth facilities and highway improvements’.”

**Senator F.E. Cohen:**

I accept. This is a good amendment.

**The Bailiff:**

You are accepting this amendment, yes. Deputy Le Hérissier?

**2.4.1 Deputy R.G. Le Hérissier of St. Saviour:**

I thank the Minister and I should also say I agree with the Deputy of St. Mary’s amendment. Five Oaks, as we know, there has been massive and there will be even more massive development there. It is a bit of a desert in terms of youth facilities. I know Senator Le Main tried very hard when he was Minister for Housing and there are efforts underway now through people like the community football initiative but it needs to be much more systematic. I applaud the department’s approach to looking at a Local Area Plan. I know it is something Deputy Duhamel has been pushing for a long, long time and I move the proposition.

**The Bailiff:**

Is the amendment seconded? **[Seconded]**

**2.5 Island Plan 2011: Approval (P.48/2011): sixth amendment (P.48/2011 Amd.(6)) - amendment (P.48/2011 Amd.(6) Amd.)**

**The Bailiff:**

Yes, now, there is an amendment to that lodged by the Deputy of St. Mary so I will ask the Greffier to read that amendment.

**The Greffier of the States:**

Page 2. After the words “highway improvements” insert the words “or other solutions to the traffic problems of the area.”

**The Bailiff:**

I think we have already heard, Deputy, that it has been accepted by both the Deputy and the Minister. Yes, Deputy of St. Mary?

**2.5.1 The Deputy of St. Mary:**

Very good, yes. I shall therefore be brief. This was a case of a blind spot, I think. It is quite a familiar blind spot. Highway improvements is the answer to highway problems and traffic and I am sure the various Deputies of St. Saviour are aware that this simply is not so. There is no room for highway improvements at Five Oaks anyway. Here are some options. More children cycling to school; a Safe Routes to Schools person appointed and also helping with secondary, not just primary; school bus services under review, that can be improved; park and walk schemes. There are several ways to skin a cat and that is why I added this amendment.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Does anyone wish to speak on the amendment? All those in favour of adopting the amendment to the amendment, kindly show? Those against? The amendment is adopted so we return to the debate upon Deputy Le Hérissier’s amendment as amended. Does any Member wish to speak?

**2.6 Island Plan 2011: approval (P.48/2011): sixth amendment (P.48/2011 Amd.(6)) - as amended**

**2.6.1 The Connétable of St. Saviour:**

I would just say that this is a sensible amendment. We do need work done at Five Oaks. It is desperately needed and without looking at an overall plan, we are not going to achieve this.

**2.6.2 The Connétable of St. Brelade:**

Just simply from the point of view of T.T.S., we would endorse and support that proposal.

**The Bailiff:**

Very well. Deputy Le Hérissier, do you wish to reply?

**Deputy R.G. Le Hérissier:**

No, Sir. Could we have the appel?

**The Bailiff:**

Very well. The appel is called for, then, in relation to the amendment of Deputy Le Hérissier.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator T.J. Le Main				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Helier				

Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				

Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**Deputy D.J. De Sousa:**

Can I just say Deputy Pitman had his light on for some time and did want to speak.

**The Bailiff:**

Oh, I am so sorry.

**2.7 Island Plan 2011: approval (P.48/2011): eighth amendment (P.48/2011 Amd.(8))**

**The Bailiff:**

Very well. Then, we come next to the 8th amendment lodged by Deputy Jeune. It is fairly lengthy so, with the Assembly's permission, we will take it as read. Minister, what approach are you taking on this one?

**Senator F.E. Cohen:**

I have accepted it.

**The Bailiff:**

Very well. Then I invite Deputy Jeune to propose it which has been accepted.

**2.7.1 Deputy A.E. Jeune of St. Brelade:**

This amendment is in relation to the area of St. Aubin from Le Mont du Boulevard to Le Mont au Roux, which is basically to La Houle and it takes in from the sea to the shoreline to the skyline and all it is doing is asking for a development plan to be done. This is a densely built up area and it has been accepted and it is just to do that framework. I am very grateful to the Minister for accepting it and I would add that this has been supported by Senator Ferguson and the Connétable.

**The Bailiff:**

Very well. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Very well, all those in favour of adopting the amendment, kindly show? Those against? The amendment is adopted.

**2.8 Island Plan 2011: Approval (P.48/2011): thirteenth amendment (P.48/2011 Amd.(13))**

**The Bailiff:**

Very well. Then, we come next to the 13th amendment also lodged by Deputy Jeune and, again, it is fairly lengthy so we can perhaps take it as read. Minister, are you accepting this amendment?

**Senator F.E. Cohen:**

I accept it.

**The Bailiff:**

Very well. I call upon Deputy Jeune to propose the amendment.

**2.8.1 Deputy A.E. Jeune:**

This is in relation to the entire area of St. Brelade's Bay and it is supported by my fellow Deputies in No. 2 District, the Connétable and it is just like the other area but what it is seeking to do really is the fact that in 1968, this Assembly had a proposition, which was accepted by the Assembly, to ensure that there was no over-development of this area. Again, in 1989, the Bay was to have an Environmental Improvement Plan in the Island Plan. This is just to make sure that these decisions are not lost into the ether and are taken into consideration again.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

**2.8.2 The Deputy of St. Mary:**

Yes, just briefly. I think both these amendments were very well received by the Assembly. They are absolutely right. There are a couple of questions, therefore. One is why they were not in the plan in the first place. St. Brelade's Bay clearly does need that kind of overall approach and so does St. Aubin. So the omission, particularly perhaps of St. Aubin as not being already listed as requiring a Local Development Plan, was probably an omission and maybe the Minister could comment on that. That raises the point that I suppose I really want to make, which is if they were omitted, were they omitted because there is a problem with resources, that we do not want to put extra L.D.P.s (Local Development Plans) in there because we are slightly worried about the fact that we have got a 10 per cent cut and we are going to have to cut the number of people? Where are these Local Development Plans going to come from? Who is going to do them? Who is going to call the meetings with stakeholders? Who is going to invite the community to express a view? There are resource implications. I have not checked whether the Deputy has mentioned resource implications in her financial and manpower statement on this but there clearly are. It slightly worries me with this plan that again and again we are voting and, in fact, the Minister is accepting amendments quite happily, partly because he does not want to be seen as obstructive. So that is fair enough and he is saying: "Well, all right, I accept this and I will accept that" but there are resource implications and I am just wondering whether these have been thought through in the context of the constant ongoing pressure to cut and cut our public sector. So maybe the Minister would like to comment on where these plans are going to come from.

**2.8.3 The Connétable of St. Brelade:**

Just briefly, I am sure that I would be interested to hear the Minister confirm that he would be supportive of joint initiatives with the Parish to encourage community participation in the decisions which would lead to the results which I am sure the Deputy is looking for.

**2.8.4 Senator F.E. Cohen:**

I need to comment therefore. Yes, I am more than enthusiastic to see the participation of Parishes. I have made some point of stressing that Village Plans, Parish Plans, are absolutely essential. We have seen excellent work by the Parishes of St. John and St. Martin. I hope others will come forward. I believe that the Parishes should take more control of what happens within the Parishes and, as I am speaking on this point, I will answer the point raised by the Deputy of St. Mary. There are omissions in the plan. There are 500 pages nearly in the plan. There are 92,000 inhabitants of the Island. There is a national park provision. There is a Green Zone provision. There are all sorts of provisions. It is never going to be complete and if I was to try and produce a plan that covered absolutely everything that every Member wished or wanted to consider, it would be more than 1,000 pages. If the Deputy thinks he can do a better job, there will be a vacancy shortly.

**2.8.5 Senator S.C. Ferguson:**

Yes, I would just like to say that I am constrained from speaking in support of this or even making a comment on it because I am somewhat conflicted since I live in the middle of St. Brelade's Bay on the coast and I will not be voting in this either.

**The Bailiff:**

Well, that is taking a very strict view of when you should or should not vote.

**2.8.6 Deputy M. Tadier:**

Perhaps I can use Senator Ferguson's words then, her word count, and add it to my speech because I know that even though Senator Ferguson does live at the Bay, clearly she, but also, I think, the rest of the Parish Deputies have worked together and, of course, the Constable. I think in an exemplary way I must say, even though I am saying that myself, because it is nice to be able to work with colleagues whom we may disagree with from time to time in the States but when it comes to Parish issues, I think we have been working together fairly well as a team over the last 3 years. But enough of the self-eulogising. I think there are a couple of points to address. I think the first one is the need for looking at building, certainly in sensitive areas, whether it be in coast or national parks or in other coastal areas in a holistic type of way. We know that, for example, St. Brelade does span both districts of St. Brelade. Part of it will be in our district, that of Deputy Power and myself, and the rest in St. Brelade No. 1 but, of course, we are very mindful that St. Brelade is enjoyed by the whole of the Island and it is important to make sure that any future development is done in a sensitive way and that the buildings are looked at holistically.

[11:45]

That has not necessarily been the case up until now. I think if we are honest about it, we have had instances where buildings have sprung up which have not always been necessarily aesthetically in the best taste. The other concern that I think has been touched upon is these reports that get commissioned, then get shelved and get forgotten about and then gather dust. This is tragic, I think, for 2 reasons. First of all, often they are commissioned at great expense and certainly when it is not at great expense, there is always a great deal of time, consideration, care and enthusiasm that goes into the making of those reports. I believe the 1968 one was led by St. Brelade Deputy Huelin at the time and that was clearly a very good piece of work. It is reminiscent of a similar one we looked at at scrutiny to do with Fort Regent. There was a great deal of work that went on of how to revitalise and re-energise the Fort Regent and looking at it now, it still, I think, has as much validity as it would have had then. Unfortunately, these things seem to get forgotten and I think it does need to be asked why, in fact, this was not considered in subsequent Island Plans because it seems to have been just completely forgotten about. We were told initially that the Island Plan subsumed this but the argument, of course, is how can it be subsumed by subsequent Island Plan if it was not considered and if the department were not even aware of it. So I think that is a general concern that we have to be aware of. If we are commissioning reports, which contain a great deal of detailed work and positive work, we have a duty, I think, to act on those things. So I am certainly supportive of this and I hope that we can learn a lesson from this and preserve what is one of Jersey's very beautiful corners, both for locals and for tourists.

**2.8.7 Deputy S. Power:**

Not to be left out. I cannot afford to live in St. Brelade's Bay but I do endorse everything that Deputy Jeune is seeking to do with this. My only observation, and it is a very brief one, is that in any future development of the large blocks that adorn the Promenade at the moment, that when they do come before the Planning Department, that due consideration is given in the future to the massing and scale of those blocks and that the public areas along the Promenade in St. Brelade's Bay are preserved in posterity for ever for the public of the Island.

**The Bailiff:**

Does any other Member wish to speak? Very well. I call upon Deputy Jeune to reply.



### **2.8.8 Deputy A.E. Jeune:**

I thank those who spoke. I think there is only one speaker I need to respond to and that is to the Deputy of St. Mary. In respect of the omissions, the fact it was omitted is at least we are able to rectify that by bringing these amendments as I have done, and in respect of the financial aspect, the examination in public by the independent inspectors, in actual fact they raised that and that is where I was able to get the answer that the department believed they could do it within their resources. I thank the Minister for accepting it and I thank my fellow St. Breladiers for working together on this.

#### **The Bailiff:**

Very well. All those in favour of adopting the amendment, kindly show? The appel is called for in relation to the amendment of Deputy Jeune.

**POUR: 38**

**CONTRE: 0**

**ABSTAIN: 0**

Senator P.F. Routier

Senator T.J. Le Main

Senator F.E. Cohen

Senator J.L. Perchard

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F.du H. Le Gresley

Connétable of St. Helier

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Connétable of St. Saviour

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy of St. Ouen  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy P.V.F. Le Claire (H)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy M. Tadier (B)  
Deputy A.E. Jeune (B)  
Deputy of St. Mary  
Deputy T.M. Pitman (H)  
Deputy A.T. Dupré (C)  
Deputy E.J. Noel (L)  
Deputy T.A. Vallois (S)  
Deputy M.R. Higgins (H)  
Deputy A.K.F. Green (H)  
Deputy D.J. De Sousa (H)  
Deputy J.M. Maçon (S)

## **2.9 Island Plan 2011: Approval (P.48/2011): forty-eighth amendment (P.48/2011 Amd.(48))**

### **The Bailiff:**

Then we come next to the 48th amendment lodged by the Minister and if Members agree, we will take the amendment as read and I invite the Minister to propose it.

### **Senator F.E. Cohen:**

I am sympathetic to the intent behind Deputy De Sousa's amendment but believe the regime of policy and guidance which the plan seeks to provide gives a sufficiently robust set of tools to enable the height of buildings in St. Helier to be adequately controlled. I am therefore proposing my own further amendment and also just to give notice at this point that I have looked carefully at

Deputy Le Fondré's forthcoming amendment in relation to heights of buildings and how they are measured and I will now be accepting his amendment. In particular, the department believes that the St. Helier Urban Character Appraisal, which provides explicit design guidance about the range of heights that can be accommodated within the town without causing undue harm to the district areas or of character within it, can be used to better effect to inform the planning decisions. The intent to publish supplementary planning design guidance based on the Urban Character Appraisal is set out in the plan. In light of Deputy De Sousa's amendment, however, I believe that this intent should be made more explicit in order to ensure that the materiality of this work as a factor in decision making is highlighted, particularly in relation to proposals for tall buildings. On this basis, my further amendment links decision making on tall buildings in the town to the Urban Character Appraisal. I am also keen to avoid potential unintended consequences of Deputy De Sousa's amendment which, in itself, could still permit tall buildings to be developed where they are sited next to existing tall buildings, for example, Cyril Le Marquand House, as the Urban Character Appraisal suggests that in this locality, the predominant height should be 2 and a half to 3 and a half storeys. The independent planning inspectors support the approach set out by me and recommend enhancements to my own further amendment, which I have incorporated.

**The Bailiff:**

Can I just declare, Minister, if the Assembly accepts yours, it would seem that Deputy De Sousa's can still go ahead. They are consistent, is that right? Yes, they are consistent, yes. Very well. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the Minister's amendment?

**2.9.1 Deputy D.J. De Sousa:**

I have let the Minister know that I am willing to accept his amendment to my amendment because there are areas that will be suitable for taller buildings.

**The Bailiff:**

If I may, Deputy. It is not an amendment to your amendment. It is a separate amendment to a different part.

**Deputy D.J. De Sousa:**

I stand to be corrected but he did inform me that he was going to bring it to enhance my amendment. So as I was saying, there are areas within the Island where it would be suitable to possibly go slightly higher than 5 storeys high. The Westmount Quarry is a site of example. Because of the height of the quarry itself, the buildings that have been designed, although I would not necessarily agree with it, but they will not impact because they are sitting back against the quarry site. I would like to point out that there is a really good example in Midvale Road of where there is an increased height and an increased footprint on what was in place beforehand and that is Zealand in Midvale Road. They have greatly increased the footprint there. There was previously a rather ugly, dare I say, dormer bungalow and the architects and the builders of this property have mirrored the properties that are opposite that have been there for 100 years or more. So it is a really good example of an increase in height that has blended in with the surrounding area. A bad example would be one that I have recently put in an objection to and that would be on the Esplanade where they want to alter the footprint on the Lord Coutanche House. So I do understand why the Minister has done this and I will be supporting it and I hope other Members will.

**2.9.2 The Connétable of St. Helier:**

I just wondered whether the Deputy would indicate whether she is withdrawing her amendment or not because there is one phrase in her amendment which seems to be problematic, which is that buildings which are taller than the buildings next to them will not be permitted. That does not seem to me to sit easily with what Senator Cohen is proposing and might be considered - I think this is

the point he was making - might be considered a restriction too far unless I am misreading the amendment.

**The Bailiff:**

I asked the Minister this. I had understood that he was saying he would be accepting Deputy De Sousa's amendment if passed. Can you clarify?

**Senator F.E. Cohen:**

That is correct.

**The Bailiff:**

Very well. You will deal with it in reply. Does any other Member wish to speak? The Constable of St. Saviour?

**2.9.3 The Connétable of St. Saviour:**

Yes, just to ask if it is possible that he will allow exceptions for this. I think of buildings like St. Thomas' Church.

**The Bailiff:**

Does any other Member wish to speak? Very well. I call upon the Minister to reply.

**2.9.4 Senator F.E. Cohen:**

I thank all Members for their comments and, yes, all policies, of course, there are the potential for exceptions but only in exceptional circumstances.

**The Bailiff:**

Very well. All those in favour of adopting the Minister's amendment, kindly show? Those against? The amendment is adopted.

**2.10 Island Plan 2011: Approval (P.48/2011): thirty-third amendment (P.48/2011 Amd.(33))**

**The Bailiff:**

We then come to the 33rd amendment lodged by Deputy De Sousa, which we will take as read, and the Minister has already indicated but you confirm, Minister, you will be accepting this amendment?

**Senator F.E. Cohen:**

Yes, Sir.

**The Bailiff:**

Then I invite Deputy De Sousa to propose it.

**2.10.1 Deputy D.J. De Sousa:**

There is not much more to be said that has not already been said in the previous amendment to the Island Plan. I just want to reassure the Connétable of St. Helier that the reason we had the previous amendment was to correct that wording that he was concerned about. So I hope that Members will, as the Minister has, go for this amendment and I commit it to the House.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Deputy Dupre?

**2.10.2 Deputy A.T. Dupre of St. Clement:**

I would just like to check if St. Clement can be included in this as well as St. Helier because we do not want any more like the Le Marais on the front there.

**2.10.3 Deputy T.M. Pitman:**

I often think half the problem with the height issue with our buildings is because the Minister for Planning and Environment insists to me that he is over 6 feet tall so maybe it is some fault of his own. We went with Deputy De Sousa and Deputy Martin just yesterday to a very good example of why this is a good amendment. A quite hideous carbuncle of a proposal, which would be completely out of character with the buildings which are already there, 5 storeys but more than 2 storeys higher than what is around it and really you have to ask with these developments, it would put some people in permanent shadow, completely change the ambience of the area and especially when there are listed buildings around, why this was not done already. So I think Deputy De Sousa is to be commended on this because, as I say, tall buildings can have a huge impact on life that do not appear on paper but when you see them in the real and in the shadow, they do have a huge impact. So I think she is to be commended on this and I am glad the Minister is accepting it and I do believe him that he is over 6 feet tall as well.

**2.10.4 Deputy M.R. Higgins:**

Just very briefly and I am hoping someone in summing up will be able to tell me. When it talks about: "which exceeds the height of buildings in the immediate vicinity will not approved." If you have one large existing structure of 7 storeys, let us say, and all the others are lower, which are you going to go by, the lower or the highest? Which are you taking as the benchmark?

**2.10.5 The Deputy of St. Ouen:**

Just a very quick question. Perhaps Deputy De Sousa might choose to comment, if this particular amendment is adopted in the new Island Plan, whether or not the proposed development on the St. Helier the quarry site on Westmount would fit this test.

**2.10.6 Deputy M. Tadier:**

I think while one is generally supportive of the proposition, I think following on from the last speaker, first of all, we have to be mindful of the majority decision of the States to increase the population. Now, I was not one of those who supported it. I think there may have been probably the usual 17 or 18 of us who did not but the majority of the States agreed that we are going to increase the population. This will probably come up later on in the debate but just to pre-empt that. We have got a problem. We have decided we want to bring in, let us say, 325 individuals per year, or whatever that may be, 5,000 in the next 20 or 30 years.

[12:00]

They will have to be housed somewhere. They are not going to be housed in the countryside first of all because even those of us who voted against the population increase do not want to spoil the countryside. Similarly, we do not want to see an overpopulation of the town area but it seems to me that certainly there will be sites which can be identified. One was given as the, I think, Westmount site. There are other areas where I am sure a building taller than 5 storeys high, maybe significantly taller than 5 storeys, if it was not casting shadows, if it was not having an excessively negative impact on the rest of the environment, would be better than a poorly designed perhaps old and dilapidated 5-storey building the likes of which we may have in certain areas now. It is not my problem in the sense that I did not vote for the population to be increased, but we have to accept that that was the majority decision of the States. I am just wondering, in reality, what does this amendment bring, as well-intentioned as it is, insofar as surely if we are talking about exceptional height can be justified fully, certainly there will be times when presumably on the balances of what is best for the Island and housing the unhoused that we already have an issue with, it may well be that we need to build above 5 storeys and I do not think that we necessarily need to be dogmatic about that. The Deputy will have the chance to sum up, and I hope I have not misrepresented her

views, because I think generally I know where she is coming from. But I think we do have to accept that in the next 20 to 30 years we are going to have to make some very tough choices, because we have set the ground work for that direction already. It is easy to pay lip service to these kind of ideals, but I think the reality of it is, build in the countryside, because in fact the majority of the countryside representatives were the ones that voted to increase the population. We urban-dwelling Deputies and representatives by and large did not vote to increase the population. So of course we could say: "Let us just build in the countryside. Let us have those representatives put their population where their residencies are," but of course that is not realistic. We will have to face tough decisions, and I am worried that we might be pulling the wool over our own eyes somewhat today by supporting this. Of course I will support it though.

#### **2.10.7 Senator F.E. Cohen:**

I would make the point that tall buildings are not necessarily bad. Well-designed tall buildings, particularly tall buildings with space about them, can be very good. They are often the defining structures for jurisdictions and they are the structures, if they are exceptionally well designed, that can be of great benefit to the community and can be loved by the community. We have a pretty poor record of tall buildings in Jersey. Most of our tall buildings are disliked intensely by the community, but that is because they are poorly designed. It is not necessarily because they are tall. What I would suggest, and this was something I was talking to Deputy De Sousa about earlier today, is that if the Parish representatives are concerned about the issue of tall buildings or indeed about any other issue in relation to constructions or proposed constructions in the town, that they are well advised to become involved in the planning process. It is just as much the case for St. Helier as it is for the country Parishes, that the representatives, the Connétables and the Deputies, should have a say in what is built and what is not built in their Parish. There seems to be a feeling that there is some sort of a conspiracy going on, that the Planning Department are endeavouring to impose upon St. Helier poor quality buildings that are going to be tiny with tiny little beds and horrible tiny little rooms that you have to sleep at an angle across if you are more than 3 foot 6; and that is not the case at all. The reality is that the Planning Department wants to deliver really high quality buildings, whether they are tall buildings, whether they are short buildings, that have adequate amenity space but have good sized rooms that people are delighted to live in. The best way for the Parish Deputies and Connétables to be assured that that is what is delivered is to become involved in the process, and I would urge the Deputies and the Connétables to formalise that process and to attach that to the planning process. There is nothing we would like to hear more than the opinions of those who have been elected to represent the Parishes, and represent the town; and that applies to tall buildings and to short buildings.

#### **Deputy M.R. Higgins:**

When I spoke earlier I sought to clarify, and I think the Minister was the best person to clarify that question. Are we taking the average height of the buildings around, or if there is a large one, whether you are going to take that as the starting point?

#### **Senator F.E. Cohen:**

The Deputy has missed the point of my previous amendment which was to encompass the Urban Character Appraisal. I would commend the Urban Character Appraisal to the House as an exceptionally competent document, and it deals with heights, styles, genres in great detail and would be an excellent mechanism to control not only height but other aspects of the planning process.

#### **2.10.8 Deputy P.V.F. Le Claire:**

Senator Cohen did invite me on to the Planning Applications Panel. I am grateful for that because it has given me an insight into what can and what cannot be done. What we are in danger of doing this morning, while I would agree that we need to take cognisance of the implications of poorly

designed and located structures that have a bad bearing and potentially undermining issues in relation to buildings neighbouring them, such as one we have at present in our district, we also have to take cognisance of the fact that some very tall buildings can supply some very significant accommodation. We are just absolutely fooling ourselves today by saying that we do not want to build in the countryside; we want to build in town, but not around the edge where there is a country park; not on the waterfront because we have got a Buncefield issue; so we are going to build it in the rest of town. But a lot of these ownerships are split up, and a lot of them have sites of special interest. We are somehow going to be able to deliver that by agreeing that all of the population which is tackled by putting it into St. Helier, and the way that we are going to tackle this crisis is by having more politicians feeding into the process. Well, it is absolute nonsense. This is just barmy, what is going on. I have lived in a very tall building of 19 floors at the very top of the building; very, very large apartments; very, very large ... no, not New York. Very, very large apartments, very large open space, great views, swimming pool in the first floor, 2 levels of underground parking, family room, play room, party room - all of those amenities. Generally you did not know your neighbour's name. The person who opened their door next to your door, you did not know their name. If you lived there for several years, you would not know their name. People would live in your corridor, on your floor; you would not know who they were. You would not use the swimming pool or the community rooms because you just would not feel at home. You would feel like you were in a very large building, but because that was not necessarily an owned building but a rented building, you were not necessarily feeling comfortable about who else was going to turn up into that room and use it at the time you were using it. So generally the facilities were run down, badly kept and badly used. We have got issues about whether or not we want to do something to address the cost and affordability of housing, and we hear people saying: "Do not build more, because my house price is going down." That is exactly why your house price is going down because, as identified within the recent study that was in all the newspapers and I got a copy of it: the reason why the prices are going down ... the reality of generation rent was in all of the newspapers including the *Financial Times*, which is the only one I am going to say, because I am ridiculed when I mention anything else. This market report undertaken as a result of the housing crisis has significant implications across society, not only in terms of how the community is going to be affected, but also in terms of pensions and long-term issues of poverty and social issues that generation rent is going to be passed on. They talk about the problems that this is going to have in England where the rights and privileges are not as strong as in Europe; and for better rights and privileges in the U.K. than we have got in Jersey; and yet they are concerned about the rights and privileges they have got in the U.K. What we have got is a particular quandary and it is all being driven by a population issue that no one is willing to accept. I am sorry, but that is also driven by the fact that we have got a one-legged economy, and the only way to survive in this one-legged economy is for one sign to be on our shop window and one sign only: "Open for business" because it is business that gives us the money to provide the social needs, keep the schools, build the new hospitals, et cetera, et cetera, et cetera. So we have got to. Senator Cohen encourages Deputies of St. Helier and Constables. Senators - there are 12 Senators involved with St. Helier. I do not see them voting for St. Helier very often, but they are **[Interruption]** ... with perhaps the odd exception, one significant one from Senator Paul Routier, M.B.E. (Member of the British Empire). This will take all day if you interrupt me, because I am going to say some things. We are wasting time over debates that are unanimously supported. Half an hour we just spent on something that was voted through 38 to zero, and here we are willy-nilly pushing something through that has financial implications, has restrictions. At the end of the debate that Senator Shenton sat through in the last rezoning, Senator Shenton stood up and said the problem was that they suddenly found themselves in a housing crisis because they had not planned enough housing and they had increased the Green Zone by 50 per cent. I am not talking about this Senator Shenton; I am talking about the previous Senator Shenton: Senator Dick Shenton who was here before his son, Senator Ben Shenton. So, if we always do what we have always done we will always get what we have always got; and we are doing that today. We are saying: "Do not build in the country. Build it all in town,

but do not build it up, and provide housing. No; not provide housing; provide buy-to-let properties that we can use.” £10.5 million of taxpayers’ money currently this year is going to go on rent rebates in the private sector. £10.5 million flushed down the toilet, and not a penny of that money invested in property for the people to use when they come to retirement. So we better get real and we better get involved as people involved in St. Helier. This issue about: “Oh, all the Parishes are complaining about building in their Parishes”, like St. Clement: “Oh, but we do not want you to build in St. Clements.” Well, you love this Parish system. The reason they are putting all the people into your Parish is because this Parish system protects the imbalance of political persuasion that puts all these people in your Parish in the first place. Unless we are going to address our system of Government and representation we are going to have thousands and thousands and thousands and thousands more people in St. Helier and not a single additional representative - not one single additional representative. We do not get more money to look after these people, except at election time when we get enough money to cover a stamp; and what good is that these days? What good is a stamp? Absolutely useless. You can take a letter around yourself if you want to know if it is going to be there. Senator Cohen is absolutely right. Politicians in St. Helier need to get involved with making sure we can deliver sustainability in St. Helier. But we need to recognise there is an imbalance in favour of the countryside. If we want to protect the countryside and deliver a community that is going to stick together and have a future, we have got to change things and we have got to stop making these ridiculous debates that are doing nothing to address affordability or home ownership. It is just: “Yes, yes, yes, yes, yes; yes, yes, yes, yes yes. It is a year and a half late. I have got 4 months to go. Let us rush it through, because it is going to take a few days.” It is absolutely ridiculous and, what is more, the planning applications process at the moment, which is: “Take it to the Minister. The Minister will decide. If it is controversial it will come to the Panel.” The Panel members like myself, when it comes to St. Helier, they have to sit out - they choose to sit out - or they can sit out, so they can then represent their views upon the Panel. The process is not helping this attitude that we do not want tall buildings. I put it to Members that within 10 to 15 years, if we continue to grow at the rate we are growing, we are going to exceed 100,000 people if we have not already, and the only option is going to be tall buildings. It is all great to talk about high quality and amenity space; but it does not matter how high up you go, the properties do not get cheaper. They get more expensive.

#### **2.10.9 The Connétable of St. Helier:**

Two very quick points. First of all, the Minister invited elected representatives to get more involved in this issue. I would just ask him to also include the elected Roads Committees of each Parish, who clearly have a role as well. Secondly, just to make the point which has not been made yet, that with a concentration of development in the urban areas and the desire we all share to protect the undeveloped parts of the Island, we need to bear in mind that amenity space is freed up by taller buildings.

[12:15]

Clearly if you only build 3-storey townhouses on a site like the Romeril site, you are wasting a valuable opportunity to have some open space given back to the public if you build a taller building there.

#### **Deputy J.A.N. Le Fondré:**

It is not so much a speech; it is a clarification. It may already have been asked.

#### **The Greffier of the States (in the Chair):**

Who is the clarification from?

#### **Deputy J.A.N. Le Fondré:**

Possibly yourself, Sir, unless it is the Minister or the proposer of the amendment. The Minister has made effectively an early amendment which has all been accepted, which is good and which I



understand Deputy De Sousa is also accepting. What is the actual position now in relation to the sentence which says: “Developments which exceed the height of buildings in the immediate vicinity will not be approved”? Has that effectively fallen by the way, or is that still going in?

**The Greffier of the States (in the Chair):**

If Deputy De Sousa’s amendment is adopted that will amend, will it not? That will substitute the first paragraph in Policy BE5 of page 160. That is the only change being made at this stage because the Minister’s amendment simply added a new proposal, did it not, relating to urban character, which is separate from Policy BE5? My reading of it.

**Deputy J.A.N. Le Fondré:**

Sorry, Sir. Does that mean that sentence then will go into the policy?

**The Greffier of the States (in the Chair):**

Sorry. I am slightly ... which sentence are you referring to?

**Deputy J.A.N. Le Fondré:**

In the paragraph immediately above (d), it says: “Tall buildings defined as ...” and it goes on about storeys, et cetera, and then in that last sentence in that paragraph it says: “Development which exceeds the height of buildings in the immediate vicinity will not be approved.” The reason I am asking, I have heard the Minister supporting various things, which I agree with in terms of buildings, and the Constable of St. Helier and I believe Deputy de Sousa, and I was trying to marry the whole lot together.

**Senator F.E. Cohen:**

I think the answer is it does, because my proposition related to the addition of wording related to the Urban Character Appraisal.

**The Greffier of the States (in the Chair):**

Just so Members are clear and so the Chair is clear, you referred to (d), but I am not ...

**Deputy J.A.N. Le Fondré:**

All right. On page 18, amendment 33, this is in the running order, presumably I am in the right place here, but my understanding is that what we are debating at the moment is the amendment which says ... we are on Amendment 33, it is page 160, Deputy De Sousa, halfway down that table it says: “Replace ... with the following words” and it starts: “Tall buildings defined as those either above” and it carries on, and at the end of that paragraph, that last sentence, it says: “Development which exceeds the height of buildings in the immediate vicinity will not be approved.”

**The Greffier of the States (in the Chair):**

Oh, yes. Those words are in the amendment. If the amendment is adopted then those words will be in the ...

**Deputy J.A.N. Le Fondré:**

So for clarification, under BE5 under tall buildings, if it is above the height of buildings in the immediate vicinity it will not be approved.

**The Greffier of the States (in the Chair):**

Well, that is what we are debating and we have not finished.

**Deputy J.A.N. Le Fondré:**

Okay. So that is if we vote it through. Thank you, Sir.

**The Greffier of the States (in the Chair):**

If Members support Deputy De Sousa.

**Deputy R.C. Duhamel of St. Saviour:**

In relation to what Deputy Le Fondré has been referring to, could we have a ruling from the Chair as to whether or not a further amendment needs to be made to take out the superfluous word “either”? When Deputy De Sousa presumably made that amendment it was to change something that was giving a choice and the wording was: “Tall buildings defined as those either above 5 storeys in height or rising more than 2 storeys above their neighbours will only be permitted where their exceptional height can be fully justified in urban terms” and the amendment has crossed out the second “or” part but left the “either” in which does not really make sense in English - not in English I normally use. So can we propose to take out the word “either” because it does not make sense otherwise? Second point is that in seeking to keep in the amended sentence: “Development which exceeds the height of buildings in the immediate vicinity will not be approved” I am presuming that will not be a blanket disapproval and that if indeed, for example, there was going to be a regeneration in parts of Les Quennevais, generally of the context of providing bungalow development which is low level, indeed if proposals for tall buildings were put forward to replace some of those bungalow buildings with taller buildings, then presumably providing the application came forward with a design statement in urban design terms to justify the increase in height, then that would be acceptable or not as the case may be, according to whatever the design statement was able to justify. Perhaps if we could have a clarification on that point, either from the Minister for Planning and Environment or indeed from Deputy De Sousa as to whether or not that would be the case, and that a complete blanket restriction would not apply in terms of bungalows or people seeking to regenerate areas like turning bungalows into taller buildings - 2 storey buildings or even 3 or maybe taller.

**The Greffier of the States (in the Chair):**

I think there is one matter I can address from the Chair, Deputy. I think you have correctly picked up what is clearly a typographical error and the word “either” has simply inadvertently stayed. I think Members must accept the word “either” does not make sense; we will take it out. The other matter I think is a policy matter. Perhaps the Minister could clarify; not a second speech, Minister, but briefly a clarification.

**Senator F.E. Cohen:**

The wording, if approved, is that: “Development which exceeds the height of the buildings in the immediate vicinity will not be approved.” I think it is quite specific

**The Greffier of the States (in the Chair):**

That is the wording.

**Senator F.E. Cohen:**

If this were adopted that would mean that buildings could not exceed those neighbouring.

**The Greffier of the States (in the Chair):**

It seems clear to me. Does any other Member wish to speak upon the amendment of Deputy Southern?

**2.10.10 Deputy J.A.N. Le Fondré:**

Only to say, I am sorry because I agreed entirely the whole point about design statements and all that sort of stuff, but I cannot sign up to something which is that categorical in that last sentence. So unfortunately I cannot support the amendment.

**2.10.11 Deputy G.P. Southern:**

I think finally I have found justification for voting for this amendment, thanks to the last clarification of Deputy Le Fondré, who says that he cannot possibly vote for a statement which says: “Development which exceeds the height of buildings in the immediate vicinity will not be approved”, which runs counter to the other statements as amended which say: “Exceptional height can be fully justified in [some sort of] a design statement,” and believe you me, it will be for design reasons. Now I have seen some of the current Minister for Planning and Environment’s classic designs, modern designs, and by and large I have not been impressed with them, and they have been assessed for design ...

**Senator F.E. Cohen:**

That is not what he told me last time.

**Deputy G.P. Southern:**

So no doubt height will be justified. A number of Members have mentioned, but I think it needs reinforcing: the fact is that pretty soon we will be going all out for economic growth. Economic growth will be one-legged; it will be the finance sector, and the finance sector needs skilled workers with experience of financial matters, and therefore we will be importing more than 150 heads of household, and that will be putting tremendous demand on our housing stock, and we have just been told we will not build on green fields, we will build in the urban developed area; and as Deputy Le Claire has pointed out, this will mean that we will be building high. The Minister can state all he likes - his department is very methodical and very earnest in wanting the best type of development, either in design terms or in space terms or in insulation terms, although we had a problem with that a minute ago, et cetera, et cetera. His thrust is that, by and large, development will be done by private companies: developers, builders, architects will be competing to build on particular plots, and there will be a negotiation process that goes on. There always is, as the Minister knows full well, between what is acceptable on a particular site and what is not, and the Minister and his department may start with saying: “I think that is due 60 units of accommodation on this plot” and the developer will put in a bid for 90; and somewhere in there, as in any negotiation process, there will be a negotiation process. Accommodation will be had - accidental pun there - and we will arrive at a limit that will be now 85 units of accommodation. In order to do that, if necessary will go up high. That is what happens. The Minister is shaking his head, but he knows that is a fairly accurate description of what goes on between a developer and the department - exactly that. Some agreement will be made; both partners walk away from the negotiation relatively happy: “We have settled at 75” or “We have settled at 80” or “We have settled at 85” and that is economically and financially viable. That is what happens. So I have no doubt that despite the statement: “Development which exceeds the height of buildings in the immediate vicinity will not be approved” runs counter to the statements above on design terms. If exceptional height can be fully justified it will be permitted. So we are going to see; we will build high. Of course we will, because we cannot do anything else with the policies that the Minister ... pie in the sky policies. The Minister is coming to us saying: “I will protect almost every green field on the Island and every sensitive site” and we are going to pile people into St. Helier, St. Saviour, St. Clement. That is the reality, and we have to admit that. So, yes, I will be voting for this amendment because if I cross both my fingers and my legs, perhaps the last statement: “Development which exceeds the height of buildings in the immediate vicinity” will not be approved. However, I will not be holding my breath, because I expect to see height, pile them in - that is what will be happening, with or without soundproofing.

**2.10.12 Deputy J.M. Maçon of St. Saviour:**

I was not going to support this amendment for the reasons that Deputy Le Fondré has pointed out. However I have just reminded myself that this is Policy BE5 which is specifically applied only to tall buildings; not to general buildings; not to normal house. Because my concern was if you have got a one and a half storey house, why we should we turn around and say to someone: “Well, you

have an ease for a 2-storey house.” Why should we turn around and say: “No, you cannot do that.” But because this Policy BE5 is specifically only for tall buildings, I think I might be able to support the amendment now.

**The Greffier of the States (in the Chair):**

I call on Deputy De Sousa to reply.

**2.10.13 Deputy D.J. De Sousa:**

I thank all Members that have spoken on this. I brought this amendment because over the years, especially along the Esplanade Quarter there has been a continual one-storey creep on each new block that has gone up. If you stand and look you can see it literally going up. I do not feel that in some circumstances this has been done to the benefit of those in surrounding areas, and therefore I have brought this amendment. Yes, the amendment part does say: “Development which exceeds the height of the buildings in the immediate vicinity will not be approved.” As Deputy Maçon has just pointed out, this is only in the tall buildings’ section; so it is only dealing with the tall buildings. We are not talking about 2-storey houses. It is not quite as detrimental as people would think. It is up to Members whether they decide to support this amendment or not. I hope they will, but everybody has their own feelings on this subject. I commend the amendment and ask for the appel.

[12:30]

**The Greffier of the States (in the Chair):**

The appel is called for on the amendment of Deputy De Sousa.

<b>POUR: 28</b>		<b>CONTRE: 12</b>		<b>ABSTAIN: 2</b>
Senator A. Breckon		Senator P.F. Routier		Senator F.E. Cohen
Senator F. du H. Le Gresley		Senator S.C. Ferguson		Connétable of St. Mary
Connétable of St. Helier		Senator A.J.H. Maclean		
Connétable of Grouville		Connétable of St. Clement		
Connétable of St. Brelade		Deputy R.C. Duhamel (S)		
Connétable of St. Martin		Deputy of St. Ouen		
Connétable of St. John		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Saviour		Deputy I.J. Gorst (C)		
Deputy of St. Martin		Deputy M. Tadier (B)		
Deputy R.G. Le Hérisier (S)		Deputy A.E. Jeune (B)		
Deputy J.B. Fox (H)		Deputy A.T. Dupré (C)		
Deputy J.A. Martin (H)		Deputy E.J. Noel (L)		
Deputy G.P. Southern (H)				
Deputy of St. Peter				

Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**Senator F.E. Cohen:**

Can I just make clear, the reason I abstained was we have current applications that this may affect.

**2.11 Island Plan 2011: approval (P.48/2011) thirty-seventh amendment (P.48/2011 Amd.(37))**

**The Greffier of the States (in the Chair):**

Thank you, Minister. The next item on the running order is the amendment of Deputy Le Fondré, also relating to tall buildings. Deputy, I think the amendment is generally consistent with what has gone before, with one exception which is the reference in the last lines of paragraph 8: “2 storeys” are now superfluous, because the amendment of Deputy De Sousa has taken out any reference to 2 storeys. So there is not much point debating an amendment that refers to something that is not there. I think that I will invite the Greffier to read the amendment, but simply stopping at the words “approximately 18 metres” in paragraph (a) because the other words are now superfluous and unnecessary. So I will ask the Greffier to read the amendment in that form.

**The Deputy Greffier of the States:**

Paragraph 4, page 2 - After the words “the revised draft Island Plan 2011” insert the words “except that - (a) in Policy BE5 - Tall buildings (page 160) for the words ‘5 storeys’ where they appear in the first line and in the last paragraph, substitute the words ‘approximately 18 metres’; (b) in Policy BE5 - Tall buildings (page 160), insert the following paragraph at the end of the policy ‘For the avoidance of doubt, for the purposes of the definition of a tall building as laid out in the first paragraph of this policy, where roof top plant is incorporated into the design of the building, there will be a further 2 metres allowed in the calculation of the height of the building before it is defined as a tall building.’”

**The Greffier of the States (in the Chair):**

Minister, is this is an amendment that you are accepting or...

**Senator F.E. Cohen:**

I have listed this as reject, but I have changed my position and I am supportive of the amendment.

**Deputy M. Tadier:**

May I ask a point of order, just for clarity and to set the path clear for the future? What we have had now is a completely different amendment because it has been changed. Is it within Standing Orders for it to be changed on the hoof, and if not, does it need to be proposed anew?

**The Greffier of the States (in the Chair):**

The view I have taken, Deputy, Standing Order 74 makes it clear that an amendment cannot be moved if it is inconsistent with the previous decision, and it seems to me that although this is not technically inconsistent we could debate over effectively changing words that are no longer there. I think it makes sense to take the view that this part of the amendment is technically withdrawn by the Deputy because otherwise we are debating something that is not there. There is no reference to 2 storeys, so it would make it slightly foolish to debate something that is no longer there. That is the view I have taken.

**2.11.1 Deputy J.A.N. Le Fondré:**

I apologise because I missed the Minister's original acceptance, because he was in the process of speaking to yourself to work out the impacts of the various amendments. What I will do as we are short and it is running into lunchtime, I will keep it very short. If it becomes a debate I will change my speech around at the end. This is a relatively minor amendment. It is trying to bring some objectivity into when a particular policy kicks in. It does not change that policy. There is still a requirement outside of BE5, which is the one we talk about for tall buildings, et cetera, for good design and all the rest of it, which is referred to for example under GD1, which is General Development considerations as well as other policies. All I am trying to do is to bring some certainty into what to me ... and I will email Members a photograph over lunchtime if we ever get to that point, of why the definition of a storey can be ambiguous in certain instances. I am going to keep it very short as the Minister is accepting the amendment.

**The Greffier of the States (in the Chair):**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? All those in favour of adopting the amendment kindly show. Against. The amendment is adopted.

**The Deputy of St. Mary:**

Before we move on away from tall buildings, could I just ask for clarification of what the Minister said? He made a remark which really quite surprised me. He said that what we had decided about tall buildings does not affect current planning applications. My understanding was that maybe we should take advice from the A.G. (Attorney General) on that.

**Senator F.E. Cohen:**

The Deputy is clearly having a bad Freddie day. I did not say that at all. All I said was that the reason that I had abstained was because we have current applications that this may affect.

**The Deputy of St. Mary:**

I misheard.

**The Greffier of the States (in the Chair):**

Connétable of St. Helier, you indicated earlier in the sitting you were withdrawing number 11.

**The Connétable of St. Helier:**

Yes. It has now been covered by the Minister's amendment.

**2.12 Island Plan 2011: approval (P.48/2011) thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 12**

**The Greffier of the States (in the Chair):**

Yes, it has been covered by the earlier amendment. So we therefore come to paragraph 12 of your 38th amendment, which is relatively short; so I will ask the Greffier to read that amendment.

**The Deputy Greffier of the States:**

Page 2 - After the words "the revised draft Island Plan 2011" insert the words - "except that in Policy BE9 - Street furniture and materials (page 164) - (a) in paragraph 4, after the words 'street trees' insert the words 'and benches'; (b) after paragraph 4 insert a new paragraph as follows - '5. Street trees are planted in the ground rather than in planters wherever possible.'"

**The Greffier of the States (in the Chair):**

Is this an amendment you are accepting, Minister?

**Senator F.E. Cohen:**

Yes.

**2.12.1 The Connétable of St. Helier:**

I so propose.

**The Greffier of the States (in the Chair):**

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

**2.12.2 Senator P.F. Routier:**

Very briefly. It has been remiss of me. I wish I had also put in an amendment for the rubbish bins with McDonald's adverts on so that we could have avoided having those in the street.

**The Greffier of the States (in the Chair):**

Let us keep to trees, not bins.

**2.12.3 Senator F. du H. Le Gresley**

Just a minor point, but as the Constable has brought this amendment, does this mean that the current trees in New Street in planters will be planted in the ground?

**The Greffier of the States (in the Chair):**

I call on the Connétable to reply.

**2.12.4 The Connétable of St. Helier:**

That is correct. I thank both speakers. I certainly hope so. I think the excuse is often given about underground services. The vines that were put in Vine Street last year, for example, promptly died because they were put in planters rather than in the ground. They are back in planters; they will die again. I think we should find ways of putting all our trees and other planting in town in the ground, and we should have a lot more of them. Town is, as Deputy De Sousa said yesterday, pretty devoid of trees compared to many towns in Europe and we need to have tree-lined streets wherever possible. I maintain the amendment.

**The Greffier of the States (in the Chair):**

Those in favour of adopting the amendment kindly show. Against. The appel is called for.

**Deputy A.E. Jeune:**

Is the Connétable taking it as (a) and (b) separately?

**The Greffier of the States (in the Chair):**

Will you take it together, Connétable?

**The Connétable of St. Helier:**

Yes, I will take it together. It is not that contentious.

POUR: 39		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy A.E. Jeune (B)		
Senator F.E. Cohen		Deputy A.T. Dupré (C)		
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				



Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Greffier of the States (in the Chair):**

Very well. We come now to the first part of the 20th amendment.

**The Deputy of St. Mary:**

May I interject here about the order of business? In my view this is a major issue about whether we exempt tourism sites from the presumption that you cannot allow economically sites that are used for employment use to go out of that use; and I think it is going to be a major debate. So it seems slightly odd to have half a speech on that and then the other half, and then the debate with lunchtime in between. I would just ask if we could not go to the next item maybe.

**The Greffier of the States (in the Chair):**

How long do you anticipate your speech will be, Deputy?

**The Deputy of St. Mary:**

It is partly because the speech would then be divorced from the debate, but also I would definitely go possibly more than 5 minutes. I do not know, but I think probably more. I would not want it to be rushed because it is an important matter.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Greffier of the States (in the Chair):**

It may be ... I see a nodding of heads. If Members are willing to adjourn now? Very well. We will adjourn and reconvene at 2.15 p.m.

## **LUNCHEON ADJOURNMENT**

[14.16]

### **2.13 Island Plan 2011: approval (P.48/2011) twentieth amendment (P.48/2011 Amd.(20))**

#### **The Bailiff:**

Very well. We come next to the 20th amendment and paragraph 1, lodged by the Deputy of St. Mary and I will ask the Greffier to read the amendment.

#### **The Deputy Greffier of the States:**

Paragraph 1, page 2 - After the words "the revised draft Island Plan 2011" insert the words - "except that in Policy E1 - Protection of employment land (page 173) delete the words '2. the existing development is predominantly office or tourist accommodation, or,'"

#### **The Bailiff:**

Minister, is this one where you are going to be accepting or rejecting?

#### **Senator F.E. Cohen:**

I am rejecting this one.

#### **Deputy I.J. Gorst of St. Clement:**

I feel that I must make a declaration, particularly in the light of the Attorney General's advice to the Assembly yesterday, and this amendment particularly touches upon that. My family has a live application with regard to a tourist site and therefore I will be withdrawing from this amendment and there are some other amendments I feel I will also need to withdraw from, but I will make that declaration when we get to them.

#### **The Bailiff:**

Very well. I call upon the Deputy of St. Mary to propose his amendment.

#### **2.13.1 The Deputy of St. Mary:**

I hope we are all refreshed after the lunch break because ... I know we have all been working in the lunch break, but nevertheless it was a change of scene. I think this is an important amendment and I hope that we give it due consideration. Fundamentally it is about the kind of approach we take to the tourism industry, and I will just say a very few words about that industry to put this amendment into context, and then take people through what is being proposed and why. The tourism industry is based on what our Island is, on the beauty that we all know about and appreciate and on many, many other aspects which draw people to the Island - whether it is the museums or Durrell or the coast line or the fantastic eating that is now available and so on. It really does put our Island up there. I think it is part of our identity. Going back many, many years Jersey has been a tourist destination, a tourism island, and as such we have given pleasure to millions of people. Millions of people we have welcomed to the Island, we have enticed them here, admittedly; then we have welcomed them, and I think by and large they go home hopefully happier and a bit restored. In addition to that, there is the economic value ... In addition to the, if you like the moral aspect, what the industry is about - and I think that is important because how we feel about ourselves, and about our Island, is itself important. But also there is the economic aspect. The latest figures I have from the 2010 Annual Report of Tourism, which are the 2009 figures, £226 million visitor spend, 682,000 tourism visitors, of whom 340,000 were staying leisure visitors - so they came here to stay

and to have a break or a holiday; and the estimate is 6,000 jobs. Now the jobs are not broken down by the Statistics Unit or by Tourism beyond hotels, restaurants and bars, which of course is not a representation of hotels and guest houses, which is what we would consider to be the tourism industry, and that I think is unfortunate. But nevertheless what they do say in their annual report is that if you allocate some of the income and some of the footfall in restaurants and bars to tourists, quite obviously that is the case, and there is also, which is not counted in those figures of 6,000 jobs, the various ancillary aspects of tourism, the transport routes to and from the Island and so on, which offer jobs which are not in those figures. So I think 6,000 is a ballpark estimate and that is, I think, 13 per cent of the workforce. It is not just those jobs, is it? It is the range of jobs. Tourism is an astonishingly wide provider of jobs, everything from room service to front of house to waitering to chef to manager to I.T. (information technology) to property maintenance and development, it is a huge range of requirements and I think that is very important when we consider something which has a big impact on this industry. That is what this amendment is about. It is about whether all those things which I have described as being part of the tourism industry, dependent on the tourism industry, correlating with the tourism industry, whether we stand to lose a big part or indeed all of that; that is what this amendment is about. I will just take Members now through the actual detail of what I am asking; if people want to refer to the Island Plan it is on page 173, policy E1. This is about the protection of employment land. It is quite interesting, they write a few paragraphs and they correctly point out that if we did not protect employment land the pressure to build for residential would be unstoppable because that is the most valuable use of land that there is. So the policy says: "There will be a presumption against development which results in the loss of land for employment use unless ..." and then the policy gives some exceptions. So that is the groundwork of what we are talking about, a presumption against development which results in the loss of land for employment use, for the very good reason that if we do not protect that employment land it will end up as housing. So there is the presumption, and here are the exceptions, and they are one, 3 and 4 and then I will come to tourism one. One is that if it is demonstrated that the site is inappropriate for any employment use to continue having regard to market demand, and it talks about documentary evidence that the size, configuration, access or other characteristics of the site make it unsuitable and financially unviable. So that is the site has become surplus to requirements, the business is obsolete or the site itself is so badly configured for its use that it is legitimate to let it go. That is the first exception. The third exception is the overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land premises. So that would be, I suppose, a bad neighbour situation or some other loss to the community that ... sorry, a benefit that would be realised if a site was taken out of employment. The fourth one is the existing uses generating environmental problems such as noise, pollution or unacceptable levels of traffic. So those are the 3 exceptions that I have no quarrel with. Then 2 just leapt out of the page at me. The existing development is predominantly office or tourist accommodation. So there will be a complete exception for tourist accommodation. There will not be any ifs and buts, there will not be any presumption that a tourism site, i.e. a hotel or a guesthouse in a location very often on the coast, with a good location, there will be no protection, there will be no presumption to keep it in tourism use. I have to say just a word on the office thing. That was literally a drafting error. I did all this obviously as we all did under time pressure, I should have taken it out, somebody should have pointed out you have not written a word about offices in your report, which I did not because this, in my view, is entirely about the tourism aspect and I hope that if we were to pass this we would simply do a tidying up ... the Minister would bring a tidying up amendment and just delete with the office aspect. I am not talking about the office aspect, this is about tourism. So with that proviso I will continue. Now, the point of this is that the industry is not a collection of individual people doing exactly whatever they want. It is a collective and we sometimes lose sight of that. All the industry depends on all the other bits. I have often thought, when I was in the industry, about quality. That if one operator lets the side down, delivers a bad meal, has rats in the kitchen or cars that do not work or are dangerous, that brings down the rest of us, and so we do all depend, the

reputation of the Island depends on everything being hunky dory, everything being good. Now in this case if some sites go, if a certain number of beds go then there is a risk that the tipping point is reached and the industry itself becomes unviable. I have asked the Minister for Economic Development on occasion in this House, in oral questions, to say that there is a floor, that there is a limit of beds below which the Minister will not go. He has refused to put a floor to say: "We have a policy that says by hook or by crook we will sustain the industry at a certain level because we know the risk of going below that level." I will just take Members through the bed figures of how our industry has evolved. In the late 1980s there were 25,000 plus beds; in 2001 15,500, so 40 per cent; 2009, 12,000, less than half of what it was at its peak, just over 12,000 beds in 2009. My question to Members around this amendment is that if we go below a certain point then the whole thing becomes unviable. If people object in the debate to different aspects of this amendment, and I recognise this is a very difficult amendment; it is a difficult policy area. But if people are going to say: "Well the difficulties are too great" then please will they come up with another way of protecting this industry, because if they do not then that industry, on the face of this policy, is heading for the door. I think we do need to evaluate just how much we value the industry. A word on rights, I know that this is going to come up, it was mentioned in the inspectors' comments, and I am referring Members to the big document, the Minister's response to States Members amendments on page 24. The inspectors cover the aspect of human rights about the fact that this amendment impinges on people's property, which it does. There has been much comment in the consultation about that. What the inspectors write is: "We have noted elsewhere the Minister's undertaking to have the plan reviewed by the States legal service regarding compliance with the Human Rights Act. Here we limit ourselves to noting that the provisions of the Act most directly relevant to planning in part qualified rather than absolute rights. Protocol 1, Article 1 protection of property makes express provision for States to regulate the use of property in accordance with the general interest" so we can, without contravening human rights, arrange matters as the Government to protect the general interest, even if it impinges on individual property rights. That is a useful statement from the inspectors, which I think we need to bear in mind. I do not deny that this is a difficult area but I am just pointing out that in strict human rights terms this is a place that we can go.

[14:30]

Now I just want to refer Members now to the 2002 Island Plan. This is very interesting because this debate happened there as well. In the draft Island Plan we read at 11.19, and this is the draft in 2001: "There is concern in the industry that this loss cannot ...". I am sorry, the context is that obviously in the tourism section the plan describes the decline of the industry and the pressures on the industry and the problems, particularly in terms of expense, the high rate of sterling, the different competitive environment. They say there are optimistic signs particularly with business and conference and with active breaks. Then they write this: "There is concern in the industry that this loss [this loss of beds] cannot be sustained indefinitely." That is what they wrote in 2001 in the draft Island Plan. What their response was, what ended up in the policy in 2002 was a very kind of almost misty-eyed positive approach. They said that they would not stand in the way and they wrote policies for new tourism accommodation. I am not sure we have seen much new tourism accommodation apart from the Radisson, but there we are. They wrote a policy for the development of new tourist accommodation and they even said that they were prepared to consider the loss of residential in order to promote the tourism industry. So they kind of slipped from: "Well, we have got a problem, is this industry sustainable if we go on losing beds?" and they went the positive route and that is what is in the Island Plan as it stands now. But what was taken out, what was in the draft, and which ended up being taken out, sums up the case I want to make today. I think there has been a change since 2001, the change is that we have lost 3,500 more beds; that is the change. The question I put to Members is how far further down can we afford to go? So in 2002 with the bed levels still at 15,000 this is what the plan said: "It became apparent in the mid-1990s that steps needed to be taken to reduce the rate and level of decline in the number of beds.

Of particular concern was the protection from competing land uses of sites that were considered to be of strategic importance to the industry.” That is exactly what this is about. If you close your eyes, look in your mind’s eye around the coast and think of the hotels dotted around the edge of Island, St. Brelade’s Bay, Portelet and so on and so on around the edge, you will see the kind of thing that I am talking about. There is a concern in the industry that the subsequent fall in overall accommodation capacity would reduce tourism volumes with knock on effects on the value of tourism to the Island and the viability of transport links to the mainland. That it is. Below a certain level the transport links are at risk, if the transport links are at risk then you can say goodbye to the entire industry. So it is not a choice ... well it is a choice for each individual as it stands but each individual’s choice cumulatively, there comes a tipping point and Jersey has just lost the industry that defines the Island and its second industry. So I just commend this whole idea to Members. So they carry on: “The Planning and Environment Committee led the way with the adoption in November 1999 of a policy that presumed against the loss of prime tourism accommodation sites. To support that policy an objective model has been developed which allows applications to be scored against a range of criteria to ascertain whether an application site is prime and therefore whether or not it should be protected.” It goes on to talk about that scoring mechanism. It claims that it was robust, in fact it says in the next paragraph: “The model has proved itself to be robust in deciding whether a site is prime. In cases where applicants allege non-viability of the existing use an independent viability assessment is undertaken to establish whether there is a reasonable prospect of the existing use being able to continue. If the application were to be refused the applicant will need to demonstrate that the site is non-viable and that is the point. It is adding this extra layer of protection to say: “You have to show that that hotel cannot wash its face.” The next paragraph: “The Planning and Environment Committee will continue to resist the loss of hotels and guesthouses that enjoy the best locations. Once lost to other development these prime locations will be lost to the tourism industry for ever.” So there is a very different feel around that, is there not? There is a recognition that tourism is important, there is a recognition that we have protect those sites, those key sites, the prime sites so that the industry remains viable. Then there is a policy, which encapsulates what I have said in the text. That is all absent from the existing 2002 plan. So somebody must have amended it, I have not gone far enough to find out who did but that all disappeared, it was all amended out of existence. I suggest we revisit it. That is what this amendment is about. I think it is an important enough issue for us to take a view again and I would remind Members again that the number of beds has gone down since that time by 3,500, that is over a fifth of the beds have gone since 2001, and we are now down to 12,000 plus; 12,000 plus. So that is it. When does the tipping point arrive? Will the States back the industry as a whole and what is the value of the industry to the Island? As I have said, if people want to get up and point out the difficulties with this, and there are difficulties, I have said that, then I do want them to say what they are going to do to protect this industry and make sure that it does not dip below the tipping point. I just want to make a little point on something that Senator Le Main said in his amendment 30, which jumped out when I read it in his report, when he was talking about the Coastal National Park and things being submitted for the States if they were over 3 units. He did withdraw that amendment, but in his report he said: “Some coastal hotels received ‘exceptional planning permission’ years ago to assist the tourism industry. Today permission would not be granted.” So that means that in fact the Island helped those owners, helped those proprietors, helped those people running the hotels by giving them prime sites. Now we are to remove all protection so literally anyone who owns a hotel can walk down to the office tomorrow and say: “Right, there is no restrictions, I am selling.” I am just pointing out that that has a knock on effect and that we need to take a position on that. I look forward to hearing the debate and what people have to say.

**Senator S.C. Ferguson:**

Unfortunately I should inform the House that I cannot participate or even object to this debate because I am a director of a flourishing hotel owned by some hundred or so local Methodist residents, including the Jersey Circuit, and I am therefore conflicted.

**The Bailiff:**

Senator, as I think I indicated in my note to you, I do not consider that is a direct financial interest, this is simply a planning policy so you are perfectly free to continue to participate and vote, although clearly you have done the correct thing in declaring your interest.

**Senator S.C. Ferguson:**

Thank you, Sir, I will stay.

**The Bailiff:**

You might have been hoping to get away but ... **[Laughter]** Deputy of St. Mary, can I just clarify one point with you. Deputy, it arose out of your reference to the office accommodation. I think there is some difficulty, at the moment what your amendment says is that you remove the words in paragraph 2, you remove the whole of paragraph 2 of policy E1. What you have said in speaking is that you are not too fussed about paragraph 2 continuing to apply to office accommodation but you do not want it to apply to tourist accommodation. But to do that you would have to amend your amendment very substantially because what you would be saying is delete the words "or tourist" from paragraph 2, you want to leave paragraph 2 in but you want to take out the words "or tourist". That is a substantial amendment that you cannot possibly make on the hoof so I think you are stuck with your amendment as you have drafted it.

**The Deputy of St. Mary:**

Yes, Sir, clearly I cannot amend it and the deadline was 8 weeks ago or something so I cannot amend it now, it is impossible. What I suggested to Members was if they were minded to support this then the Minister would simply bring another amendment later on to just delete the office bit effectively, to make it apply only to tourism.

**The Bailiff:**

Right. Your amendment applies to both and you are hoping that if it is passed the Minister will just apply it later to office. Very well.

**The Deputy of St. Mary:**

Exactly, Sir.

**2.13.2 Senator F.E. Cohen:**

This proposal has been put forward as a gentle proposal. It has been put forward as protecting the tourism industry. It is actually catastrophic and will destroy the tourism industry. The Deputy has made some extraordinary claims. He has said that since 2002 the only investment in tourism in the Island was the Radisson Hotel. What about the Club Hotel? What about the Royal Yacht Hotel? What about the huge investment ... no I am not giving way. What about ...

**The Deputy of St. Mary:**

It is a point of order. He is misleading the House, Sir.

**Senator F.E. Cohen:**

What about the huge investment of the Seymour family? What about the investment of Dolan Hotels? What about St. Brelade's Bay? What about the Grand Hotel? What about the Hotel de France? What about the Biarritz? This ...

**The Deputy of St. Mary:**

It is not true, Sir. I did not say that, I said there were no new hotels apart from the Radisson. That is what I said.

**Senator F.E. Cohen:**

What about the Royal Yacht?

**The Deputy of St. Mary:**

The Royal Yacht is not a new hotel, it is a redeveloped hotel, and substantially and very good.

**Senator F.E. Cohen:**

He is splitting hairs, and I have not got too many of them left. To continue, the concept that is being put forward by the Deputy is that hotels should not be allowed to change into alternative uses. This is often the very bedrock of the valuations that hotels use for their investment. They need to have the opportunity if things go wrong to have an alternative use and if we strip it away there is a strong likelihood that some hoteliers may well be forced out of business as their mortgages and loans are recalled. I will be very short, I would urge Members to reject this, it has been put forward as a gentle amendment and it is catastrophic for the tourism industry.

**2.13.3 Senator S.C. Ferguson:**

I totally agree with the Minister for Planning and Environment. This amendment will kill off any new tourist accommodation projects overnight. This is the collateral damage which the Deputy has ignored, and I speak from experience as a director of a hotel. Markets change and it ill behoves us to try and stem the tide. Tourist habits change and we must preserve the flexibility to change with them. In our case we have constantly upgraded our hotel and we plough our profits back, but the increase in value of our property underpins the value of the hotel. Really this is a no-brainer. We should reject it immediately unless we want to kill the tourism industry tomorrow. **[Approbation]**

**2.13.4 Deputy P.V.F. Le Claire:**

I have a good relationship with Senator Le Main in this Assembly, and other Members, we all pull our legs and everything but I have a lot of respect for them. I also have a lot of respect for the Deputy of St. Mary in what he is trying to achieve here, I think it is very well meant but it is an extremely bad idea. He is not to blame inasmuch as you do try your best to support things as you feel that they should be and what he is talking about is protecting the actual economy of tourism by making sure that there are hotels that are viable in terms of bed numbers, et cetera, to maintain and also to sustain our air links, our sea links and everything else.

[14:45]

But I think, without banging on for hours, we have got Senator Le Main to confirm this, we have had 2 previous speakers say this, I have been in the Assembly 11 years this week - it seems like 11 years this week, just this week - and I can confirm that the last time that this was introduced or it was put before the industry what ended up happening was those people who wanted to get out could not get out, they could not do anything else and those that wanted to reinvest in their ageing hotel, they could not go to the bank and they could not get the money to reinvest and refurbish or even expand. It was catastrophic. It had the reverse effect. So I think by self-admission the Deputy of St. Mary said in his speech that he did not have time to include office accommodation and I think that really just underlines the fact that this was not really thought through in its entirety, or if it was it perhaps was not well researched, unlike his normal work. So unless I am completely dramatically convinced by the summation of the proposal by the Deputy of St. Mary I will get behind the industry and I will also support the Deputy of St. Mary in his wish to see it continue and flourish, but experience has told us that while this was a well meaning intention already established in our history, it was a catastrophic thing to do. We severely damaged the industry. We do many things that damage the tourism industry as a States Assembly, including the oversupply for the market. To also then now tell those that are in the business that they cannot do anything about that but stay in the business, I think, is absolutely ridiculous. So while not wishing to undermine that overall arguments the Deputy of St. Mary is making, which is to support the tourism industry - which I support 100 per cent, and I mean that - I think he is to be commended that that is his ethos,

which is great, I support that and as much as we can do for that as possible, great. But I am afraid we have got to, in this instance, not support this. I am sorry.

#### **2.13.5 Senator T.J. Le Main:**

Much of what I was going to say has been said by the last speaker and certainly the speaker before. In fact I was, as Housing President in those days, also a member of the Planning Committee where we brought in this policy of trying to protect the hotels from going out of business. In fact we destroyed a lot of them and it was an absolute disaster. We kept the charade up for a while, I include myself, believing that we were trying to assist the industry and in fact many of them were being pulled up by their bankers, they are pulled up by the mortgage providers who were absolutely horrified that there was no option if the industry went downhill or anything they could do with their properties. If you want to help the industry, I suggest to the Deputy of St. Mary, withdraw this amendment which does nothing at all for tourism and for people who own these properties. They have got to be allowed to have another route out of it should things go wrong and, as I say, it will be an absolute disaster if we brought this policy in again.

#### **2.13.6 Deputy M. Tadier:**

I think again we all support the underlying message that the Deputy of St. Mary is trying to give here, that tourism is an industry, I think we have to acknowledge, under threat. Certainly it is still vibrant, I believe, and I have worked in tourism and I see very many tourists walking around the streets still but it is certainly not what it used to be. So I think we all agree with the sentiment. What I find interesting is this idea, which I was not aware and that we have been told of what the unintended consequences may be if we adopt the Deputy's amendment as it currently stands. It seems that the flip side of the coin, if I may say ... that on the one hand we have hotels, guesthouses, et cetera, need to be able to have the higher borrowing power which is dependent on the fact that in the future they might be able to be used for some other purpose. The flip side of that, of course, is that by having exactly that same temptation many hoteliers just see it, I am sure, and have historically seen it, as an easier way to make money just to sell up. Why would one slave seasonally year in year out when it is much easier just to sell up for development in an area where residential accommodation is much more required than perhaps tourist beds? I imagine the point the Deputy is trying to make is that there is a vicious circle and it is a slippery slope because, of course, we cannot say we going to save the tourist industry just by saving the buildings in which tourists sleep, if there are not tourists there in the first place. Of course that is a bit of a nonsense but similarly if there are not the buildings there and they are constantly being changed into luxury apartments, residential apartments, whatever, then of course that does still have an effect on the tourist industry in general. So the 2 are interrelated and I think we have to be very smart in the next few years in the way we deal with that correlation or that interrelation. So I think I am probably also going to have trouble supporting this amendment on the basis that I am not sure it achieves quite what it is setting out to do. But the gauntlet that has been thrown down to us is that how do we deal with the problems. If I can say, the contradictions of having a very high net worth industry, which does attract much investment from Government and from other sources in the Island which the tourism industry does not necessary or does not have, if we are honest, from this Assembly because we saw that in the last Business Plan, we saw that in the budget where funds to tourism were not being applied in the same way that they were to the finance industry. That is a completely different debate perhaps for another day but I think if we are to be consistent in our support for the tourist industry we do have to be a lot more joined up in our thinking, and I think that also applies to all Members.

#### **2.13.7 Senator A.J.H. Maclean:**

I listened to the Minister for Planning and Environment a moment ago and I thought I was listening to a Minister for Tourism. It is a point I make because the industry itself often says that it does not feel that there is a champion of the tourism industry. What I often say to the tourism industry is



that I believe this Assembly are collectively champions for the Tourism Ministry. I believe there is a great deal of support in this Assembly for tourism. **[Approbation]** I think historically that has been the case and I have little doubt listening to the speeches we have already heard today, including I might say the Deputy of St. Mary's, he is without doubt supporting tourism. I just think his amendment is misplaced. He is right about the value of the tourism industry when he gave the numbers earlier on, and indeed we are undertaking some work at the moment to assess the true value of tourism as we stand. I think it is often underestimated, not just in terms of the number of jobs but the actual value to the economy. One might measure that in G.V.A. (Gross Value Added) at 3 per cent, which the official figures suggest, but in many respects it is probably 2 or 3 times that and I think the very valuable piece of work that is being undertaken now by the department will help to give a true feeling to the true value, and it is considerable to this Island, our tourism industry. That is why we need to support it. I have to say that this amendment will do completely the opposite, as other Members have already pointed out. It will lead to no further investment or a significant reduction in investment in tourism. It will lead to no additional accommodation being created, which is much needed, and I draw that conclusion when we look back at the prime site policy that was in place until about 6 or 7 years ago. It is by no means a coincidence that in that period since the prime site policy was lifted, we have seen hundreds of millions of pounds invested by the industry in the industry in terms of new hotels - the Radisson has been mentioned - but also in improving the facilities in many, many others. That sort of investment we cannot afford to do without. If we approve this amendment we will hamper the ability of the industry to invest, to be able to borrow and so on. In summary, the Deputy of St. Mary said that we must take a position in order to protect bed space. I believe we must take a position; Government should do its best to get out of the way and let business do what business is good at, investing in their premises and developing the industry. We are there to facilitate, we are there to help, but we are not there to put barriers in the way and I am afraid this amendment would put a massive barrier and blockage in the way of future investment in our tourism industry. I would finally say, I hope Members saw and enjoyed the fantastic television programme last night, an hour on promoting our tourism industry. I thought the Island looked fantastic and I hope that will lead to many more tourists coming here.

**2.13.8 Senator F. du H. Le Gresley:**

I will be very brief. I think the Deputy of St. Mary absolutely has to withdraw this amendment because he has admitted, and I do not blame him, he made a mistake in retaining the word "office". We know that the thrust of the Island Plan as far as housing is concerned, affordable housing, is to use redundant office space in town and brownfield sites and really he cannot retain this amendment and ask us to vote on it when he has made a mistake and I think he just has to withdraw it.

**2.13.9 Deputy M.R. Higgins:**

I will be very brief. I honestly believe the Deputy of St. Mary was right, certainly in raising the issue, the decline in tourism numbers and talking about a tipping point and going back to what the Minister has just said, it is not just the tourism industry we are concerned with because if we see further declines in tourism then we will start losing our air transport links, which are also vital for the finance industry. So all these industries are interlinked and although I am not sure that the Deputy of St. Mary has got the right solution to it, it is an issue that is something that we should be considering in far more depth and trying to come up with a better policy. I would also state, too, that ... no, I will leave it at that. Let us get on with it.

**2.13.10 Deputy G.P. Southern:**

I rise to my feet with some sadness because as ever every Member of this House will say that they stand up for tourism and support tourism. I too will say I stand up for tourism and support tourism, and they are empty words. They are empty words. The Deputy of St. Mary is absolutely right to bring to this House in the Island Plan this amendment because it focuses our minds very sharply on what has happened to our tourism industry and what is happening, continuing to happen to our

tourism industry in that bed numbers are going down and we are becoming less and less viable as a centre for tourism. That is the reality. That is the reality. However, his proposition, I believe is, as many people have said, wrong in the sense that if we are to do something to protect our tourism industry, and we must I believe, then we do not operate through the Island Plan from this end of the problem. That cannot happen and cannot probably be made to work. But the reality is, and the analogy was the 3-legged milking stool and it is still valid. It is green fields with cows in them which attract the tourists which support our hotel and our restaurant trade, et cetera, on top of which sits finance. Now the reality is, and the reality we are talking about here, that you cannot make as much money out of a hotel or almost any other activity as you can from manipulating money around the world, finance. Its profit per employee is something like 10 times the profit anywhere else in our industry. We have still just a 3-legged stool but one of the legs is so much longer than the others that in fact the stool can no longer be used for milking. That is the reality. What I put to Members around here, it is all very well to stand, as I will, as you will, on the hustings shortly, and say: "I am fully behind tourism" to then say: "And I will back it." How? As I was thinking about what the Deputy of St. Mary was saying I was thinking about how and how I do not have any magic solutions either.

[15:00]

Except one that says: "What is Government for?" Government can do lots of things and if government does want to say that our prime sites must be protected and that our tourism industry must be protected then Government needs to invest properly too. So I look forward to see the day when Members in this House say: "One of the functions of this Government is to ensure that our tourism industry survives" because without it I do not think we are a quality place to live. To work on proposing not that the Government gets smaller which I keep hearing repeatedly from various directions in this House, small Government: "Let the private sector flourish, they can look after everything, the market economy can look after everything." The market economy cannot look after everything, look at what is happening to our tourism industry. That is the market. It is going downhill, slowly but without government intervention, I do not know what the answer is but let us admit at least, without Government intervention we do not see the tourism industry in 20 or 30 years time, nowhere near what it is like now, nowhere near what it has been like in the past. That is the reality. So when you, Members like me, stand up and say: "I support tourism" let us start looking for some answers and I will back it in Government with proper support rather than just pay lip service to the fact that we have a second and a third and a fourth industry, apart from finance. But that is the reality. It is a sad time at the moment when we look at what has happened to our economy but that is the reality.

#### **2.13.11 Senator P.F. Routier:**

Very briefly, I rise after the last speaker about Government's involvement in tourism, I am amazed at some of the comments he was making that the Government should be more involved in tourism. If you speak to the tourism leaders they want Government to get out of the way so they can get on and do their business. That is what they are really after. They do need a bit of financial support which they are getting with advertising and the like, but they would really like to be able to get on and develop their business and promote their business themselves, and they want Government out of the way.

#### **2.13.12 Deputy D.J. De Sousa:**

Firstly, I sent you a note earlier asking if you could get the A.G. (Attorney General) or the S.G. (Solicitor General) to attend the Assembly so that I could ask a question. So I will do that first if I can. I wonder if you could give us guidance if this amendment was to go through, what would be the liability to the States if challenged on the human rights side of it?

#### **Mr. T.J. Le Cocq Q.C., H.M. Attorney General:**

As I understand the amendment, if it were to be passed it would merely mean that an existing development that is predominantly office or tourist accommodation would be subject to the general presumption against the development which results in a loss of land. I cannot see that this would have any consequences in terms of any claims possible against the States. It is a policy which I think the States can reasonably adopt in one way or the other. The relevant Article in the human rights law is, of course, Protocol 1 of Article 1 which says in terms that a person is entitled to the peaceful enjoyment of his possessions but it is a qualified right, the provisions entitling him to that peaceful enjoyment does not impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. In my opinion I do not think any claim would arise no matter which way the policy is framed, provided it is a reasonable policy.

**Deputy D.J. De Sousa:**

I thank the A.G. If I can continue, the Minister in particular for E.D.D. (Economic Development Department) will know my support for the tourism industry because I visit his department on many occasions on this exact matter. I will tell Members, there are group of people that are involved in the tourism industry and they meet every month in their time, there is no payment, they meet and discuss the way forward and what they can do to improve things. They are really quite positive at the moment and I think we should continue to support that positivity and to accept this amendment would be detrimental to the tourism industry as other Members have pointed out. So I would encourage the Member to withdraw the amendment although he had every right to raise the issue.

**The Bailiff:**

Does any other Member wish to speak? Very well, I call upon the Deputy of St. Mary to reply.

**2.13.13 The Deputy of St. Mary:**

Thank you, I will be brief. Firstly, the comment of the Attorney General, I thank him for that. It is quite clear that there is no impact on human rights, although obviously there are other impacts. I just want to pick up on little comments first. Government out of the way, well that is an interesting slant on how to help the tourism industry, get the Government out of the way so we will not regulate kitchens because that would be a waste of money presumably and we certainly will not have prime time programmes on last night's TV because there will not be a Tourism Department marketing section and P.R. (public relations) section to make that happen. I just find that comment ... well it is partial, put it that way. I think one cannot put it more than that. It is clear that there has to be a partnership and tourism is a highly competitive industry across the world and if we do not do what other destinations do then we are out of the race, it is as simple as that. So you only have to look at the TV adverts, which I do not, but I know that they are out there for all sorts of destinations and if you do not compete then you will not see the visitors unfortunately. The third minor point, really, was the astonishing comment of the Minister, which I took quite exception to. I generally like the Minister and I sort of think of him as a good guy but when he mishears what I said [**Interruption**] ... I do not recollect giving way. What I said was that there had been one new hotel built in spite of a policy which in the previous Island Plan said: "Let us build new accommodation, we will not stand in the way of new accommodation" and I made the point there had been one new accommodation to my knowledge since that declaration was made. I think that is still correct because what he then replied was a whole list of hotels that had invested. Well, fair enough, they have invested and I am delighted that many players have shown that sort of confidence - and he gave the list so I will not repeat it - in the industry and the desire to be in the industry. So that is a positive sign. That is indeed a positive sign and now to the 2 major issues, the tipping point. Not a word about the tipping point. We have not heard any analysis of the level of beds down to below which it is no longer viable to have an industry because there simply will not be the links, I do wish we would ... the Minister would agree that that too would be a useful exercise to carry out and to make sure then that we do retain a viable industry because we have all

agreed that it is a good idea - in fact more than a good idea - that it is part of our Island to have a viable tourism industry but still not a word. I find that very disappointing. The second point is to show that the policy as it stands removes any protection at all. There is no barrier to an owner selling up tomorrow. Now, there is nothing in my amendment which stops people using the top valuation for their site. Many people got up and said: "Oh, but all the investment would dry up because owners would not be able to say: 'This is the valuation of my site and it is worth so much'." Nothing in this amendment stops people using the top valuation because nothing in my amendment stops people selling their hotel for housing. It simply removes the absolute carte blanche; all there would then be would be a presumption against doing it. But as we know from the decisions of the Minister, presumptions against doing things do not mean that they do not happen. You can have a presumption against building on the coastline or Green Zone or whatever but the fact is it happens and no doubt sometimes for valid reasons. So this amendment does not stop owners relying on the top value or indeed selling if they cannot make a go of it or do not want to make a go of it. However, I understand the feeling of the House and I am going to ask leave to withdraw this. I do not think I have been abusing the House, I think this has been an important debate. I think it was important to sound this matter, it is a very important issue and I have not really heard much in the way of solid ... I have asked for the tipping point study and I am still going to ask for it and I do not hear the word "yes" but I do ask Members for leave to withdraw this.

**The Bailiff:**

Very well, the Deputy of St. Mary asked for leave to withdraw the amendment. All those in favour of allowing him to withdraw it, kindly show. Those against? He is given leave to withdraw it.

**Senator F.E. Cohen:**

Before we move on, may I offer an apology to the Deputy of St. Mary, I certainly did not mean to upset him. The reason I said I was not going to give way was I was in full flow with a long list and I was getting excited. So I offer my unreserved apology to the Deputy.

**2.14 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))  
- paragraphs 13 and 14**

**The Bailiff:**

Very well, we come next to the 38th amendment, paragraphs 13 and 14 lodged by the Connétable of St. Helier. With Members agreement we will not read it out. Minister, are you accepting this amendment?

**Senator F.E. Cohen:**

Yes, Sir, I am.

**The Bailiff:**

I invite the Connétable to propose it.

**2.14.1 The Connétable of St. Helier:**

Very briefly, we do not need to hopefully have another debate on off street parking for shoppers, that has been done, and permeable access for cyclists. I think an important part of this amendment is that without it premises like Romerils would not be in the core retail area. I do not know whether that was a mistake in the design of the map but certainly when I spoke to Romerils they were quite surprised to find they were no longer in the core retail area. So that does needs to be amended. There was also a strange anomaly whereby people living in the countryside would be more protected from the quality of life issues of takeaway restaurants than people living in town because there was no explicit provision that people in town would be so protected. So that has been changed with that amendment there. I think that is all I am going to say about them and I am grateful to the Minister for accepting them.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Very well, all those in favour of adopting the amendment, kindly show. Those against? The amendment is adopted.

**2.15 Island Plan 2011: approval (P.48/2011): tenth amendment (P.48/2011 Amd.(10))**

**The Bailiff:**

We come next to the 10th amendment lodged by Senator Perchard which, with Members' agreement, we will take as read. Minister, will you be accepting or opposing this one?

**Senator F.E. Cohen:**

Regrettably I will be rejecting this.

**The Bailiff:**

Very well, then I call upon Senator Perchard to propose his amendment.

**2.15.1 Senator J.L. Perchard:**

This is not an easy amendment to bring. I say it is not easy. It is not a soft fluffy amendment. I bring this rezoning amendment in good faith to the House, safe in the knowledge that I do so because I believe to extend the light industrial zoning at Thistlegrove, St. Lawrence is in the best long term interests of the Island and those people we represent. I believe there is an absolute necessity to provide sites for high quality, high net worth businesses.

[15:15]

I believe there are many such sites in Guernsey and the Isle of Man and that Jersey has precious few quality sites available. This must place our Island industries, particularly high tech Island industries, at a huge disadvantage. The States have recently approved supportive legislation for businesses such as data protection, e-commerce, e-gaming, archive storage, intellectual property rights, administering global businesses and disaster recovery as we believe there are commercial opportunities for the Island in these areas. We, the States, when approving the Strategic Plan, decided to support and encourage the diversification of our economy. Diversification is terribly important if we are to attract new inward investment and create new employment opportunities for our growing number of unemployed and our school leavers. Presently, Jersey has no modern cutting edge bespoke premises available to accommodate high tech industries. The current 2002 Island Plan identified the need for 23 acres of rezoned light industrial warehouse land. To my knowledge not one acre has been provided to date. There has been talk of the States providing alternative light industrial sites on its own land at the harbour and at the airport. Well, we all know since the Buncefield fire - I was going to say bun fight - and subsequent recommendations, La Collette is no longer an option and the suggestion that the airport can provide suitable sites for e-commerce and data storage is highly unlikely due to security and safety concerns and the need to provide land for aviation businesses. This morning I think we established that there is a limit on the amount of sites available at the airport in any case. I want to quote the Minister for Treasury who I know is working very hard on Jersey's behalf to try and find new business in order to diversify the economy. He said last week about his trip to China and Israel, or about the trips to China and Israel and I quote: "To drum up business for the Island for these emerging economies." He said he saw us as wanting Jersey to be the information hub for information technology and associated emerging industries. I applaud that drive and initiative. He went on to say: "We need to secure jobs, trade and the financial services and support industry such as I.T. and we cannot just sit at our desks waiting for something to happen." He is right. The Minister for Economic Development in a press release made from Israel only last month said: "We are now in a position to offer a highly

competitive, sophisticated and well regulated environment for e-gaming business. We are taking the opportunity while in Israel to meet with some of the world's largest e-gaming companies and to raise awareness of Jersey's unique position as a hub for European operations." He is right as well. But neither Minister explained where the bespoke, high tech premises were for these businesses to locate to. They did not quite simply because Jersey does not have the accommodation to attract this new, high quality business and this is precisely what the independent inspectors who conducted the E.i.P. (Examination in Public) say in their second report, the report that they produced quite recently, the further examination in public. They said that if no provision is made for light industrial land Jersey risks under providing the higher quality businesses. They also make it clear that in the report that they stand by their original recommendation to rezone this land for light industrial purposes, which incidentally and ironically was the Minister's recommendation in the White Paper in which his officers strongly supported in the first examination in public. In the first report the inspector wrote, and this is very important: "Visually and in terms of character the location is already fully industrial on the existing site and is a mix of industrial, commercial or quasi industrial activities across the proposed extension." These are the words of the independent inspectorate, not mine. Those States Members who kindly took up my invitation to visit the site last week will have seen for themselves that this is not a greenfield site that I am proposing. I refer Members to the aerial photograph included on page 13 of my report or an enlarged photograph of the same page 13 on the pin board behind me. The blue and red lines create the boundary of the existing site; the proposal endorsed by the Minister in the first draft of the Island Plan and the subsequent examinations in public is for the blue and red lines to be maintained as the total area for the site. I need to explain that the blue lines outline a currently existing light industrial zoning. The red lines are what exist there currently and the proposal is to extend the light industrial into those areas. Members can see for themselves this is not a green field, it is simply a zoning issue we are talking here. The inspectors said in their report: "In our estimation the existing site has only a small impact on the surrounding countryside, restricted to the immediate locality. The extension land is well screened [and by the extension land they mean the land outlined in red] by hedgerows and is a favourable consideration. Buildings should be set back from the outer boundaries so as to minimise their visual impact." When the Minister proposed the site himself in the first draft of the Island Plan, presumably because he recognised a pressing needs for modern light industrial premises, which at the time he said could not be located anywhere else, he advised that a development framework would be prepared which would specify the range of uses, the size and configuration of buildings and finally the measures to be implemented such as landscaping to mitigate any impact the development might have. Naturally if the States support my amendment I would welcome this development framework so as to ensure that any resulting development is controlled, is low impact and is an improvement on what already exists on the site. A development framework outlined by the Environment Department can ensure that this is not a site to be used as a steelworks or a palette board storage company or with articulated lorries buzzing in and out, no, a development framework can and must stipulate to ensure appropriate low impact usage in keeping both in terms of what the Island needs and in terms of the surrounding environment. The inspectors concluded by saying: "Although any future planning application would have to be based on its merits we are convinced that a satisfactory scheme ought potentially to be possible, subject doubtless to a number of planning conditions." I know the St. Lawrence representatives would wish to see planning conditions on the site to ensure that the light industrial zoning meant very light industrial zoning. Unfortunately there is no opportunity for me to bring a proposal to the House that this could be a business park because that is not a zoning option. My only option is light industrial but, as I say, the planning brief can ensure appropriate usage. On this basis the inspectors recommended the Minister to rezone the Thistlegrove site. I wish to re-emphasise for Members that vision for the site is clean, low impact and well designed high tech business park, built to attract high net worth businesses to the Island and it is worth reminding Members of the views of the inspectors if this site is not rezoned the Island risks under providing for high quality business. The site is served by mains drains and already has a substantial fibre optic telecoms capacity sufficient to support this

type of business, unlike Rue des Pres, unlike the airport or unlike most locations around the Island. This now brings me on to the matter of how the Thistlegrove proposal has been handled by my friend the Minister. Basically after the first examination in public had been concluded in September last year some Members of this House met with the Minister in late January of this year to voice their objection although some had already done so in writing and through the proper process of the examination in public, which was of course the right arena to raise their objections. Clearly these Members were unhappy with the inspectors' findings and chose to lobby the Minister over 3 months after the consultation process had concluded. Over 3 months after the consultation process had concluded. This meeting, as I say, was held outside the carefully controlled and strictly adhered to timeframe of the Island Plan preparation process and the formal examination in public. After that meeting a hurried report was commissioned, I believe by the Economic Development Department by BNP Paribas. They acknowledged their report was entirely based - they themselves acknowledged - on anecdotal evidence. It claimed there had been a reduction in demand, in demand especially for premises for the fulfilment industry. This may be true, a reduction in demand. It is hardly surprising as the whole of the Western world is still experiencing the consequences of the global economic downturn. Demand has dropped in most areas, particularly in this type of area. BNP Paribas noticed that. But even in their 2011 February report they still impressed: "There remains a lack of good quality light industrial and warehousing accommodation on the Island. There would still appear to be a desire to diversify the Island's economy and therefore the supply of suitable premises would seem to be fundamental to this." Despite this, in the revised draft Island Plan the proposed extension to Thistlegrove was removed. In it it was stated that the States-owned land would be investigated to satisfy the demand. There was, however, no qualification of what States-owned land is referred to and no investigations or site assessments were made and no consultation, I know, has taken place about any such land. Therefore, this is not unlike what has happened with the affordable housing sites, which has been driven by the same approach, relying on States-owned sites to provide affordable housing. With regards to Thistlegrove, technical reports have been produced and demonstrate that traffic will not create a problem and this is again acknowledged by the inspectors. On the contrary, a real planning gain would be achieved as it would result in all exits on to La Route de la Scellerie being closed which would reduce the level of traffic on to the junction this road has with Le Grande Route de St. Laurent. Also a landscape character appraisal has been produced which confirms the impact on the landscape would be negligible having regard to the existing unsightly uses and buildings already on the site.

[15:30]

I understand the proposal is that existing boundary trees and hedgerows would all be retained with additional plantings taking place. Finally, the Minister's own spatial strategy, which is a core part of the draft Island Plan, relies on the redevelopment of existing commercial sites in town and other built up areas to provide the opportunity for housing, including affordable housing. I ask, is this policy bound to fail if there are no available premises for our emerging high tech businesses to move into? The removal of Thistlegrove, which is the only additional land that can be easily provided, makes little sense to me if the Minister is serious about delivering this important housing strategy. I urge Members to take its collective responsibility to all sectors of the Island, especially its unemployed people, emerging businesses and Jersey's economy seriously, not only in the respect of this housing crisis to which the inspector refers but also to the crisis that is occurring in the business world where an absence of modern tech com premises is basically saying: "Jersey is closed for business." I ask Members to support my amendment for all the right reasons.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** The Connétable of St. Lawrence.

**Senator A.J.H. Maclean:**

Sir, just before the Connétable starts, I just wanted to raise with the Assembly a potential conflict. I am a not too distant neighbour of this particular site, although my property does not appear on the large drawing it is the top right-hand side, and I just thought I ought to point out that I am in the vicinity so consequently may have a potential conflict of interest.

**The Bailiff:**

I think is one of those which is very fair of you to declare but it does not prohibit you from staying and voting.

**Deputy P.V.F. Le Claire:**

There are no third party appeal implications in that.

**The Bailiff:**

Very well, the Connétable of St. Lawrence.

**2.15.2 The Connétable of St. Lawrence:**

Just by way of background, in the 2002 Island Plan an area of land at Thistlegrove in St. Lawrence was rezoned from Countryside Zone to light industrial use based upon needs identified at that time. Although I put in a written objection to the proposed extension to the site I accept that that is the case, that we do have a light industrial estate in the middle of our Jersey countryside, not only St. Lawrence but Jersey countryside. However, I do not accept that there is a need to extend that existing light industrial zone further into the countryside by some 5.4 acres or for the farmers among us, 1.25 vergées. The site is located at the edge of St. Lawrence on the border with St. John and I am sure the Members for St. John will be addressing this issue. But it is located in what I think can describe accurately as fairly open countryside. In fact the independent inspectors, when considering the suitability of this site for rezoning clearly saw the rural location as weighing against it. Just as Senator Perchard has done, I too will quote the words of the inspectors. In their words: "The rural location runs counter to the thrust of the strategic aim of the plan which is to steer most development into the built up area rather than in the Green Zone." But for the original provisions in 2002, which rezoned the original parcel of land for light industry, any other ordinary application to develop it for light industry would have, in the inspectors' opinion, been highly likely to fail in accordance with the presumption against such developments in the countryside. The inspectors found there to be no evidence that this site would comply with any of the listed exceptions for development in the Green Zone. Senator Perchard just told us, this is only a rezoning issue - only a rezoning issue. It is my point exactly. If this land that he wants to rezone for light industry is not supported by the House then it will, under the terms of this new Island Plan, lie within the protected Green Zone. The protected Green Zone. My written objections on behalf of the Parish to the original proposal to include this within the plan were based upon a number of issues, including, of course, as would be expected, access and traffic. In the November 2010 report from the inspectors they concluded that, again in their words: "The rural location was not offset by sustainable accessibility for employees. It is not closely or frequently well served by bus services and walking or cycling from the nearest settlements, St. John to the north and Carrefour Selous to the south, is along a busy main road with no pavements." In short, its relatively remote location is not sustainable in transport terms, either for those working at or visiting the site. Naturally the St. Lawrence Roads Committee had been concerned at the prospect of increased traffic flow along the St. Lawrence main road and the almost inevitable damage to infrastructure, as well as the potential effect on neighbouring properties to the site. This last point was addressed by the inspectors with the comments that, in my words, if this were to be rezoned, their words: "Two houses would be left essentially appended to a sizeable industrial estate." A sizeable industrial estate: not a communications hub or business park as envisaged by Senator Perchard but a sizeable industrial estate. I remind Members again of the inspectors words already quoted: "The rural location runs



counter to the thrust of the strategic aim of the plan, which is to steer most development into the built up area rather than into the Green Zone. So today we have Senator Perchard proposing a sizeable industrial estate - remember he wants an increase of 5.4 acres or 12.5 vergées - to encroach into the Green Zone. So I ask myself; what impact would this sizeable industrial estate have on its rural location? Well, the clear view of the inspectors, and it is probably what we would expect to have heard from them, is that apart from anything else, there would be an increase in vehicles, light vehicles and H.G.V.s (Heavy Goods Vehicles). There would be an increase in vehicles and I remind Members that we have already learned that the relatively remote location of this site is not sustainable in transport terms for those working there or visiting. But I submit to the House that we do not need to increase the traffic flow towards Thistlegrove, towards this remote rural location. The Minister himself removed the original proposed extension of the Thistlegrove site from the revised draft plan. He was persuaded by the inspectors who expressed concern about the location and access disadvantages of the site, to which I have alluded. His decision had been reinforced in light of the falling demand for space and the potential for further contraction in the fulfilment industry due to the uncertainty over the long term prospects of low value consignment relief. This reduction in need had been recognised, he told us in his comments, by the inspectors. In the Minister's words: "The inspectors agreed that there has been a significant drop in demand for light industrial use since the draft plan was originally published." Senator Perchard is not arguing for light industrial use, he is arguing for us to rezone a substantial site in the Green Zone for e-gaming and for use as a communications hub. If this is rezoned for light industry then that is exactly what will go there - and he shakes his head - but it is quite clear we rezone to provide light industry; that is what we will get. Nevertheless the demand, or I should say the reduction in demand, for the fulfilment industry has reduced the need to zone new sites over and above those identified in the plan. The current needs have changed. This reduced level of demand can in the Minister's opinion now be met by alternative sources such as the proposed Regeneration Zone at Jersey Airport and other, as he has told us, existing industrial sites. I understand that on the Jersey Steel site at Beaumont up to 10 new light industrial sites are planned to offer existing and new opportunities for light industry. That would be on land that does not require to be rezoned. The Jersey Steel site is already an extensive light industrial site. That is another reason why I believe the House should reject this rezoning into what would be the Green Zone. What I must inform the House is that at the moment under the 2002 Island Plan, the area that the Senator wants to rezone is regarded as Countryside Zone, but as we know that will be lost within the new plan and the Countryside Zone is absorbed into the more protected Green Zone. Apart from the reduced demand as identified by the report provided for the Minister for E.D.D., the Minister for Planning and Environment had previously indicated his decision to provide an opportunity to enhance the floor space of existing operations by changes to the general development order which would enable floor space to be increased by up to 5 per cent without the need for planning permission. So certain is he that that is the right way to go that it will help us to prevent the rezoning of the Thistlegrove site that he has in fact told us that this week he has signed the order to allow the provision of this increased floor space. So the Senator is calling for a communications hub, provision for e-gaming facilities ... sorry, Sir, not everyone is listening to me. **[Laughter]** I think I have sent a certain Member to sleep. Okay, so where was I? No, let me remind everyone why we do not need this extension into the Green Zone. You notice I am waving my arms ahead of me, not to either side so that I do not impinge into other Members' space **[Members: Oh!]** and Deputy Le Claire, I think, will take note of that for future reference.

[15:45]

But this is a serious issue, it is a serious issue, we are not only talking about protecting the St. Lawrence countryside but the Jersey countryside. Let me remind Members of that. The Jersey countryside and that is the whole thrust of the Island Plan which the Minister has laid before us. I contend that Senator Perchard has not said anything today which would persuade me to rezone existing land for further industrial use. Industrial use is not what he is arguing for. It is not what he

has argued for. We have further units to be built at the Jersey Steel site at Beaumont without extending into the countryside on existing industrial zone land, the Minister has increased by up to 5 per cent the floor space which could be used without the need for planning permission and we also know that with the airport Regeneration Zone land can be used there, which is probably I contend far more suitable for the sort of proposals that Senator Perchard has made. I think that point will probably be picked up by speakers who, I am sure, will follow me. So I have not been persuaded that we should rezone into the Green Zone by increasing this site to become, in the inspectors' words, a sizeable industrial estate. Rather Senator Cohen's arguments have convinced me otherwise. It is quite clear from his comments that this proposed extension is not necessary. When addressing the matter of light industry in his opening speech, the Minister told us unequivocally that we can manage our future needs without the need to encroach into the countryside. I think that I have hopefully proven the Minister's words. Just before I conclude, I need to address some of the comments made by Senator Perchard in his opening speech because he referred to a meeting which was held with the Minister for Planning and Environment and some of his officers and other Members, and I hold my hand up in front of me to say that I was one of those Members. I did indeed approach the Minister for Planning and Environment with concerns about the Thistlegrove site because anecdotally I was of the opinion that the area identified for the use by light industry had probably changed because of changing economic circumstances and so I felt it was only appropriate that that should be drawn to the attention of the Minister. I think quite rightly he gave me the opportunity to raise the matter with him as did my fellow Deputies and the Deputy of St. John. Because we all need to make decisions based on the correct information, and at the time of the E.i.P. I was not able to take part in the discussions; however I was not aware that this potential reduction in the need had been raised. I am sure the Minister will speak to that. Let us make an informed decision today because there is no doubt that the decisions we do make regarding this Island Plan will have a substantial impact upon the face of our Island for years to come. Let us not make an inappropriate impact in this rural area when we know it to be unnecessary, we have the evidence it is unnecessary. Rather, let us remember that our land is a precious resource and it is essential that we use it wisely. I therefore ask Members to support the Minister and to reject the amendment.

**Deputy K.C. Lewis of St. Saviour:**

Just a very quick point of correction, apologies in advance if I misheard the Senator, but I believe I heard Senator Perchard state that Rue des Pres did not have telecom data processing. I would just like to point out that Jersey Telecom have just spent an absolute fortune building a huge state of the art high speed, high tech, data processing centre.

**2.15.3 Senator F.E. Cohen:**

Firstly may I commend Senator Perchard for his perseverance in this matter? He has continued with his policy of supporting this site for some time and he has been most polite in the way that he has brought the matter forward. This is the first of the rezoning debates. None of them are critical to the Island Plan but it is important that Members understand why we are in this position of debating them. The Island Plan, as I said earlier, is my plan, as Minister for Planning and Environment for the Island for the next 10 years. It is my vision. I have taken on board all sorts of pieces of information and I have made up my own mind. I have taken on board officer views, I have taken on board views of members of the public, stakeholders and of course, importantly, the inspectors, but the inspectors' report is not a binding report. It is merely their suggestions to me and in some cases I have asked for further information. But at the end of the day I have brought forward an Island Plan to this Assembly that represents my vision for the Island for the next 10 years and it is supported by my senior officers. However, Members of this Assembly may have a different vision and that is the purpose of the Island Plan debate. It is to together work through the amendments, to amend the vision that we start with, which was my vision because we must begin at a certain point, and to end up at the end of the debate with an emergent plan that represents a

collective majority vision, and the rezoning debates are a part of that. The Island Plan does not fall or succeed on whether they are successful or they are not, it is simply adapted as we progress, and Members may take different views, of course, on each of the rezoning amendments. It is my view that we do not need this site. It is my view that we should regard the countryside as sacrosanct, that even if there are buildings on a site in the countryside that does not mean that they have an entitlement to expect that those buildings can be replaced with industrial buildings and the use of the site or the zoning of the site fundamentally changed. It is my view that the airport is a better place for locating light industrial. It is my view that the policies regarding the protection areas around the airport adequately allow and encourage the use of the land around the airport for light industrial space. It is my view that it was appropriate that I extended the General Development Order by 5 per cent to allow existing industrial buildings to be extended without planning consent. In fact, I would have liked to have extended it further and originally proposed an increase of 10 per cent. The Connétables pointed out to me that that would or could create some problems in certain circumstances and I decided, on reflection, to come in with a lower figure of 5 per cent, but that does not preclude an applicant from coming forward with an application for an extension that is larger than an existing shed. Indeed, subject to the normal planning process and the consultations involved, there should be a reasonable expectation that if it does not damage the area and if it does not impact inappropriately on neighbours and all the other caveats that there would be a presumption in favour of an approval for such an application. Added on to this, there is another layer and that is that it came to my notice during the period of the Island Plan, and remember the Island Plan is over a very extended period, that there had been changes in the fulfilment industry and as a result of that I asked Economic Development for their views and they provided an amended assessment. Their assessment was that there was a reduced requirement for space for the fulfilment industry, and indeed it was likely that over the next few years space presently occupied would become available, and that therefore provided an additional quantum of space. If one takes that quantum of space that is going to come back into the market and the 75,000 square feet that has theoretically been added as a result of the extension to the G.D.O. (General Development Order) and combine that with the space that is available potentially at the Airport Regeneration Zone, it is my view that we have adequate space. The meeting has been referred to, and I was a little surprised that the Senator referred to the meeting. The meeting involving Parish representatives, Island representatives and officers is an entirely normal and proper meeting. There were many such meetings during the 4 years that the Island Plan was developed and the process was that if a States Member or a group of States Members had a particular concern or wished to obtain information from me as to the process or a particular element of the plan, of course I met them. The meetings were always attended by officers and appropriate notes were taken, as is the normal manner. This is about creating a larger industrial park in the countryside in an area that otherwise will be Green Zone. That has traffic implications, because the inspectors identified that, that has impact on neighbours, there is no question about that, and may be considered by some not to be the best use for this area of our Island. That is my view; others may have a different view. But let us not forget that this is about creating huge value and therefore it is not surprising that there has been a hullabaloo over this, and this is the case with all of the rezoning propositions. Indeed, some of the activities that have been going on behind the scenes, not in relation to this site but in relation to other sites, by agents of the owners of the sites, are absolutely extraordinary. I think Members would not believe it if they knew what had been going on behind the scenes by some of these practices who have been taking representations from owners, et cetera. However, that is not the case in this particular case but it is generally the case. I would sum up by saying that it is my view that we do not need this site. It is up to each States Member to decide whether they believe that my case is correct or whether Senator Perchard's case is correct. Either way it will simply frame the Island Plan and it is therefore the responsibility of the Assembly to effectively vote with its conscience, which it always does anyway.

#### **2.15.4 Deputy M.R. Higgins:**

I have repeatedly supported the preservation of the Green Zone and the creation of country and coastal parks. As much as I like the Constable of St. Lawrence, I believe her speech was very much N.I.M.B.Y.ism (Not in My Backyard). All I can say is I have got to the stage where I am beginning to resent the fact that everything has to go to St. Helier. I represent St. Helier residents; I have lived in St. Helier for 30 years. You are talking about an existing site and about increasing it a little bit but you mentioned in your speech about putting it into the urban built area. It all comes out of St. Helier, St. Saviour or St. Brelade - no, I am not going to give way - and part of St. Clement as well. We all value the countryside area but equally the country Parishes have got to take some of the load. It does not all come to St. Helier.

**The Connétable of St. Lawrence:**

Sir, I believe I have a point of order.

**The Bailiff:**

If it is a point of order, let us see if it is.

**The Connétable of St. Lawrence:**

I think it is a point of order, Sir. I believe that I am being misrepresented by the words of the Deputy. The words that he has quoted that he has attributed to me, I quoted from the inspectors. I think it is a point of order.

**The Bailiff:**

I do not think it is point of order. I think it is a point of clarification.

**The Connétable of St. Lawrence:**

It is a point that needed to be made. **[Laughter]**

**Deputy M.R. Higgins:**

I will make the point that, even if she did not say it, that was the thrust of her argument and certainly it is the thrust of the argument that comes from others. I happen to believe that that site is there.

[16:00]

I have not had any dealings with the landowners; I have got not axe to grind on this at all. It is just an observation that as far as the country Parishes are concerned everything must be kept pristine, no developments, nothing, put it in St. Helier. While I want to preserve the greenery, et cetera, I do not want everything just dumped into St. Helier. The Constable mentioned in her speech, for example, that there are 2 houses nearby and she also mentioned the Jersey Steel site at Goose Green and said that could take even more development, but there are a lot more houses nearby that could be affected by that site. Equally, if these things do come into the urban area it is exactly what it means: it is an urban area. There are lots more houses, a lot more people going to be affected by them. This particular site, looking at the photograph that Senator Perchard has provided us, it seems to me what whatever sort of expansion is going to take place it is not going to disrupt the countryside particularly and it would fit what looks to me like a natural sort of boundary, certainly with my eyesight from here anyway. I would say, too, that we are being told that there is not the demand for this site and the activities that go on it. I do not necessarily agree with Senator Perchard that it is going to be e-gaming and the technology industry is going to take the site. We do need sites for light industrial use, which the Constable was saying there was not a need for. One of my concerns, and I have been raising in the States a number of times of late, is that at the present time we have 1,300 people unemployed. In a month's time we are going to have probably about 200 school leavers who are going to go on the unemployment register. We are also going to have

returning graduates and other students coming back to the Island who will not get a job. Where are those people going to be employed? We are being told that the finance industry is going to come back, it is going to bounce back. Yes, it may but it may take time and besides that not everybody wants to work in the finance industry. That is one point. Another point is we have to diversify the economy and it does not mean to say diversifying it, new growth industries and everything else. We need to find niches for people who have particular skills and I do believe that we need sites like this, for example light manufacturing. There may be some niche products that could be produced by people who use these sites. It does not have to be storage; it does not have to be the fulfilment industry. Again, contrary to what is being said, I have to laugh when I hear that it is lack of demand. What we are looking is government pressure, UK Government pressure which is likely to shut down the industry, that will bring its end, rather than necessarily competition. So my concern is that, for this particular site anyway, it looks like N.I.M.B.Y.ism, we do not want it in our backyard, we do not want any extension, pile it into St. Helier or the other urban Parishes. I am sorry, I am not for that. So, as I say, I am more than happy to support keeping the Island as green as possible but I do believe that the burden for industrial use and everything else has to be shared. We are not asking that much of you. It is very little compared to what St. Helier is going to take in the years to come.

#### **2.15.5 Deputy M. Tadier:**

The first opening comments are questions really, which I hope the Senator can address in his summing up. The first one is to ask what the relationship is, if any, between himself and the owners of the site? There may be no relationship. The second is more rhetorical really but it is the current area around that current industrial zone that wants to be possessed for industrial usage, what is that currently being used for? It is my understanding that part of it is hard standing and part of it is being used perhaps for farming. I have heard that there may be chickens there, which is good. I think I like chickens and I like eggs. It is going to be that kind of debate. **[Laughter]** It might be helpful also to know a bit more about the industry and how many are employed there, how many are proposed to be employed if the extension is granted, things like that. Also what kind of economic model does the company have? Is it a socialist model whereby all the stakeholders are treated equally in a co-operative fashion? If that is certainly the case I would be more inclined to support it and if it is free from exploitation in the Marxist sense of the word, so perhaps the Senator might not like to address that. The issue I would like to talk about mainly is that of diversification. I think at the hub of this Senator Perchard does have some of my sympathy because it does try to address the issue of diversification in the economy, albeit that it has been suggested that this is not quite the right location to do it. I think it is flawed ultimately, though, because what I am seeing, we have heard of this 3-legged stool, so to speak, and if in fact we are trying to diversify at the expense of another industry which is perhaps in even more dire straits, the industry that is agriculture, I really do not think that is the way to do it. If we are going to be changing the usage of this land, which is farming land partly, some of it may be used for storage for tractors that are in the surrounding area, where are those tractors going to go? We also have an ethos as an Assembly, I think, to encourage the production of organic or local produce, hence the reference to the chickens, and certainly that is the right thing to do. I think we are sending out a mixed message and a wrong message here if we are saying: "Let us rezone what is currently green agricultural land for another purpose", which may be diversifying but it is not really joined-up thinking. I think those are all the points to be made and the Senator can choose to address any of those questions that I asked in the opening session.

#### **2.15.6 Senator T.J. Le Main:**

I have to say that I commend Senator Perchard for bringing up this matter today. I believe that for many years we have failed miserably in having a proper industrial uses planning policy in this Island. I remember well, as part of the 2002 Planning and Environment Committee, looking at this issue and it was told to us by every quarter that if you want to have an alternative to finance and

you want to encourage small businesses - and some of these small businesses have over the years, people like Play.com and others, started as small businesses - you need to provide premises. I am really unsure where we stand at the present time in regard to demand on affordable light industrial premises and perhaps in a proper industrial estate. I am not sure that I would support Senator Perchard in increasing this estate, although I have much sympathy, in this estate at St. Lawrence. I do still keep hearing of small businesses wanting affordable rental premises. We had the need, as I say, in 2002 and there was much concern then because of the lack of affordable premises. I would like to know is there a policy in place to provide more industrial space? I keep hearing Members, including the Minister, talking about these wonderful plans for around the airport. Well, that may be so but that has been going on for 10 years that I can remember. If the airport are going to be anything like they normally are then certainly accommodation up there for small businesses will not be affordable. It will be really expensive and will fail miserably to provide accommodation for the small one and 2-man businesses that need to expand in the future. I would like the Minister to bring forward for this Assembly, and it may very well be a point that Scrutiny could consider, but this is an area of great concern to a lot of people. Jersey is traditionally made up of small businessmen, small people, they have run businesses that operate, but if you do not provide, as a government, the opportunities for them to be able to start their business and to operate ... We want to get rid of bureaucracy but we also need to be able to provide them the opportunities to be able to start up. They are all over the place at the moment. There is no policy, they are working out of chicken sheds in places, they are working out of old agricultural buildings. Well, they are. There are businesses all round the Island. All of you in all your Parishes can determine and will know of little businesses that are operating out of premises that are most unsuitable and in fact most of them were old commercial agricultural premises. I would expect the Minister and the Council of Ministers in the next session to bring forward a policy, a proper policy, whereby at least small businessmen and people who want to start on their own in the future will have a proper, co-ordinated policy that the States will support. At the moment, I think that the States of Jersey have failed miserably over the years in providing the opportunities and the premises maybe for small businesses. I was quite annoyed some years ago when Hewlands at Five Oaks got bought out by Normans and I felt then that the States should have purchased Hewlands at Five Oaks where there was huge sheds up there that could have easily assisted small businesses to be split up in sections and had a wonderful opportunity to have really made a difference. So I ask the next Council of Ministers and I hope Members that will be here in the next House will drive this forward. We really need a policy and we really need to be able to offer that opportunity for the alternative to finance because we are letting them down. As I say, I have great sympathy for what Senator Perchard is trying to achieve and I have much sympathy with what Deputy Higgins was saying before. He is absolutely right as well. I would rather hope that, as I say, this policy ... I see the Senator shaking his head there. I am not sure what he is shaking his head about. He has probably got an illness. **[Laughter]** I will leave it at that.

#### **2.15.7 Deputy G.P. Southern:**

Shock upon shock, horror on horrors, I do believe I am going to be on the side of Senator Perchard and, indeed, Senator Le Main. The dark clouds are rolling. **[Laughter]** At which point Senator Le Main left the room and Senator Perchard held his head in his hands and went: "Oh no, it is going to go down." No, he did not; he smiled at me instead. I was very pleased to hear the Minister for Planning and Environment suggest that this Island planning process is his. It is his plan, he says. "It is my case and my view." Well, how convenient is that, because Members will appreciate that what it means is it is his view, vote for it and against it, it enables him to listen to lots of evidence or none, because it is his plan. He decides. He can stick his finger in the air and say: "I think it is blowing this way so I will do this." Unfortunately I come from a different school and I believe that policy should be vaguely related to the evidence. So I have gone to the evidence and fairly fascinating it is too, because almost every argument that the Minister has produced is contradicted

at some stage by the final latest report from the inspectors, and how inconvenient that is because he has ignored a lot of what the final verdict says.

[16:15]

It is on pages 14 and 15, if Members want to follow, but I will take them through it; I think it is important. It is an extract from the *Independent Planning Inspectors Further Report May 2011*. They talk 2 paragraphs-full of demand and say demand for this sort of space, light industrial space, has indeed gone down and rests around 50,000 to 75,000 square feet but that demand is there. On supply, the draft Island Plan in September identified potential new provision at La Collette and surrounding harbour areas, on non-operational land at the airport and by the development of existing agricultural premises. It listed 7 existing industrial sites zoned in the 2002 Plan, including Thistlegrove, but asserted that: "A review of these has revealed that most of the sites are operating at near capacity and are unsuitable for any form of expansion." Operating at capacity and unsuitable for any form of expansion. There were problems forecasting the likely new provision at La Collette post the Buncefield disaster, solution of the Minister: "We will put it down there." "No, you will not." "We received assurances that the masterplan for the airport would not encroach on to agricultural land and there are evident restraints on the conversion of agricultural buildings, especially for high end businesses." So already, several reservations. "The revised draft Plan, March 2011, again identifies La Collette and surrounding harbour areas but subject to severe restraint and considerable uncertainty on safety grounds." Starting to get there. "The airport is retained and other States-owned land introduced although not identified." Can you hear the sense of a little scepticism coming into the report, because I can? "The 7 existing sites are retained, subject to the same caveat that most are operating at near capacity and they are unsuitable for any form of expansion. As well, again, as existing agricultural premises, the Island Plan now looks to possible windfall sites - by definition these cannot be identified - and to propose changes to permitted development rights, allowing a 5 per cent increase in floor space without requiring express planning permission." They then go on: "Our conclusions are, first, that demand probably has reduced significantly, which is not surprising with prevailing economic conditions." We are in the middle of the worst world recession in living memory. Surprise, surprise, demand is a little down. You ask yourself: how long is the Island Plan going to last? A full decade, 10 years. Are we convinced that demand will remain down for those 10 years? Of course we are not. Of course at some stage we are going to start picking up and we may well need this space. The Minister himself says: "The Minister understandably reminded us that the plan is over a 10-year period and not everything can be identified at the outset and theoretically he could adjust it throughout the 10 years." It goes on: "We are, however, dubious regarding the Island Plan provision. Restraints around La Collette should not be understated and may well remain over the life of the Island Plan. We would be more sanguine about the airport if there was so much as a preliminary layout but for the present it remains to be seen how much can be achieved there. [This is pure scepticism.] As with housing provision, we are very dubious about reliance on something as vague as States-owned properties. These might not become available, might not be suitable for light industry and might be seen as preferable for housing. We have mentioned elsewhere the uncertain and inconsistent evidence regarding the degree to which the States will be deferred to compromise the sale price of assets in order to meet Island Plan objectives." We are going to come back to maximising the sale price of assets in the housing debate but here we are, it rears its head first. We have a policy that says: "We are going to maximise the profits on all of our assets, that is our policy" and we have got the word of the Minister for Treasury and Resources, the word only that he will be flexible about that in future but no guarantee. "Former agricultural buildings and occasional windfall opportunities are hardly a sound basis for attracting investment, especially high end international businesses looking for good quality and able to choose their country of location. Finally, the 5 per cent permitted enlargements facility will doubtless prove useful for some firms by reducing red tape but the impressive looking additional 75,000 square feet referred to in the Island Plan is hypothetical, based on a total existing floor space of about 1.5 million square feet. In reality no

more than a small minority of firms will expand when they would not otherwise have done so. The provision will in any event do little to attract new companies to locate in Jersey.” There it is in a nutshell. This is what the independent advisers are saying and they came to look afresh, asked by the Minister to look afresh at what the situation was at the last minute, and they are saying finally, overall: “We think that the Island Plan is right to reflect reduced quantity of demand but risks under providing for higher quality businesses.” So they identify in their last statement a risk that we have got it wrong and yet the Minister can, once he has decided to, ignore this last minute advice. He says: “It is my plan and I will do what I want.” Deputy Higgins was quite right; doing what he wants is preserving greenfield sites at all costs and not only piling the housing into the current urban areas but also the light industrial sites as well. My question is: is he going to put them next to each other? I do not think that works but then there is a lot about this plan I do not think, when you look at it in the round, actually joins up and works. I must have been in the House too long, and I am sure many would agree with that, but it reminds me of I think it is 6 years ago and the first time somebody came to me with a petition. It was up at Clos de Mon Sejour, a big estate, States housing, and the proposal was right bang next to it they were going to have a light industrial site to take repair and storage of coaches, which would be going out early in the morning and coming in late at night. Lo and behold we got that stopped, but that is the vision Deputy Higgins and I have for St. Helier. Not only the housing is coming our way, building high, as we now know, but soundproofed. It will have to be soundproofed if it is going to be next to a light industrial site because it might be very noisy. But put it in St. Helier, please, because you must not put it anywhere else according to the Minister for Planning and Environment.

#### **2.15.8 Senator P.F.C. Ozouf:**

I am going to be very brief but I am going to say a couple of things. First of all, I do not think it is entirely right that Senator Le Main states that former agricultural buildings have not been an important source of supply, because they have been. I have no pecuniary interest in this matter because I am not relevant, even though my family had an ex-farm. Agricultural buildings and the renting of agricultural buildings for light industrial premises has solved a problem in relation to the exiting dairy industry and other people, so I do not entirely agree with what he said but I do think there is more work that probably needs to be done. Senator Perchard was kind enough to quote me and my enthusiasm for internet and I.P. (intellectual property) based businesses. He is right. Both at my time at E.D. (Economic Development), and indeed now the current Minister, we are enthusiastic supporters of the Island’s position in developing a real third leg to the economy in terms of internet, intellectual property, I.T. businesses. I will say briefly that to the slight uncomfortableness of the other members of the British-Irish Council on Monday I said that Jersey was determined to be the leader in terms of the test-bed for internet businesses and to be a leader in terms of this area, and of course Guernsey and the Isle of Man are trying in this area too. I believe we are absolutely uniquely placed in order to take business into Jersey that is going to be environmentally friendly and we are certainly going to be doing everything we can to attract this business, and we need to because I do agree with the issue of employment concerns, et cetera, that other Members have raised. But even though I am enthusiastic and positive about these types of businesses, I am afraid that Thistlegrove is not the right place for it. The right place for these businesses is probably going to be either centrally located in town. It is going to be located, in some cases, at the harbour. I do not agree at all with the fact that the harbour area cannot be used because of Buncefield issues. They are to some extent overplayed. But also there is the airport and the airport is a unique environment in order to create businesses and I can say that Property Holdings and the airport and indeed Jersey Telecom - I represent the States’ interest in Jersey Telecom - and Jersey Telecom have some exciting plans in order to develop this area of activity and there are going to be some exciting things that are going to be announced in the coming weeks. I am afraid that Thistlegrove is a step too far in the countryside in my view. I do not believe that it should be rezoned; I do not believe that the case has been made. While I am on my feet I will say one final thing and that is I do believe that there is going to be a contraction in some areas of the



fulfilment business because of the action by the U.K, which is going to mean that there is going to be some space yielded, possibly at Rue Des Pres, in terms of this business going forward. So I think that this would not be required but, of course, if there is a requirement for industrial space, if we are not right in terms of our projections, if we cannot deliver our aspirations at the airport and the harbour, then of course the Assembly can come forward with another rezoning proposition, but the case has not been made at this time.

**2.15.9 Deputy D.J. De Sousa:**

First of all, I just want to say that my husband's cousin does have a body shop on this site, so I will declare that. Sorry, car body shop. **[Laughter]** I am going the shade of my cardigan, I am afraid. I just want to reiterate a point that several Members have made that it always appears to be "not in my Parish" as long as it is in the urban Parishes. I also want to reiterate a point that Deputy Southern made. In the independent inspectors' report it does say right at the very bottom of page 15 that: "This site may not be suitable for light industry and might be seen as preferable for housing." I want to ask the Minister for Planning and Environment about inconsistencies within the Island Plan and I hope one of the Assistant Ministers will stand up and clarify my mind and other Members' minds on this. Members will know that I have got an amendment coming up on site 1219 at Mont à l'Alabbé and we are told that the Minister rejects my amendment to take this area of housing out because it is in the built-up area. If we look at the site map that we have up there, the area that is being talked about is in a built-up industrial area. So can somebody from the Planning Department please clarify on inconsistencies? Thank you.

[16:30]

**2.15.10 Deputy T.M. Pitman:**

I have heard a rumour that Deputy De Sousa has got a family link to Burke and Hare, so I am not quite sure. They were body snatchers, Deputy. Never mind. I am going to shock Senator Perchard by supporting him as well. I think there is an element all too often of N.I.M.B.Y.ism that comes into the Assembly. Is it a step too far, what the Senator is proposing? I do not think it is. There has been some good speeches so I am not going to repeat them, just to say that I will support him and I would urge other Members to do so.

**2.15.11 The Deputy of St. John:**

I have to declare an interest, being not a close neighbour but a neighbour in the vicinity near St. John's Manor to this and Regals is down the road, which is more or less the centre of this site, by a quarter of a mile or so. But that said, there is concern to me, and I have said it in other debates, about farms coming out of agriculture and become a cash cow to the owners and I think it is wrong. I will mention the farms concerned as we go through them. If we look on the right-hand side of the plan that has been put up there, and the plan that you will have on page 14 on the amendment, there is a new farm been built there in recent times. The farmer was previously farming with his father around the corner, shall we say half a mile away, which was a chicken farm. That chicken farm has now become a housing development, not for first time buyers, and the next thing we see concrete poured on that field to build some more chicken huts whose life is now ... because the others have just been demolished, they have been there for, I would say, approximately 40 years because I can recall working on them and I have been retired over 20-odd years and they were there for a good 20 years prior to that. So the life is 40 years approximately of those chicken huts. They have been there 5 or 7 years. Are we going to allow yet another area of land ... if this is passed this will be sold on to somebody else to take some action and become a cash cow and then we have another field covered in concrete, and we are seeing it time and time again. We have seen it in a number of areas in recent years. We have seen farmers come in the industry, get out of the industry, then come back in. The other end of Rue de la Scellerie, in fact we have seen 15 houses built for farm labourers, as farm accommodation, and yet that farm has been in and out of the industry. I am not sure if it is back in it at the moment. We are seeing it all the time. We are seeing agricultural

sheds, we are being told that they are no longer fit for purpose. Then we find, and I am thinking of some near La Hougue Bie, there is a whole host of them there which are now light industrial sites. So where have they moved to? A huge site up near the zoo where they have tipped tens of thousands of tonnes of concrete on to a number of fields and built another huge shed, and it goes on and goes on. Every now and again we have a downturn in the industry so those sheds come out of agriculture and they get used for other things. That is that site. The next site is the Fencing Centre. Formerly it was Richards Vineries. That was wooden greenhouses. They demolished them, fine, and they put polytunnels. Polytunnels were no longer viable, we are told, things were sold, the family moved on and the current owner bought it and he has turned it into a fencing centre. Some of the polytunnels are still there. What is wrong with returning that land to agriculture? It is full of bits and pieces but there is no reason why it could not be returned to agriculture. I am not saying that what is going on there should not be going on there. They are on a nice operation. I see this last couple of weeks they have put a lot of timber sheds up. I presume because States Members were going on a visit there last week, all these sheds have appeared in the last month or so, garden sheds and garages and the like, as a sales pitch. So be it, fine. Then I look next door to North End Vineries and I can recall those glasshouses being built in timber, then demolished and now they are built in aluminium or steel and they are still cultivated. That will probably become a brownfield site at some time in the future or it could be rebuilt, when the life of those units go, back into glass. Behind that there are some old wooden glasshouses, I think they are still there, which at some time will probably, as I say, become a brownfield site. That would be a loss yet again to agriculture per se because as people move on or out of the industry other people could go into these premises. To me, it is a shame that we are continually stamping on our feet by moving across out of agriculture, into agriculture and each time we see land getting covered in concrete because, when it is covered in concrete that is it, it is gone more or less for ever. That is a problem. I am looking now at the area on your little map which is in blue. There are still a number of old chicken sheds on that site and if it is an industrial site I have to chuckle because one of the sheds for many years was hospice, you know, and across the road they needed some parking so they put a membrane down and use part of the field next door for parking. Fine. I am not sure, since the hospice has moved to St. Ouen in the last couple of years to my next-door neighbour's sheds here - which have also come out of agriculture, I might say **[Laughter]** - if that site is still not up to let. I do stand to be corrected, but I know for a long time it has been vacant and I have to ask: "What are we doing?" I do not want to see greenfield or farms that we have currently going out of the industry just to be replaced with something else a quarter of a mile away, half a mile away on land that is owned by that particular farmer's family, building another complex. I go back to the first farm, what was wrong, if they wanted some more chicken houses, demolish the old ones they had on the existing site and build them there instead of covering probably 5 or 6 vergées - 5 vergées, probably - in concrete; the house, sheds and all that goes with it. I know things move on but, at the end of the day, I am just giving it to you from where I am coming from. I just do not particularly like that idea of taking all these buildings out of agriculture only to be replaced. As the Parish Deputy whose boundary this will be on, I have also got concerns because when I and Members were invited last week to the site, we were not told to enter the site via St. Lawrence main road, we were told to enter the site in Rue de la Scellerie and I thought: "Well, if they are trying to sell this to us as the way forward I would have thought they at least had the common sense to say 'Go to the main entrance on St. Lawrence main road down to the farm'" or wherever, but no, they sent us to the Fencing Centre and I thought: "That is a bit odd" ... yes, obviously to sit on the fence, absolutely. **[Laughter]** I know my neighbours are sitting up in the gallery as I am speaking here, they are all lovely people but, at the end of the day, I am just trying to protect ... I do not want to see another 12 vergées of ground covered in concrete somewhere else just so we open up this site. There is something else that I have got concerns about. Jersey Steel was mentioned earlier on, I think the Connétable of St. Lawrence may have mentioned it. Well, they are still around and they are a fabricating company and we could see them down at Beaumont wanting to increase the size of their holding or do different type of work down there and therefore, if they are down at Beaumont, we

probably do not need this big site here to go in that particular area. But that said, I am not up to speed on it, it is just a note I have been passed. I think I have covered most of those points that I wanted to raise. I have had concerns from residents in St. John about the traffic because, given that there is no footpath from Melbourne (or from St. John's Church, basically) down to Carrefour Selous, anybody who is on that road is at risk. We have had a number of accidents over the years, serious accidents where people have been knocked over. On top of that, there is no mains water on that site or anywhere near that site - more disruption if it goes ahead - there is no bus service, the closest bus is approximately a mile away, which is at Carrefour Selous or St. John's Church, there is no bus service in that area. Finally, we have a rat run which is Rue de la Scelletterie and it is a rat run and to bring more traffic through there via Queen's Road entrance or North Exchange, of course, would just create more problems. I think I have said sufficient as far as expressing my views on this site and I cannot support it because of the agricultural element on it.

**2.15.12 Senator F. du H. Le Gresley:**

It is wonderful to hear these Parish Deputies who do not want anything in their Parishes, is it not, absolutely wonderful.

**The Deputy of St. John:**

Correction, Sir. I think the debate yesterday covered what we have in our Parish, with quarries we have got plenty of blue-collar work.

**Senator F. du H. Le Gresley:**

Sorry, I did not even qualify what I meant by that statement before the Deputy was on his feet. But now he has had his say, let us all think back to yesterday. Now, this is the same Deputy who did not want extra protection on agricultural land and buildings in his Parish, that would have stopped agricultural buildings passing into light industry in the north of his Parish, he did not want that, but today on the south boundary he wants it; a complete contradiction because it is N.I.M.B.Y.ism, which has already been referred to. The only people who have spoken against this proposal really, apart from the Minister, are people who are clearly fighting their corner because it is their Parishes, and they are trying to represent their parishioners, but let us look at this site. The Deputy of St. John has just told us: "I cannot see another 12 vergées of ground covered in concrete." Well, I am sorry, but I am struggling to find the ground on that site let alone anything else, these are already covered and I have been up there, I went up there recently, and yes, there are some sheds that have been put up on a bit of grass but most of it is covered in concrete already. It is beautifully screened, I will give you that, with bushes and trees, but to stand up in this House and say: "12 vergées of ground covered in concrete" is absolutely ridiculous.

**The Deputy of St. John:**

Could I correct ... would the Minister give way, Sir? **[Laughter]**

**Senator F. du H. Le Gresley:**

No, I am not giving way. I made that mistake yesterday, I am not giving way to him today, Sir.

**The Greffier of the States (in the Chair):**

He is not giving way, Deputy.

**Senator F. du H. Le Gresley:**

Right. Now, I also think we really have to think beyond the figures that the Minister is currently dealing with. Deputy Southern quite rightly read out the report from the inspectors. Now, this is a 10-year plan and we have to understand, and if any of you have looked at the email we received

today about unemployment, the figures are going up, the number of long-term unemployed in this Island has doubled in the last year. Now, where are these people going to work? It is no good saying, as I think others have alluded to perhaps, that the finance industry is going to be the saviour of these people. These people want jobs, they may be jobs that are not particularly well-paid, but they do need jobs. Now, where better than light industry to get our people back to work and encourage a new economy, if you like, or develop this economy?

[16:45]

This is a perfect site for that as far as I can see. I do have a number of questions for the proposer because obviously there are some greenhouses belonging to, I believe, North End Vineries, and I believe they are currently in production and I do not know if those would cease production, and the site is in multiple ownership as well. So I would like the proposer to confirm that all the owners are supportive of his proposition because if there is one who is not, it could prove difficult. I would also like to know if all the current operations up there have ever made any complaints under the noise nuisance law, because I think it is important, we have been told that there are 2 neighbours who live on the edges of this site. I believe - and the Senator may be able to confirm this - that one of those is an owner of one of the businesses within that site. I believe that is the case. So we are then told - and this is what I find absolutely amazing: "Let us move everything down to Jersey Steel" which is right next to one of the biggest building sites and groups of social housing we have built in Jersey in La Preference but: "Let us put all the light industry down there" what a brilliant idea: "Do not let us have it annoying 2 large neighbours in St. Lawrence, my goodness me, what could we be thinking of?" So it is all N.I.M.B.Y.ism and we are going to see this throughout this debate when we come to the sites that Deputy Le Claire is wanting to develop, it will all be about: "This is my Parish and I do not want any of this in my Parish" we will see it all the time. So I am supporting Senator Perchard and I think a lot of you ought to support him as well.

### **2.15.13 The Deputy of St. Peter:**

"Not in my backyard." Well, being the Deputy of St. Peter, I am sure that the Assembly, being that Jersey is only a small Island, is fully aware that we have quite a lot of light industry: we have Jersey Steel, we have 2 large areas of light industry, oh, and just by the way, we have the airport which I think takes up just under a third of our total area. We have Simon Sand, we have Jackson's complex by the airport, so it is not an insignificant area. In my backyard, the Minister has suggested that there is scope to carry out even further development and I have to say I agree with him. The airport area is underutilised, underdeveloped, and it has plenty of scope for carrying out areas of light industry. I have another problem: it would appear certainly Senator Le Gresley seems to think that light industry is a great noise generator. Well, it is not. Jersey Steel might be but lots of other light industry, by its very nature and name, makes very little noise, if any at all. So the noise argument is not a very good one. Furthermore, we talk about "Our Island" and our Island is exactly that. Now, these little phones have their own uses and it has the facility of putting a map on board, and I did. I put that particular site in the middle of my telephone map and it is completely surrounded by countryside, and that is not St. Lawrence countryside, N.I.M.B.Y.ism, that is our countryside, that is Jersey countryside. When we look at the airport, we see an industrial site, it is a massive area: buildings, concrete everywhere, it has the facility for allowing development there. It amazes me when, again, these various arguments are made. My colleague over there, one of the Deputies of St. Helier, Deputy Higgins, talked about again N.I.M.B.Y.ism. He knows what goes on in my Parish and there is an awful lot of industry there, and what I am saying is we are in a position where we can still take some more and it is not going to affect our Parish. But if we encourage industrial sites like that in St. Lawrence, we are encouraging the use of countryside land which could be returned to that very countryside area, and it is an Island facility, not N.I.M.B.Y.ism. So yes, let us develop areas which can be developed for light industry, and I emphasise again light industry, not dirty great big noise generators like the airport, all right? It is sad that I hear arguments made like this because there is more politics in the argument than logic; now, that

frightens me. So what I say is think very carefully, I suggest you do not develop that site any further, I suggest you look at the site in St. Peters at the airport to develop for light industry and also emphasise the point that has been made already, and I will repeat it: there will be areas in town which exist, they will not be new, which will become redundant and I think it is essential that we fill those buildings with activity. It goes back to unemployment which, again, Senator Le Gresley mentioned. Yes, there is unemployment and yes we do need to find employment for these people who are out of work. What we are saying is we can do it, we do it by creating this light industry, which can be created in the areas that I have just suggested without moving into a piece of countryside which could be returned to countryside very easily and is part of our Jersey heritage, not just that of St. Lawrence. So I say think very carefully before you rezone this, because I will not be supporting it.

#### **2.15.14 Connétable G.F. Butcher of St. John:**

A lot of what I was going to say has already been said. The area that concerns me is ... the fact I know the site very well, I used to work on the Thistlegrove site just after it was lost as a chicken farm. We have got a new chicken farm that was set up 10 years or so ago and I would bet, sure as eggs is eggs, [Laughter] there will be an application coming forward in the not-too-distant future for the Planning Panel - I hope Senator Le Gresley remembers it when it comes forward - to build another chicken farm on a greenfield site. I will not be supporting this.

#### **2.15.15 The Deputy of St. Mary:**

I have some questions for the proposer of this; I am in 2 minds at the moment. The first question is about the zoning, and he says in his proposition that that is what he is doing, he is rezoning part of what is already industrial commercial use, and I am struggling with that because, if it is already industrial commercial use, on what basis is it already industrial commercial use and what difference does it make rezoning it? So I would welcome some clarification on that; it is a fairly obvious point but I do not think it has been raised by anyone else yet. So what are we talking about, what is the difference? The second point follows on, really, and it is a point that relates to all the development sites - and people have mentioned N.I.M.B.Y.ism in this context - that every site we come to in the coming day is going to be about people arguing their patch. But this is a different consideration, which applies to all sites that we rezone, and that is the increase in value. I would like the proposer to clarify a couple of things, 3 things. One is what does he estimate the increase in value to be as a result of the rezoning - and I gather that there are multiple owners but that does not prevent him offering us some idea of the calculation - and the second thing is what is the proposer's view - and I would invite Members also to think what is their view as well - on whether the public should have a share of that increase in value given that we are the ones who have decided on the rezoning. We are the ones who have effectively created that value by our decision. It seems to me extraordinary, and Members will know that I have a proposition down for debate next sitting about this matter of the uplift in values and the fact that the public should share in that and it should not all go to the landowners, and so I would welcome the views of the proposer on that. It will be a recurring theme, every site, that same question will apply as to what we think about that. The third connected question to that is if this site is rezoned for commercial, whatever difference that makes, and if then another proposition comes or another change is proposed for residential, again, the same question: What happens to the uplift and does the proposer think that the public should have the bulk of that uplift and not the private landowner who is simply benefiting from an unearned windfall? So that is the first set of questions for the proposer. The second thing I wanted to say is a general point about the airport and La Collette. The airport, I have long advocated the airport in submissions to the planners as an employment hub, it is absolutely obvious that we should have more employment at the airport, the land is there, not much but it can be developed intensively, and it provides a huge gain in the form of not only are the buses full going into town, they are full coming out of town, and that is a massive gain year-on-year for our bus service and therefore a reduction in the subsidy which we pay to the bus service and so on. So there is a very big gain

there. The only problem with the airport is we have not done it and: “Well, let us get on and do it”, I quite agree with: “Let us get on and do it” but this is bothering me because I think I agree with people on balance that the demand is understated, if you like, or it is there but it is latent at the moment because of the credit crunch and I think we probably do need purpose-built sites. The problem with the airport is it is going to take time. Now, if the airport could have been done faster than this then that would be another issue, but it seems to be taking an awful long time, in fact, it is not even off the drawing board; as the inspectors point out, there is not even an outline of any kind of drawing or anything about the airport. The same goes for La Collette, the Minister for Treasury and Resources said: “Well, it could all go down at La Collette” again, that might be better in transport terms, that is where most people live and so on, and the employment will be on their doorstep, but it is not there and it is not likely to be there for a long time so I do have the “when” problem with both of those even though the airport and La Collette, indeed, are ideal. So that is a general point about the alternatives. Traffic, now, the proposer says on his page 2, one of his suggested additional paragraphs that: “Issues would be addressed by a development brief including access and traffic.” There are 2 aspects to traffic. One is the traffic that the users generate in the form of lorries and vans going in and out, and that is a problem because on his page 5 the proposer quotes the inspectors as talking about they say in their inspectors’ report volume 1: “This leads us to conclude that there is unmet need for light industrial and distribution units, which the Thistlegrove extension would go a good way towards meeting.” I am sorry, distribution is the wrong thing to put at Thistlegrove. Stuff comes into the Island at the airport and far more stuff comes in by tonnage at the harbour so to put a distribution, any kind of distribution I would say at Thistlegrove, is daft and I would welcome the comments of the proposer on that. Because the inspector talked about distribution moving to Thistlegrove and that will, of course, generate a lot of traffic in and out every day. So again comments on that, should there not be strict conditions on the kind of light industrial use at Thistlegrove? The second aspect of traffic is how do the employees get there, how do the workers get there? Well, he says, what is it: “Access and traffic have to be considered.” I would expect rather more than that, rather more detail, I would expect a full travel plan on how employees are going to be encouraged to use sustainable means of transport. Now, we have heard from the Deputy of St. John that the nearest bus stop is a mile away, well I think it is a short mile but nevertheless, there is a problem there and, of course, if this goes ahead there has to be a travel plan whereby the proposers talk to Connex and say: “What are you going to do? When are the buses going to run? Where would you like them to run? How are we going to do this?” and the other aspect is people walking and cycling. I know that road, it is lethal, particularly southwards from Thistlegrove, the lorries go past the Carrefour Selous built-up area at a phenomenal rate and there is no space at all; if you are a pedestrian it is life in your hands, it really is, if there are 2 lorries side by side. I am amazed there has not been a serious accident, maybe there has been, I do not know of one, but I was surprised; it is a question of when not if. Obviously, you cannot have this site developed in this way without sorting that first, and that has to be a condition, I want the proposer to say it is a condition but, unfortunately, it is not quite tight enough in the proposition so that concerns me, there has to be provision for cyclists and walkers.

[17:00]

There are ways round it, you go the back way out of Carrefour Selous and then you turn right up Rue de la Golarde but then you have still got a bit along a main road, and that has to be protected, it has to be managed, there has to be a guaranteed safe route both ways north and south until you get to other roads that take you into minor side roads. So those are the issues on traffic, as I say, the proposer did not dwell enough on that, he did not seem to take that on board as a serious enough issue, it is a serious issue, so I welcome his answers to all my questions and I am still waiting for his summing up.

**2.15.16 Deputy J.A. Martin:**

I will be brief. I just want to explain I will be consistent through the Island Plan. I just want to explain why. On the inspectors' reports, and the Minister for Planning and Environment is very upset with me today because I seem to keep having a go at him, but it was the Constable of St. Lawrence said: "I only signed off yesterday his new [I think he said "yesterday" or "very recently"] "proposals to let people increase 5 per cent without asking for permission" and basically the inspectors' recommendation said: "This is hypothetically 75,000 square feet" and in reality it is no more than a small minority of firms will expand when they would not do anyway. So to say we do not need this light industry ... I know I am sitting a long way away and Senator Le Gresley is obviously nearer than me but I cannot see any houses, what I would call neighbours. We share 2 adjoining walls, me and my neighbour, we can even tap out the time, there you go. But I will be consistent and I will explain. I will support this ... unfortunately, I will not support Deputy De Sousa's amendment where she wants Field 1219 taken out, and I will be supporting Deputy Le Claire's amendment for Field 1248 to be put in. Now, they are both greenfields but if I listen to the arguments of the Constable of St. Lawrence and the Deputy of St. Peter they are not St. Helier's greenfields, they belong to the whole of the Island. So if you follow the consistency where I am coming from, none of you could possibly zone them for housing because they are not St. Helier's greenfields, they are the Island's greenfields. **[Approbation]** Please follow my point. I had to say that, and I think I have given Deputy De Sousa her argument to win and obviously Deputy Le Claire, well, we would like to win. But it is a greenfield and it is really brilliant the Deputy of St. John and the people who live up by 1248 want agriculture there. I think there has been an offer of bringing a few cows up there, but they were not too keen on the cows, they do not want cows, I do not know what sort of ... maybe chickens, I do not know **[Laughter]** but it is not St. Helier's greenfield, please remember this, that is the best one. I really respect the Constable of St. Lawrence, but she started this off. It is not St. Lawrence greenfield, it belongs to the Island, but please remember so; at one point so did all the greenfields in St. Helier - unfortunately we have very few left - they also belong to the Island. One rule for one ... and I totally agree with Senator Le Gresley: N.I.M.B.Y., N.I.M.B.Y., N.I.M.B.Y. **[Laughter]**

**Deputy A.E. Jeune:**

Sir, may I ask for a point of clarification of the last speaker? Did I hear correctly that Deputy Martin was suggesting that the Connétable of St. Lawrence had said that there was no need for light industry?

**2.15.17 Deputy P.V.F. Le Claire:**

I have listened to the arguments that have been put forward this afternoon, and while I can consider everybody has got their own view on this, I just wonder where we are. I remember going to school at St. Helier Boys - a great school, until I got there anyway - the very first year I was there in secondary school, they did 2 things: they separated us from the girls and gave us sex education afterwards and told us what that was about, and then they told us that we would be getting a computer for the school. We were very keen, some of us, to learn to use a computer but we were told that because we had already passed through the vast majority of our first year, or at least the vast majority of our first term - I had already seen 13 maths teachers in my first term, no wonder I cannot do the geometry - we were told that we would not need - there is a link here, Sir - to learn computers because we had already missed our first year and computers would not feature that much in our lives in the future, in any event. What vision the States of Jersey showed in 1974. An interesting year, 1974, when we experienced one of the world's worst, well, our Island's worst, housing crisis because we had not planned for enough housing. We were in the process of getting rid of slums and areas were being demolished in and around St. Thomas' Church, in Ann Court, because there were too many people with outside conveniences and we were trying to bring people up to a modern standard. Finance was taking roost and our revenues were increasing and companies were registering at the rate of 480 a month. Business was connecting, the world was changing and by the time I left school the one hour a term that had been predicted that we would

have for everybody below me had swiftly changed into one hour a week and, by the time I left, the people that were joining St. Helier Boys in 1979 when I went to the Marines were using computers on a daily basis. Today, I mean look at computers; they are all over the place and they are changing our lives in dramatic ways. They are changing our lives in ways that are much, much more dramatic than just selling C.D.s (compact discs), D.V.D.s (Digital Versatile Disc), et cetera, fulfilment industry. It is about bringing technology and capabilities from around the world into reality in every community. You can have a surgeon in Australia operating on a patient in New Guinea if the technology is hooked up right. You do not need necessarily a university in Jersey - and I have said this many times before - all you need are the teachers to broadcast the tax-free courses to the students around the world and then you do not need the beds, which we cannot give them or the housing which we are not going to provide them. We need to think longer and have greater vision than the States had in 1974 about the impact that the computer age is having on us today and will have on us tomorrow. This nonsense that disused facilities in town will be set aside for these sorts of projects in the future, as I heard one Member state, is absolute nonsense. We have just agreed; if we are going to have a country park in St. Helier we are not going to build on any fields anywhere else. We are going to have a height restriction so nothing else is taller than anything else and we are going to have increased migration to keep business up and going. So where exactly are we going to put the facilities in a changing world? Maybe we will be manufacturing iPads in the future. Maybe we will have distance learning. Maybe that could be transformed into a university. Where is the vision, where is the provision? There is no provision, there is no vision. So I am sorry, this does need support and it needs to be implemented today. I was on site, I do not know how many Members went, I think there was about 4, was there? Twelve. There we go, my 13 maths teachers ... **[Laughter]** a baker's dozen I am told, whatever that means, 12 vergées to an acre. Whatever. The point I am making is that this is a very mish-mashed site at the moment. The key workers, as identified within documents, around the world that are being given access to accommodation and immigration are set out quite clearly for us to see within our own documents, an *Interim Review of Residential Land Availability* from the Planning and Environment Department in February. It sets out those sorts of people that can access housing or who should be taken into account. "Clinical National Health Service staff", why could we not have a facility up there that provided some form of medical computing delivery? "Teachers and nurses, police staff, prison officers, probation officers, social workers, local authority planners, fire fighters, connection personnel, some Ministry of Defence personnel, environmental health officers, highway agency traffic officers" and, because we are not showing the vision, they should have put in the final bullet point: "I.T. experts" because they deliver a significant contribution to the modern world and unless we are going to support them we are not going to be able to keep up. All of our legislation is chasing everybody, we are chasing Guernsey in every aspect of what we are doing and here is an opportunity to bring ourselves into step, and I ask Members to give some vision to this and not be as short-sighted as they were when I went to school in 1974 and support this proposal.

**2.15.18 Deputy S. Power:**

Just to illustrate St. Brelade's role in Island life; I have 200 constituents that do not really want to be my constituents but they are in H.M.P. (Her Majesty's Prison) La Moye **[Laughter]** and they have not got a boat, so they are my constituents, so I will just flag up that St. Brelade does play its role in the industrial heartland and the home-life heartland of the Island.

**The Greffier of the States (in the Chair):**

Where is this going, is this linked?

**Deputy S. Power:**

This is linked to Thistlegrove, Sir. Yes. I spent 3 years on the Planning Applications Panel and in those 3 years I saw businesses shoe-horned into the most inappropriate buildings across the Island, absolutely unbelievable some of the skilled businesses and skilled enterprises that have had to put



up with buildings that ... I do not know how they overcame the inefficiencies that the buildings caused, and that has been part of Jersey life, as many Members have illustrated, over the last quarter of a century. As Senator Le Main rightly said, this Assembly has never really addressed the issue of industrial accommodation across the Island. We have one or 2 examples and the rest have kind of grown on the back of redundant agricultural buildings. Small businesses are the life-blood, really, of this economy, it is the most diversified part of this economy, to a large extent it is locally-owned and it provides fantastic employment across the Island. All of us here in this Assembly and all our constituents, we use mechanics to fix our cars, we use body-shop people to repair our cars when we have a ding, big or small, we call on people to fit kitchens, we have plumbers to do this, we have carpenters to do that and people fix windows. All these businesses, the local ones, have small vans and they need sometimes small workshops and yet they are in buildings that I defy how any cottage industry, any small business can operate efficiently, and we do not enable efficiencies the Island. So I say then to Members when we then give out, and when people complain ... I am going to continue, Sir, because I can hear a lot of talking to my right. When we then complain about white van men and pickup truck men and landscape gardener vans parked all over St. Helier or St. Saviour or St. Clement, the reason all those vans and pickup trucks and landscape gardeners' vans and plumbers' vans and carpenters' vans are in St. Helier and St. Clement and St. Saviour is because there is no place to park them. There is no place out where they operate to build their kitchens or build their work tops or build their windows. There is no provision at all on this Island for those white vans and those pickup trucks. So when we criticise the plumber or the carpenter or the tiler, or whatever, because we do not want them in our backyard and then we do not want them to park in our back yard, it is really this Assembly that is to blame for that and I think there is a little degree of, shall I say - I think it has been mentioned already - N.I.M.B.Y.ism: "We do not want it in our Parish." Well, unfortunately, until we deal with it and until the next Island Plan, because this one certainly is not going to deal with it, until the next Minister for Planning and Environment or the next Assembly or the next Assembly after that deals with this issue of the demand for small industrial accommodation on this Island, this problem will remain and the misery is transferred right into St. Helier, St. Saviour, St. Clement and areas like Red Houses and Quennevais. So that is my message and that is why I am going to support Senator Perchard. I think until we deal with the availability and supply of light industrial accommodation on this Island we do need places like Thistlegrove. I rest my case and I will be supporting this.

[17:15]

**2.15.19 Deputy J.B. Fox:**

This one of those predicaments that is not going to go away because if you look at the planning application since the time that I have been in the States in the last 12 years, we have had a succession of planning applications in urban areas which are turning these small little businesses that were in small little workshops or garages, et cetera, into densely-populated accommodation requests, some of which get in and some of which do not. Certainly, you get the great big green buildings and the smaller ones in the country areas, in the agricultural areas, all telling you when you are on Planning that: "These buildings are no longer suitable for the modern agricultural industry and please can we have the bankers allowed to use them for storage or for small businesses", et cetera. We also had Rue des Pres where for a period it was overflowing so much that there was not a pavement that could be seen for cars and, instead of parking in the parking bays along a road, they were parking diagonally across the road and, in fact, they had an association and cleared out all the buildings inside of all the stuff that accumulated over the years and found that, in fact, they did not need any extra car-parking space, all they needed was good husbandry, or is it "wifising", I do not know. But whatever it is, the combination needs some discipline and some organisation and every time I drive past Thistlegrove, I look at it and I see it as, yes, it is providing a small light industrial, it does not look particularly pretty in the countryside or whatnot, but I can see why it is there. But hearing this afternoon that it was chicken sheds and the chances are that the farmer, whoever it is, is going to go and ask in a few months time for another area, does concern

me because I used to see that on Planning and, indeed, not so very far away from there, there was a farm for sale in the valley which could not be seen and that was sold off to nice 1(1)(k)s, or whoever, with some industrial use on the outer buildings, et cetera, and a short while later there was a brand new farm built right on top on perfect agricultural land, and I never worked out the answer of how that ever got permission and it was on the same farm as the one. I am inclined to vote for this and I tell you the reason why is because I do not think the other ones are going to come on stream as fast because they were subject to planning considerations when I was on Planning, and I have been in the States for nearly 12 years, so I figure that if this is a 10-year policy, they are going to need something in the interim and this might be it. But the proviso that I would put, although I have no way of achieving it, is that if this land is rezoned and accepted for light industrial use, that it remains that and it does not end up as a nice big housing estate some years later on, and that it ends up with another farm, et cetera. I think in future, if we look at some of the places in the urban areas that made ideal little workshops ... and you are right, we do not want people travelling across the Island to be able to go to work, we want them to have the amenities. I know this is a long debate, et cetera, but one last bit of information: there are 680 white vans that park every night in St. Helier and they are not all white, but they are all there and many of them belong to the big utility companies and others and big companies, and it is nice and convenient for them to let their workers take them home. You cannot blame them, it saves them an hour's work a day because they go home and then they go straight to work instead of going to the depot and dropping their car off and everything else, so there is a purpose to it. But also another thing is the land in Jersey is very expensive and if you can get someone to relieve you of a commodity, to put it somewhere else and it does not cost you, you are going to do it and that is not going to change. The previous speaker was talking about urban land in St. Helier and St. Saviour and St. Clement; I would suggest to you that you drive along the North Coast Road, there are lots of sides of fields now that are permanent parking spaces for white vans because they have permeated out there, so we need to deal with the problem instead of talking about it. I will support this one as an exception but I hope that you take the heed for future planning committees and future developments, that we start behaving ourselves and then we might start winning a few brownie points, or what do they call them?

#### **2.15.20 Connétable J.M. Refault of St. Peter:**

Two weeks ago a well-known developer came to ask me whether I would support a development that he wanted to do with some housing in St. Peter and I said: "No, I do not" he said: "Not to worry, because I can get an agricultural shed put up on that field instead and in 10 years' time I will get a change of use and I will build houses on there, whether you support me or not" and that is what tends to happen, this is how developers get around the restrictions that we may want to put on them. Now, I only tell you that story because that is a reality of what I know that can happen, I am not saying it is going to happen on the Thistlegrove site and while I listened to Senator Perchard, he is entirely right to look at the issue of small industrial units, what is not shown to me is a demonstrable need. He is saying there is a probable need and he wants us to rezone a parcel of land here on a probable need and that probable need may not be realised in the fullness of time and that need may well then be converted into residential units because there is an opportunity there because it has already been rezoned. We are already seeing, as the Deputy of St. Peter, my Deputy, said earlier on that there are some light industrial units going up on the Jersey Steel site and obviously Senator Le Gresley has not gone into Rue du Craslin recently, but that piece of ground where they are talking about putting the sheds up that is in Planning at the moment, was covered in heavy steel clanging and banging with grinders and all that going all day long there, but the amount of industry that was turned down for Jersey Steel has been quite significant, which is why they are now diversifying into putting up these units for light industrial use which will be a lot quieter, even if they are some type of workshops, than the banging and clanging and sawing of steel beams and all those types of things going on down Rue du Craslin on the back of the L'Hermitage homes down there. Jersey Steel came to see me when they were talking about putting these plans in, this was about a year or so ago, and at the time they did not have an identified need or people knocking on

their door for them, they were creating the opportunity. The opportunity is still there for new and existing businesses to relocate into Rue du Craslin. I am also concerned, just looking at that as an analogy really to Thistle Grove, that there are traffic pressures in St. Peter, particularly at Beaumont, and I am concerned about those, but equally there is traffic pressure on St. Lawrence main road, it is a very difficult main road. I am an ex-heavy goods vehicle driver and did travel many times up and down the dip at Mont Felard and through those S-bends there, and it can only get worse as time goes on. I think for me, if Senator Perchard can prove to me there is a need to do this today then I will support him; I do not think he can. But what I would say in that case if I do not support him today, when there is a need, come back again then I will support him. But equally, if I think of another part of the Island Plan, which is what we should be talking about overall today, looking at it globally, there are sections in there that talk about vehicle use, traffic distances to be travelled, and if we are going to be putting on distribution-type businesses in this area then they would be better located at one of the ports. I hesitate to say it should be at the airport because I want to protect my roads but there is identifiable land there, but also down at the harbour. Unfortunately, the harbour is in St. Helier, we cannot escape that, but that is the best use of ... to take the damage off our roads and the cars, the air pollution and everything else that goes along with them and the use of fossil fuels, we need to ideally locate these where it is convenient to move backwards and forwards from. So unless Senator Perchard can convince me there is a current need, I am afraid I will not support him today but I may support him in the future.

**2.15.21 The Connétable of St. Brelade:**

I remain to be convinced that the proposal is going to achieve what it wants to do. My feeling is that the present mix of sheds there - and there are a variety of 20 or 25 different sheds, I think, on site - are satisfying the need of small light industry in the Island in that, because of the nature of the accommodation, it is fairly low-cost and therefore people can afford it. The risk of a massive redevelopment is that it will push a lot of the smaller people out of there into other corners of the Island and, shall we say, move the blight somewhere else and all we will have is a large grandiose shed with large vehicles, as has been suggested by previous speakers. Once again, I have experience years and years ago of towing boats down from Blue Water Yachts, which was based in the middle in times past, and going down Mont Felard with large vehicles is not very clever and I would suggest that, from a road infrastructure point of view, there is a limit and from an Island global point of view we have to consider the size of vehicles and start to bring restrictions because it is getting out of hand. I am not really talking about the N.I.M.B.Y. side of things that have been alluded to before, I am just thinking about the practical side and I would like the Senator in his response to say how he thinks that the present occupiers of these small sheds will be treated and where he envisages they will end up.

**Deputy A.E. Jeune:**

Sir, can I propose the adjournment?

**The Greffier of the States (in the Chair):**

Well, it is not quite 5.30 p.m. Does any other Member have anything to add?

**Deputy S. Power:**

Sir, can I just make a point of clarification? The Constable just said that Mont Felard is a tricky one to use for heavy vehicles. My understanding is it is the main arterial road for Ronez.

**The Connétable of St. Peter:**

I would emphasise the point my department is concerned about the large vehicles using these sorts of roads and the danger to other road users.

**The Greffier of the States (in the Chair):**

Senator Shenton, do you wish to speak?

**Senator B.E. Shenton:**

I would prefer to speak in the morning. The adjournment was proposed.

**The Greffier of the States (in the Chair):**

It is a matter for Members if Members do not wish to conclude this amendment.

**The Deputy of St. John:**

How many more speakers have we got, Sir, please?

**The Greffier of the States (in the Chair):**

Only Senator Shenton at the moment but there may be others who wish to speak.

**The Deputy of St. John:**

Can we not finish this ...?

**The Greffier of the States (in the Chair):**

Well, the adjournment is proposed, those Members in favour of adjourning kindly show. Those against. In the Greffier’s view, it looks a draw. I think we may unfortunately need the appel, but ... [Laughter]

**Senator J.L. Perchard:**

Sir, before we take the appel, is the proposal to try and finish this amendment tonight?

**The Greffier of the States (in the Chair):**

The intention would be that the adjournment is proposed. If the adjournment is rejected, I imagine Members would wish to try to conclude Thistlegrove this evening. I think the situation is clear, if Members do not wish to finish Thistlegrove this evening, they should vote for the adjournment, if Members vote against the adjournment, I think the intention is we would conclude Thistlegrove this evening, so I think the choice is clear.

**The Connétable of St. Peter:**

Sir, may I ask, it would be useful if Members other than Senator Shenton could indicate if they want to speak, so if more wish to speak then probably we should close, if not, we could continue.

**The Greffier of the States (in the Chair):**

Yes. Are any other Members who will wish to speak after Senator Shenton?

**Deputy D.J. De Sousa:**

Sir, can I just have it on record that if we do end up staying, I have to go to an appointment at ...

**The Greffier of the States (in the Chair):**

I am sure you will not be the only one. The adjournment is proposed, the Greffier will open the voting.

POUR: 27		CONTRE: 20		ABSTAIN: 1
Senator P.F. Routier		Senator P.F.C. Ozouf		Senator J.L. Perchard
Senator T.J. Le Main		Senator F.E. Cohen		
Senator B.E. Shenton		Senator S.C. Ferguson		
Senator A. Breckon		Senator B.I. Le Marquand		

Senator A.J.H. Maclean		Connétable of St. Saviour		
Senator F.du H. Le Gresley		Connétable of St. Lawrence		
Connétable of St. Helier		Deputy R.C. Duhamel (S)		
Connétable of Grouville		Deputy of St. Martin		
Connétable of St. Brelade		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy of St. Ouen		
Connétable of St. John		Deputy of Grouville		
Connétable of St. Clement		Deputy of St. Peter		
Connétable of St. Peter		Deputy of Trinity		
Connétable of St. Mary		Deputy S. Pitman (H)		
Deputy R.G. Le Hérisier (S)		Deputy K.C. Lewis (S)		
Deputy J.B. Fox (H)		Deputy I.J. Gorst (C)		
Deputy G.P. Southern (H)		Deputy of St. John		
Deputy J.A. Hilton (H)		Deputy T.M. Pitman (H)		
Deputy P.V.F. Le Claire (H)		Deputy M.R. Higgins (H)		
Deputy J.A.N. Le Fondré (L)		Deputy A.K.F. Green (H)		
Deputy S.S.P.A. Power (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Greffier of the States (in the Chair):**

Therefore the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:28]