

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 21st JUNE 2011

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

PUBLIC BUSINESS

1. Island Plan 2011: approval (P.48/2011)

The Bailiff:

Very well. Then we come to Public Business and the Island Plan - Projet 48 - lodged by the Minister for Planning and Environment and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to approve, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, the revised Draft Island Plan 2011.

The Bailiff:

I call upon the Minister for Planning and Environment to propose the Plan.

Senator A. Breckon:

I wonder if I may ask a procedural matter of you first? Is it correct to say that when the Minister has proposed it we then move straight to amendments and there is no preamble on the general Island Plan at all, is there?

The Bailiff:

That is correct, yes.

Senator A. Breckon:

Is there any way, within the process, then, that we can give, perhaps, occasional brickbats to the Minister for Planning and Environment in some way shape or form within this debate?

The Bailiff:

Well, of course, after all the amendments have been debated, there will be the debate upon the Plan itself as amended, or not, and at that stage, of course, Members can raise those sorts of points.

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

I am honoured to propose the new Island Plan to the Assembly. The Plan before the Assembly represents my assessment of the balances needed to deliver sustainability over the next decade. The process now changes and when the Plan emerges from the States it will be a different Plan, one that will be the subject of debate on dozens of amendments, some of which will have been accepted and some rejected. The emergent Plan will represent the views of the majority of this Assembly and at that point it becomes the Assembly's Plan for the next decade. In this way the Island Plan debate is different from other debates as it is not won or lost. The debate progresses; the Plan is framed by the decisions States Members made as we consider each amendment in turn. There are a few key amendments on which the Plan is based but whether most amendments are successful or not simply shape the Plan as the debate unfolds. I am well aware that Members have been lobbied hard by landowners, developers and their supporters and that is to be expected. Tens of millions of super profits will be made on the basis of the decisions we make over the next few days. It is my contention that we do not need to rezone much land in the countryside. It is my contention that we should provide for any shortfall in the early days of the Plan by delivering affordable homes on States-owned land and it is my contention that we should not be influenced by the cries of the beneficiaries of multi-million profits through rezoning. **[Approbation]** Members will make up their own minds on the choices they wish to make for the Island and that will frame the Plan that emerges at the end of the debate. For a small Island, such as ours, land is a precious and finite resource of fundamental importance and it is essential that it is used wisely and that is what an

Island Plan endeavours to deliver. Changes in the States and the use of land are essential to accommodate changes within our community, changes in demographics, accommodating the aged community, and changes in the quantum and nature of our population. This Island Plan delivers many novel proposals. A national park is proposed offering the highest level of protection to our most precious coastline. The Plan introduces a new skyline of business policy to protect coastline. It does away with the old Countryside Zone and merges this old troublesome designation into a new Green Zone across the majority of the Island. It introduces a new allotments policy. It delivers regeneration of our town and concentrates spacious high quality new homes in the urban areas. It highlights new regeneration zones including the airport and port regions. It promotes varying types of new homes and it requires all new homes to be spacious with adequate amenities. It promotes public parks and pocket parks. It delivers affordable housing not through the rezoning of numerous green fields but through implementing the will of the States when it approved the Deputy of Grouville's proposition in 2008. Every large development scheme will be required to make an affordable housing contribution and we propose a new policy to achieve wider planning gains from developments. This novel proposal for the delivery of affordable housing has caused much huffing and puffing from developers, landowners and their political supporters. They claim it will kill the construction industry and drive developers into the sea. Well, it will not and most have not even taken the trouble to consider the elegant and flexible implementation policy I unveiled last week. They had made their minds up before the policy was released, had called a conference and one of their key political supporters in a radio interview, extraordinarily said: "I have not seen it yet but I am sure it will not work." Previous Island Plans have delivered multi-million pound profits for landowners and developers through countryside land rezoning. Simply put, an agricultural field worth a few thousand pounds one day, as a result of a rezoning decision, was suddenly worth millions and the public gained little or no benefit. This Plan does not do that and it contains very little large-scale rezoning, so I am not surprised that some expectant landowners are bleating a little. But in 2008 this Assembly made a decision that in future all large developments would make an affordable housing contribution and this is precisely what I have endeavoured to deliver. This Plan requires landowners and developers to make an affordable housing contribution and it encourages the States to use some of its own land to provide other much needed affordable houses for Island families. What is an affordable house? Well, we may each have our own views but in my view it is a 3-bedroom home at around £250,000. That is exactly what was delivered at La Providence for 46 delightfully happy Island families. It is a model for the future. Home ownership is the aspiration of the majority but not for all and the Plan also delivers, through its life, 500 social rented homes of equal quality.

[9:45]

I also want to address the curious claims that have been made that the inspectors' report and the addendum are somehow flawed and in some way inadmissible. The inspectors' report, whether it be the main body of the report or the addendum is an advisory document. It is not a binding document on the Minister for Planning and Environment and Members will have realised this as they are fully aware that some of the inspectors' recommendations have been accepted and others have been rejected. The addendum is simply the result of my asking the inspectors for their views on the comments made by the Minister for Treasury and Resources and the S.o.J.D.C. (States of Jersey Development Company) debate in relation to the provision of affordable housing on States-owned sites. As Members will know from my previously lodged comments, I have always intended that the States will be required to provide additional affordable housing on States-owned sites but as the matter had been so pertinently raised in the S.o.J.D.C. debate and the requirements encouragingly supported I asked the inspectors to comment. To be clear, the Council of Ministers has always been supportive of the principle of delivering some affordable housing on States-owned land and the unequivocal support of the Plan from the Council of Ministers reinforces this firm and absolute commitment. The inspectors' report was produced for my consideration and as part of the open and transparent process I have made its contents publicly available. This is just one document

of the many thousands that have been placed in the public domain. The Island Plan has been a 4 year project and has been the most open and transparent public consultation exercise ever held in the Island as far as I am aware. The Green Paper in 2008, alone, generated 7,500 specific issues from respondents and the White Paper in 2009 some 1,200 specific comments. Every Islander has had the opportunity to make comments and each comment has been examined and the responses made public. The preparation and development of this Plan has been carried out under the new context provided by the Planning and Building Law (Jersey) 2002. This meant a far more open and engaging process of planned preparation and scrutiny including, for the first time, an independent review by expert planning inspectors. We have collected mountains of data, analysed reams of papers and consulted numerous experts. We have also consulted more widely with Islanders than ever before. The consultation process with stakeholders started in October 2007. This resulted in a Green Paper in July 2008 and a White Paper in September 2009. Between them they have been subjected to 10 months of public and continuous consultation. For the first time we have subjected the Plan to an independent strategic environmental assessment published in June 2010. For the first time for any Plan it was considered at an open Examination in Public conducted by independent planning inspectors, Mr. Chris Shepley C.B.E. (Commander of the Order of the British Empire), and Mr. Alan Langton. Mr. Shepley is a former president of the Royal Town Planning Institute and former Chief Planning Inspector for England and Wales. The Examination in Public lasted 12 days and involved 97 participants and over 100 site visits. The inspectors also sat for a second time recently to consider the amendments from States Members. The progress of the Island Plan Review has been a standing item on the agenda of my meetings with the Environment Scrutiny Panel. I must commend the chairman and his members for their approach and on the many issues they have raised for the benefit of the Plan over the period of its development. The Plan that emerges from this debate will be subjected to further review through the introduction of an annual monitoring report so that we can all keep an eye on its progress and success. The process of engagement was specifically extended and I propose changes to the law to allow States Members to lodge amendments as previously they would have been unable to do so. This, in itself, resulted in a huge number of amendments, all of which had to be examined and responded to very late in the process. Most amendments from States Members improved the proposals and I have, therefore, accepted the majority. Others needed some modification on my part to enable their intent to marry with the principles of the Plan, and in these cases I have lodged minor amendments to States Members' amendments. Some amendments did not fit with my vision for the Island Plan and these I have had to reject but it is up to this Assembly to decide on its vision for the next 10 years. As Members will have seen we have had a comprehensive, robust and transparent process in preparing this Plan and what is before the Assembly today is the result of this fully inclusive process. One member of the public asked me why we have a Plan at all and why do we need a new one now. The importance of the land use planning cannot be overstated. It affects the quality of life for everyone living in Jersey by balancing the competing demands for land with the need to protect the environment. The Island Plan sits at the heart of the Plan-led system. It is used to make decisions on planning applications and serves an important role in guiding development to the right locations and encouraging investment. The current Island Plan was approved by the States of Jersey in July 2002 and much has changed since then. The 2002 Plan has served the Island well and its underlying principles have stood the test of time. But the Island has moved on and the world and Island standards have changed and importantly, we have a clearer understanding of the wishes of our community. The Island now faces new and different challenges and it is time for a new Plan. Importantly, there is also a statutory obligation to have a new Plan within 10 years of the last Plan. The Plan comprises a written statement and a proposals map and it includes a number of chapters with policies to be applied to a variety of issues. The proposals map shows site specific proposals and areas of the Island to which certain policies apply. The Plan is put together with reference to many factors, these include Jersey's constitutional, legislative and institutional framework, the relevant international treaties, conventions and protocols which have been extended to Jersey, the States Strategic Plan and other existing and emerging States strategic plans and policies, for

example, the sustainable transport policy. A key issue for the Plan that is addressed and provided by the Strategic Plan relates to population and how this is expected to change over the Plan period. Specifically, in the short term, the States have adopted a policy allowing maximum inward migration at a rolling 5-year average of no more than 150 heads of household per year. This is an overall increase of approximately 325 people per annum. This is to be reviewed and reset every 3 years and this figure has been used to assess and formulate many of the planning policies in the new Island Plan especially housing demand over the Plan period. The Plan is a necessarily comprehensive document, given the range and depth of issues it must address. To assist Members in their deliberations of the Plan my report attached to the proposition includes a summary of the main points of the Plan. While I will not meander through every policy I will highlight some of the key policies. The principles underpinning the Plan. The Plan is founded on a series of key principles. These principles are a particularly important part of the Plan because they provide the basis upon which everything else in the Plan follows. These key principles include sustainable developments, the protection of the environment, economic growth and diversification, travel and transport and quality of design. This Plan is designed to benefit the majority and it is a Plan reflecting many of the views we have received during the consultation period. The Plan provides for the Island's housing needs over the next 10 years. It protects our green countryside. It includes a new Coastal National Park and protects our world class coastline. It focuses new developments within the built-up area and not on green fields and it ensures that new investment is focused on the built-up area providing a catalyst for the regeneration of the town. It also, importantly, places more responsibility on developers and landowners to play their part in the delivery of affordable housing and delivering other planning obligations for the benefit of the community. The regeneration of our built-up areas is one of the key benefits of this Plan. It is absolutely vital that our town areas benefit from the continued development investment that we have seen recently. It is vital that new homes are great places to live and bring up families, that they are large with suitable amenities both inside and out and that they have adequate car parking. St. Helier, especially, is a place to be proud of with many outstanding places and features. However, many areas that were once delightful streets are looking tired and in need of regeneration. By the continued focusing of investment into this area we can continue to evolve the town into a place in which a high quality residential lifestyle is available to all. It will become a better place to live and a first choice to live. The Island Plan is prudent and sensible. It seeks to meet demand both for housing and employment floor space in a considered and balanced way by recycling the land we have already built upon and not swallowing up easy to develop greenfield sites. It does not follow the easy route of rezoning our countryside and it provides a responsible approach to reusing our existing urban areas. Importantly, it introduces a groundbreaking affordable housing policy for Jersey in line with the wishes of this Assembly in 2008 to deliver new affordable homes via the development industry. Through the key principles the Plan also protects the Island's unique identity and character. It seeks to support the maintenance and growth of the Island's economy and sets out how the planning system can help to reduce the need to travel and to travel more sustainably. Underpinning all of the detailed development policies in the Plan is the need for high quality design. It is of continuing importance for developments in this Island to reflect the desire and expectation for first class architecture and design which has now become the norm. We often forget how far we have come in the last few years. The standards of new schemes now emerging are light years ahead of their predecessors. The Ogier building, 50 Colomberie, Wayside at St. Ouen, Greenacres, El Tico and St. Cecilia are all wonderful examples. I will now move on to some of the key headlines contained within the Plan and I will start with, undoubtedly, the most controversial part of any Island Plan, that is housing. There can be no doubt that housing and, in particular, the location of new housing developments is the most contentious and controversial subject area to be tackled by the new Plan. Few issues raise fiercer passions in the Island. I think we have adopted a sensible approach that is in line with Islanders' wishes. We seek to make the best use of land we have already used and developed and therefore we focussed the Island's development needs on the built-up area. By doing this we focus investment that benefits and regenerates the town. This, in turn, will enhance

the quality and environment of those areas. Urban living will be enhanced by raised space standards, providing more and better open space and ensuring homes are of high quality design. The evidence of the extent of housing need and particularly affordable housing has been thoroughly challenged and scrutinised at the Examination in Public and has been upheld by the independent inspectors as a justifiable basis on which to proceed and plan. I am grateful for unequivocal support of the Minister for Housing for the affordable housing implementation proposals and for the work he and his department have undertaken. The Plan seeks to provide 4,000 homes that are estimated to be required by 2020, 1,000 of which will be affordable either intermediate housing to buy or social rented homes. Most of this requirement is generated by natural changes to the existing population, rather than inward migration. While the demand for homes is estimated at 4,000 the Plan identifies a potential supply of 4,700 homes. This level of potential oversupply is considered essential given that some sites might not come forward for development and particularly to ensure that the necessary level of affordable housing is achieved. The Plan sets out new and varied mechanisms to deliver more affordable homes in Jersey. First, I have proposed the new H3 affordable housing policy requiring all new large scale residential developments over a certain threshold to contribute to affordable housing. The thresholds and proportions of affordable housing to be provided are to increase over time on an incremental basis to enable this new policy mechanism to bed in and to become established after its commencement in 2012. Because this policy is new and will take time to become operational the Plan seeks to ensure that provision of affordable homes can also be achieved early in the Plan period. To do this I have proposed to rezone 3 sites in new 'Category A' homes which will deliver around 100 homes. These are Field 1219 Mont-à-l'Abbé, De La Mare Nurseries at Grouville for 37 homes and Field 785 in St. Ouen for 22 homes. I have devised a novel affordable housing mechanism and released this last week. In basic terms this seeks to marry the demand for affordable housing with the natural adjustment that needs to take place in the development and land speculation market. The mechanism accepts that a transition phase is essential and accepts that continued vitality of the construction market is essential. The bite of the affordable housing obligations will be phased in so that the industry can get used to the policy. This will work through an annual consultation with the development industry to establish the provisional rate for affordable housing and at the same time maintaining the vitality of the construction industry. This consultation will include other stakeholders. This mechanism is eminently flexible and will allow the provision of affordable housing to be adjusted to suit market conditions.

[10:00]

There is nothing for the construction industry to fear. Yes, super land-rezoning profits will be reduced but the annual rate will ensure that the construction continues and that developers continue to make a good profit. While the requirement to provide an affordable housing contribution is new to Jersey it is well bedded in the U.K. (United Kingdom) and the levels we are proposing in Jersey are far less than is prevalent in the U.K. Once the policy has settled down it is my expectation that land values will fall to reflect the affordable housing contribution. Developer profit margins will remain largely unchanged so the claims that the policy will kill the development and construction industry are simply nonsense. Do not be duped. The development industry and those who are supporting them will continue to flourish but land profits will undoubtedly be reduced. As I said, this policy has been working well in the United Kingdom for more than 50 years and it will work well here. Do not believe the scaremongering. Ultimately, when the policy is through its transition period, the mechanism will ensure that affordable housing is provided, development vitality is maintained, albeit that land values for residential development will be reduced. My second key policy in this area is in relation to a requirement for the States to provide additional affordable housing on States-owned sites. The States holds publicly-owned sites as effective custodian of the land for the people of Jersey. We all believe it is both appropriate and morally incumbent on the States to use some of its land for the provision of affordable housing for the people of the Island. Therefore, I am proposing that the States provides an additional 150 homes on States-owned land.

I am not requiring the States to provide housing for every site and the policy is entirely flexible. The homes can be provided on a single site, across all sites, or in any combination the States delivery body wishes, in consultation with the Planning Department. Remember also that the commuted payments from private affordable housing contributions will also be available to be spent on the provision of affordable housing on States-owned sites. I do not consider it appropriate to rezone more green or Countryside-zoned land as this is an increasingly scarce resource and that is why I have developed these novel policies. If we follow my suggested policy, we do not need to rezone more land in the countryside to deliver affordable housing. The inspectors have assessed this strategy of States-owned land and agreed with it. They have raised some suggestions in relation to delivery and timing and have proposed that I include a trigger mechanism within the Plan. Simply put, if the States sites do not come forward for any reason and have planning permissions in place within 2 years, they have recommended we review the Plan immediately to look at other privately-owned sites. It is a simple concept and provides a belt-and-braces approach. I hope this provides an added layer of certainty to affordable housing delivery and should provide comfort to States Members. Using States-owned sites, many of which are very well located and fit within the planned spatial strategy, is - in my view - a logical and sustainable route to take. I do not want to see housing development outside the built-up area unless absolutely necessary. We must regard the countryside as sacrosanct. I have also introduced a new policy, which allows Planning to consider the type of homes being provided as part of a development proposal as well as the number. This will be used alongside the latest evidence of identified need for different forms of housing. For the first time, therefore, it will be possible to influence the form of residential accommodation that is provided, whether it is in the form of houses or flats or whether it is one-, 2- or 3-bedroom, to ensure that it is helping to meet what the Island requires. The Plan also seeks to introduce a new minimum density standard policy to be determined and set through the publication and adoption of supplementary planning guidance. All new housing developments over 1.125 vergées. Again, this is vital if we are to make the best use of what we have already developed and avoid unnecessary pressure on our countryside. Overall, the plan meets the housing needs of the Island for the next 10 years, protects green fields, ensures regeneration of the built-up area and ensures that appropriate responsibility to deliver affordable homes is placed upon developers and the States itself. I will now highlight the natural environment and some key changes in this area. The Plan maintains and enhances the levels of protection to be provided to the Island's sensitive coast and countryside. The key is the introduction of the Coastal National Park, which fits with most Islanders' wishes to protect these wonderful landscapes. This is based on a countryside character appraisal. Importantly, the designation also includes our offshore reefs and this will protect some of the best natural assets the Island has. This policy will provide maximum protection to land designated as National Park. I have also introduced a new policy to protect biodiversity throughout the Island and enhance protection for trees, woodland and boundary features. I have simplified the protection for the remainder of the countryside. The old Plan was confusing, with 2 Green Zones, one the Countryside Zone and the other the Green Zone. I have now deleted the Countryside Zone and all of our countryside is now simply Green Zone with a single policy regime. Built-up area boundary has been reduced so that I have been able to add an additional 586 vergées of land from the previous built-up area into the new Green Zone. Overall, the Plan adds protection to the countryside and the coastline and simplifies the planning policy regime which applies to it. Turning now to the built environment. The built environment part of the Plan provides the policy framework for the regeneration of St. Helier. The Plan introduces new Regeneration Zones, including the airport, Fort Regent, East of Albert area and some of St. Helier. More detailed master planning will, of course, need to be done in these areas if the principle is agreed but I believe this is a positive step forward. We can improve the quality of urban areas and promote urban living, once a first choice for many Islanders. The Plan also proposes that we develop specific masterplans for identifiable areas of the Island. Examples include Five Oaks and in the Island's rural areas, by working with the Parishes in Parish planning and now, in accepting amendments in St. Brelade and St. Saviour. We have already had excellent engagement from the

Constable and Deputy of St. John who have developed a first-class Parish plan together with their committee. I would also like to compliment the Constable of St. Martin for his work in progressing the St. Martin's plan, 2 excellent examples of the Parishes setting a vision for their future development. I sincerely hope this work will be taken up by other Parishes and the work extended. It is an excellent example. Again, we are consistent in this chapter to ensure we are making best use of the land that has already been developed so that we ensure future development investment provides regeneration and an uplift in quality of our built-up areas. The economy. In terms of the economy, the draft Plan recognises the changed economic circumstances of the Island and seeks to ensure that the planning system can respond appropriately. It seeks to protect existing land and buildings and employment use while making provision for and enabling economic development and diversification. The Plan recognises that the development of the Waterfront and the continuing structural change to the Island's economic base will, as is already happening, release land from office and tourism uses, which will help regenerate the town through their conversion and redevelopment. This is already happening. The Plan identifies that the need for office accommodation over the planned period can be principally met within the Waterfront and the Town Centre while the need for light industrial warehousing space can be met through the use of States-owned land such as La Collette and the non-operational land at the Jersey Airport. Importantly, I am implementing changes to the General Development Order and this was finally signed this morning, which means that light industrial premises can now be extended by 5 per cent without requiring planning consent. This provides an additional potential increase of 75,000 square feet of light industrial space in the Island. The tail-off of low value consignment relief has also played a part in reducing the demand for new light industrial and warehouse space and based on the latest assessments from Economic Development, we can manage our future needs for light industrial space using existing development land and we will not need to encroach into green fields or the countryside. With regard to retailing: the Plan upholds and enhances the existing hierarchy of shopping centres with particular emphasis on the need to protect the vitality and viability of the St. Helier Town Centre and the Central Market. We have an excellent retail-planning framework and through its use, we have been able to resist major out of town shopping and, as a result, have kept St. Helier vibrant. It is evident from the recent introduction of a major new entrant into the Island's food retail market that Island Plan policies are able to accommodate and enhance local competition without compromising spatial planning objectives. This approach is therefore continued and revised in the Island Plan. The Plan also responds to the rural economy strategy and seeks to protect agricultural land, to support agriculture as well as the diversification of the rural economy, including support for tourism. The Plan also recognises that while exceptions may be made in the countryside to support development that is essential to agriculture, where development becomes redundant to the agricultural industry, the land should be restored to ensure the maintenance of the Island's countryside character rather than new users being introduced that may erode and harm it. The historic environment. In terms of the historic environment, I have changed the policy regime and this now reflects the changes I have made to simplify the historic environment protection regime. This introduces a single category for the protection of listed buildings and places with 4 subclasses. This will allow planning to concentrate on the most important historic buildings and allow the less significant to change and adapt over time, an example of the more flexible regime. The Plan also reflects the introduction of conservation areas and after full consultation we will publish advice by way of supplementary planning guidance. Social community and open space. Moving into now the social and community needs. Basic social and community services are essential for the well-being of any community and include education, healthcare and leisure facilities, together with the availability of, and access to, open space. The Plan supports the new development of St. Martin's Primary School as well as the potential for new playing facilities to be provided to serve Haute Vallée, First Tower, Les Landes, Grouville and St. John's schools. This will all enhance the quality of the service offered by the Education Department and will provide much-needed open space. The plan recognises the potential of our Health and Social Services property portfolio and it enables the development of this to meet the needs of future health and care

facilities. Significantly, the plan identifies, categorises and protects the Island's open spaces, including commercial sports facilities requiring the enhancement of the quantity and quality of open space provision as part of new development. New open space and public rural strategies are required to inform this and will be developed over the Plan period. The Plan introduces a new policy framework for the provision of new allotments and the protection of existing facilities. Travel and transport. The Plan seeks to complement and assist the implementation of the new Sustainable Transport Policy recently approved by the States Assembly. The planning system mainly achieves this by influencing the location of development so that people have a real choice about how they travel. The Plan seeks to enable all forms of transportation and provide a high level of choice. The Plan seeks to be flexible and allow for, for example, the undoubted increase in electric car usage over the life of the Plan. In order to improve the development of cycling and public transport, the Plan requires direct financial contributions from developers for the enhancement of new facilities. This is specifically highlighted in relation to the Eastern Cycle Route and the Plan will require contributions to be made by major new developments in the east of the Island. In relation to the bus service, it requires contributions to be made by some major new developments to enhance the bus service. The Plan provides new supplementary planning guidance on parking standards based on a range of minimum and maximum standards. This will be subject to further consultation and will again reflect Islanders' wishes for a Plan that is forward-looking in transportation changes. In relation to air travel, I have already mentioned the new regeneration zone for the airport, which will drive new investment into the airport. The Plan also provides new public safety zones. These have been developed on a much more evidence-based approach than those presently in use and better reflect the risks posed to development of the operation of the airport. Natural resources and utilities. One of the key parts of Island life, now and into the future, is the wise and efficient use of our Island resources. The Plan introduces a suite of policies designed to protect and promote the wise use of water and energy resources as well as protecting air quality. In terms of energy use, this Plan introduces new policies requiring renewable energy production as part of some new development. Energy is an exciting area of work and my department are leading on producing the energy strategy for the Island. This Plan is cognisant of the potential for the emergence of offshore utility scale renewable energy development during the Plan period and provides a policy regime to manage this. Much of this work is being led by the Renewable Energy Commission chaired by the Constable of Grouville and I have no doubt that this work will prove the catalyst for significant and positive change over the years in terms of our energy consumption pacts.

[10:15]

The plan also deals with provision and availability of aggregates and importantly encourages the recycling of aggregates within new developments. It goes on to cover waste management and reflects the solid waste strategy and the emergent liquid waste strategy. The Plan recommends that we should not use our waste to reclaim more land but we should make best use of the sites we already have to dispose of inert waste. These include the La Gigoulande Quarry. General development. As I have already said, the Plan is used to assess planning applications and therefore the general development section has a number of policies used to achieve this. One key new policy is the policy on skyline views and vistas. This specifically requires the impact of development on distant views and skylines to be a material consideration. We have introduced this in direct response to pressure from development around the Island's sensitive coastline. Implementation and monitoring. To be successful, the Plan relies on effective implementation. It will entail positive action on behalf of the new Minister for Planning and Environment, other Ministers and other agencies in respect of, and in particular, master planning and particularly property holdings and S.o.J.D.C. Putting the Plan into practice will therefore require all departments to work together and to work towards common goals. The Plan will become a corporate policy document and the Plan will be subjected to continuing annual monitoring and appraisal. Many implementation aspects of the Plan will be subject to specific supplementary planning guidance notes. These will be

developed with full consultation and in an open and transparent environment. In conclusion, the Island Plan is the principal document for planning and use of land in Jersey for the next 10 years. By influencing the way in which land is used and development takes place, the Plan is able to make a vital contribution to the well-being of the local community, the success of the local economy and the quality of the local environment. We need to replace the current 2002 Plan and the importance of adopting a new up-to-date Plan can not be overstated. This new Plan is essential to properly address the complex land uses which face the Island now and over the next 10 years. The revised draft Plan has been prepared following an exhaustively comprehensive review process and, as I have highlighted, having more open and rigorous process of engagement in scrutiny than any previous Island Plan. The Plan is consistent with the strategic objectives of the States and fully embraces the concept of sustainable development. As such, it seeks to strike the right balance between the protection of the environment and the developing needs of the community. The independent planning inspectors have seen many such development plans, have commended the Plan and have stated that it could stand comfortably alongside the best examples in the U.K. It is a Plan that protects the countryside, protects the coastline, ensures that we use the land we already have developed to its maximum potential before using green fields. It minimises the loss of green fields. It regenerates the town and urban areas. It increases architectural and design quality and delivers much needed affordable housing. I will end where I started. The proposals represent my best assessment of the way forward for the next 10 years. The balance I have struck will not be every Member's ideal and over the next few days, we will, through debate over the amendments, develop a Plan that represents the majority view of this Assembly. I commend the Island Plan to the Assembly. **[Approbation]**

The Bailiff:

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

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

Now, a question that is about the procedure of the Island Plan as a whole. I did trail it to the Attorney General and to the Minister but I did not want to steal the Minister's thunder so we have had the opening speech, which is great. The question was I am sure that I have seen in one of the amendments by the Minister a reference to the fact that the Plan could be amended later. Now, my understanding has always been, and all the amendments I am sure have been done on the basis, that it is pretty well set in stone for 10 years but then I am sure that I saw that somewhere. I have looked and I cannot find it but I just wanted to check with the Attorney General what the position was once the Plan, as amended, is approved by the Assembly, if it is. Just how set in stone is it? Is it amenable to review or amendment later?

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

Yes, the Island Plan is amenable to review and amendment later. The mechanism for doing so will be the Minister would bring forward a revision to the Island Plan under Article 3 of the Planning Law. It was only he who could bring such a revision so he would have to do so, if it was not his choice, at the request of States Members, presumably on a proposition. But I see no difficulty with a revision of the Island Plan. The Law provides that any revision can be brought up to a period of 10 years from the adoption of an Island Plan and consequently one could be brought at any time.

The Deputy of St. Mary:

Thank you for that clarification.

Deputy J.A. Martin of St. Helier:

Could I just ask for a point of order and a point of clarification? Firstly, in the opening speech, the Minister ... I am sure he did not mean to he may have meant to ... but the point I want clarified, that all landowners and developers are greedy millionaires and secondly he also suggested that States Members have been ... the words were "lobbied" and "pressurised" by developers and

landowners and residents. Can he categorically assure this House that he has not been lobbied and pressurised by other States Members to take in and put out fields in the Island Plan?

Senator F.E. Cohen:

Firstly, I did not say and it is a misinterpretation of my speech that all developers and landowners were multi-millionaires. I made the specific point that through rezoning in the past, fields that have been worth a few thousand pounds were suddenly worth multi-million pounds and that was possibly the reason why some of the objections have arisen. As far as being lobbied by States Members, I have been lobbied by all sorts of people, including States Members, developers and others. It is my job to set a path through the lobbying and to deliver to the States a Plan that I believe in and that is what I have done.

The Bailiff:

Very well. Now, the Greffier and Deputy Greffier and their team have worked extraordinarily hard **[Approbation]** to try and pull together all the various amendments which have been lodged and Members should have on their desks the proposed order of debate, which follows the normal pattern. Now, because there are so many amendments, what I propose to do is when an amendment is read, I shall immediately ask the Minister to indicate whether he is going to accept it or not. If he is, then, given the sheer volume of amendments, I very much hope that proposers of amendments can then keep their speeches short **[Approbation]** and that Members will not feel the need to speak on it unless, of course, they wish to oppose it. But assuming they are on side with the amendment and the acceptance, it seems to me there is not usually going to be much need for Members to add another reason for accepting the amendment. So I do ask Members to exercise restraint and concentrate on the issues which really divide Members where the debate will have, of course, to take place fully.

Connétable S.A. Yates of St. Martin:

My amendment is Amendment 7 and I notice that my batting order is on the last page. I have a longstanding family arrangement and I shall be away from the Island next week so I would hope that I could see my amendment this week.

The Bailiff:

That may be in the hands of your colleagues, Connétable, but, of course, the principle which has been followed is the principle set out in Standing Orders which is that amendments are taken for debate in the order in which they relate to the text of the Plan, not, of course, in the order in which they were lodged. So that is the position but clearly, if there is some critical point later on and you invite Members to see whether we can take it out of sequence, then no doubt Members can consider that at the time.

1.2 Island Plan 2011: approval (P.48/2011): thirty-fourth amendment (P.48/2011 Amd.(34))

The Bailiff:

So we then move to the proposed order of debate and the first amendment is Amendment 34 lodged by the Connétable of St. Mary. Again, with Members' permission, I propose to ask the Greffier to read short amendments just to remind Members what it is about but where there is a very long one, I hope that Members will agree to it being taken as read. This is a short one so I ask the Greffier to read the amendment.

The Greffier of the States:

Thirty-fourth amendment, page 2. After the words "the revised draft Island Plan 2011" insert the words "except that in the Introduction, on page xvii, after the words "For the avoidance of doubt, the following development plans and frameworks are superseded by the new Island Plan:" delete the words "1. St. Mary's Village Development Plan (1994)" and renumber the list accordingly.

The Bailiff:

Now, Minister, is this one which you propose to accept or not?

Senator F.E. Cohen:

I accept this amendment.

The Bailiff:

You will be accepting this amendment. Very well, Connétable.

1.2.1 Connétable J. Gallichan of St. Mary:

I do hope that I can set a marker for a short proposal speech and hopefully a very short, tight debate if one is necessary. I trust Members will have read the report accompanying this amendment but, in short, I bring the amendment to acknowledge the considerable community investment made by the parishioners of St. Mary in preparing its Village Plan and to preserve the detail of it. I acknowledge that much of the plan has been realised but still feel the plan is a good foundation on which to build in future. This amendment does not preclude a revised plan being adopted by the Parish as provided for elsewhere in the Plan should that become appropriate in time. I thank the Minister for accepting it. I move the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does anyone wish to say anything on the amendment? Very well. All those in favour of adopting the amendment, kindly show? All those against? The amendment is adopted.

1.3 Island Plan 2011: approval (P.48/2011): thirty-ninth amendment (P.48/2011 Amd.(39))

The Bailiff:

The next amendment then is Amendment 39 lodged by the Minister himself. It appears to be fairly long and so, with Members' permission, we will take it as read. It relates to page 24 of the Plan. Minister, I invite you to propose your amendment.

1.3.1 Senator F.E. Cohen:

This is a simple amendment but I think an important one. The amendment was suggested to me by a former Member of this Assembly, former Senator Pierre Horsfall, C.B.E. This is a simple amendment but I think it is an important one. It serves to set out at the start of the Plan the legal basis under which the Plan is prepared. It also presents the legal purpose that the Plan is striving to uphold and deliver. While Members can look at the relevant parts of the Planning and Building Law themselves, I think it is important and helpful to include an explicit reference to this at the start of the Plan. It is of value not only to decision-makers but also to applicants and anyone else who has an interest in the development in Jersey. I propose the amendment.

The Bailiff:

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

1.3.2 Deputy M. Tadier of St. Brelade:

May I make an observation, Sir? It is not so much to do with the amendment itself. It is to do with the process. Now, I could not be here last night because I had a prior engagement in the form of a Parish surgery although I was listening on the radio when we decided to take these amendments. What is striking from the comment just made by the Senator is that ... and I do not comment on the rights and wrongs of the suggestion of a former Member of the States but it seems that we are in a strange position when if a Member wanted to bring forward a suggestion to the Island Plan within a week before it is lodged, that would not be possible but yet a former Member of the States, who is

not a Member of this Assembly, can just have a word in the Minister's ear and essentially bring an amendment which I or my colleagues would not be able to do. It was just an observation.

The Bailiff:

Does any other Member wish to speak? Very well. Do you wish to reply, Minister?

1.3.3 Senator F.E. Cohen:

Had any States Member had a particular point they wished to raise that was of particular relevance and was outside the time periods of lodging amendments, I would have been more than happy to lodge the amendment on their behalf and I made that very clear. I did everything I possibly could to make my team at Planning and Environment available to Members. They did this in an atmosphere of absolute confidentiality. I had no idea of the work that was going on and I think I have done all I possibly can to try and facilitate the opportunity for Members to lodge amendments.

[Approbation]

The Bailiff:

Very well. All those in favour of adopting Amendment 39, kindly show? Those against? The amendment is adopted.

1.4 Island Plan 2011: approval (P.48/2011): thirty-second amendment (P.48/2011 Amd.(32))

The Bailiff:

We come next to Amendment 32 lodged by Deputy De Sousa, which is a short one. I will therefore ask the Greffier to read the amendment.

The Greffier of the States:

Thirty-second amendment, page 2. After the words "the revised draft Island Plan 2011" insert the words "except that in the Island Plan Strategic Policy Framework (page 33) relating to the Town of St. Helier, at the end of paragraph 2.22, after the words "its public realm and infrastructure." insert the words "In particular, it is imperative that to create an acceptable urban living environment in the Town, adequate provision of good quality and accessible public open space must be planned for and made."

[10:30]

The Bailiff:

Now, Minister, what approach do you propose to adopt on this one?

Senator F.E. Cohen:

I propose to accept this excellent amendment.

1.4.1 Deputy D.J. De Sousa:

I will be brief as always. I thank the Minister for accepting this amendment and it is a straightforward and fundamental amendment to the quality of residents of town. There is a constant increase in the number of buildings and the number of people living in town and therefore residents need to have amenity space to cope with that. So it is just a quality of life and I hope Members will support it.

The Bailiff:

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

1.4.2 The Deputy of St. Mary:

I am very glad that this amendment comes so early in the Plan because it is about the quality of life in our capital and it brings it to centre stage and I think that is so important. I do hope for 2 things.

One is that in this debate, we treat the Island as one Island and that we really do try to do the best for everyone. The other is that I hope this will go through unanimously on that basis because, as a country Deputy, I could be asked why would I want to even comment on this particular amendment but it is absolutely vital. When I go home, I walk home or I cycle home or I go home by bus or whatever or drive home sometimes and I go through the most glorious countryside in the world. It really is a privilege and a treat and the Minister rightly said at the beginning of this debate that the countryside is sacrosanct. With that privilege goes a responsibility, for instance, to approve this amendment unanimously because people in town deserve a little slice of that glorious access to open space. Just a couple of points about responsibility because it will come up later in the debate here and there again and again. If we live in the countryside, as my constituents do, and enjoy that, then there has to be a question mark - and it will come up in many amendments - about the driving-into-town culture. We have a Sustainable Transport Policy which says reduce that by 15 per cent. I would go further. I would say it should be more. Why should people in the country who enjoy that wonderful countryside then proceed all *en masse* 9.00 a.m. in the morning, or 8.30 a.m., to go into town and pollute the lives of others in the same Island? So that is one aspect of this holistic approach, which I hope we are going to adopt. The other is that in the other direction, people in the town, a quarter of whom do not have a car, we have to make it possible for them to see the glorious coastline, which we are going to talk about later, and to see the wonderful countryside and that has implications for public transport. It has implications for the way we look at our Island being one Island. So I do urge Members to support this amendment. I think it is a really important amendment. It lays down a marker. It says the quality of life in our urban areas is centre stage. The Minister agrees with that I know but it is important to bring it to the foreground.

1.4.3 Deputy J.A. Martin:

Just briefly, it is very good the Minister accepted this fluffy ... no disrespect to Deputy De Sousa, it is a very fluffy easy amendment to accept. My question to the Minister is when will he define the words "adequate provision": "adequate" because in the last Island Plan, the years 2002 to 2006, St. Helier took 50.1 per cent of all housing and all the other Parishes never added up and he has already said that it is already coming to St. Helier. Where are we going to get the housing and the adequate open space? Very easy to accept. The Minister for Planning and Environment has no idea how he is going to achieve it.

1.4.4 Deputy T.M. Pitman of St. Helier:

Deputy Martin has really made the point about adequate. However, I would just like to say that it is a very commonsense addition to the Senator Cohen Memorial Plan and I absolutely endorse and praise his acceptance of it and hope all Members do.

1.4.5 Senator T.J. Le Main:

Yes, I am going to support this very much and I would like the Minister or the future Ministers in deliberating on developing St. Helier and the provision of good quality public open spaces and the quality of life... is this problem of commercials and where they park around the town areas. I would rather hope that the Minister, when deliberating, as I say, on developments, that in the background there is a thought or some provision in the town areas for wide-van parking instead of these wide vans parking in all the streets of St. Helier, particularly blotting the lives of many people that are now living in those streets. I would hope that this is something perhaps that, as I say, the Minister would seriously consider with his planners.

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

I think this is an essential safeguard, given that the Minister has already talked about minimum densities. I very much fear that what we are going to do is pile development into St. Helier and the urban areas. It is going to be a case of pile them high, build them cheap. I urge all 11 representatives, particularly of St. Helier, to pay careful attention to the developments as they come

forward as a result of this Plan to pay attention to that valuable essential provision of open and amenity space to ensure that living in town does not become so unpleasant as to become unbearable.

The Bailiff:

Very well. Now, does any other Member wish to speak? Very well, I call upon the Deputy to reply.

1.4.7 Deputy D.J. De Sousa:

I thank all those Members that have spoken in support and I hope those that have not will support this amendment as well. As Deputy Southern has just said, with the density that we are going to get in town, residents of town need to have adequate - and how do we term “adequate” - amenity space. I commend the amendment and I ask for the appel, please.

The Bailiff:

Very well. The appel is called for, then, in relation to the amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier		Senator B.E. Shenton		
Senator P.F.C. Ozouf		Senator J.L. Perchard		
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 St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Clement				
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.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
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 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)				

1.5 Island Plan 2011: approval (P.48/2011): third amendment (P.48/2011 Amd.(3))

The Bailiff:

Then we come next to Amendment 3 lodged by Deputy Fox and I will ask the Greffier to read the amendment.

The Greffier of the States:

Third amendment, page 2. After the words “the revised draft Island Plan 2011” insert the words “except that in policy GD1, General development considerations (on pages 54-55), paragraph 3.d, after the words “in accordance with the principles of safety by design,” insert the words “by way of a crime impact statement if required,”; and in Policy GD7 Design quality (on pages 66-67), paragraph 7, after the words “in accord with the principles of safety by design,” insert the words “by way of a crime impact statement if required.”

The Bailiff:

Yes, Minister, are you going to accept this amendment?

Senator F.E. Cohen:

I enthusiastically accept this.

The Bailiff:

This one is accepted. Very well, Deputy.

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

This is just a very short tidying-up really of the original general proposals of safety by design and incorporates this specific detail by way of crime impact statements, which will be included in a separate supplementary planning guidance. Basically, it covers areas that planners will have an added tool in their toolbox for times when they need to consider further preventative measures in relation to crime such as crime and disorder, appropriate lighting and design solutions when involved in things like crime analysis, *et cetera*. So it is an improvement on the quality of life and this is purely just to give that extra little bit of work into the wording to enable this to happen. I do not think I need to say any more.

The Bailiff:

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

1.5.2 Senator B.E. Shenton:

I would just like to know how much these crime impact statements will cost and who prepares them. It says that there are no financial implications so does whoever prepare them work for nothing? When it says “if required”, who decides if it is required and ultimately who pays for the crime impact statement?

1.5.3 Senator B.I. Le Marquand:

I want to welcome this amendment and thank Deputy Fox very much for his work in this area. This is a very important aspect of planning, which is very often overlooked in the need to design-out crime, the need through good planning design to decrease the likelihood of crime taking place.

Now, this particular amendment, of course, adds to the existing words by clearly putting in the document the fact that there needs to be consideration as to whether or not there needs to be a crime impact statement. That, I believe - I hope I am not going to answer in a different way to Deputy Fox - will be produced, of course, by the States of Jersey Police Officer who specialises in this area, I believe, but Deputy Fox will answer in more detail on that.

1.5.4 Deputy M. Tadier:

First of all, to echo the comment of Senator Shenton. If required, how will it be determined if, in fact, something is required, not just simply who will be determining that but how will it be judged necessary if this is required? Without wanting to sound pedantic, the first few words of the amendment “by way of a crime impact statement”; “by way” seems to suggest that if the crime impact statement is not required, then, clearly, because we are saying any safety by design principles should be included but only by way of a crime impact statement, if the crime impact statement is not required, then, presumably, if we have the words “by way” there, then we cannot have any principles of safety by design included because they can only be done by way of a crime impact statement. So maybe the Attorney General could comment on that. It seems to me that perhaps the words are not necessarily the ones they should be.

1.5.5 The Deputy of St. Mary:

A couple of things. One is to endorse what Senator Shenton said. I worry quite a bit throughout this Plan about the resources question. The Minister goes: “Yes, yes, yes, I accept this, I accept that”, which one can understand. He is faced with umpteen 80 amendments or something, now it is 100, I think, and it is nice to say yes but I do worry when he has told Scrutiny that he can reduce the budget of his department by 10 per cent, no problem. Well, who is going to do all these different tasks? So I echo that point and I will probably be saying that again in future as well. The second question is about the specific thing about the crime impact statement. I do worry when I hear that and I want the proposer to assure us that wider views are taken into account. The image that comes to my head when I hear this kind of talk... I fully endorse principles of safety by design, that is fine. You could apply that to the design of the kitchen as well as to the design of the layout and so on. But the image that comes to my mind is Soweto where it was all designed on a grid. It was designed on a grid so that people could be shot easier, controlled more easily. Now, I am not saying that that is what Deputy Fox is suggesting [Aside] [Laughter] ... I am not at all suggesting that. [Interruption] I was not suggesting either that we shoot people whose mobile phones go off but, no, just when I hear crime impact statements and this emphasis on crime as opposed to a good environment that people are happy in and so they become the sort of people who do not need crime. I am just looking at the wider picture and I hope the Deputy can comment on how this fits into a wider view of what we are trying to do when we build accommodation.

The Bailiff:

Mr. Attorney, did you want to deal with Deputy Tadier’s query?

[10:45]

The Attorney General:

Yes, Sir, I am happy to do so. I would take the addition of the words not as limiting the provision of consideration of prevention of crime to the particular statement or the particular report but rather providing an additional mechanism. The use of the words “as required” I think qualifies the “by means of”. Clearly, one can take the view that one is not required and one can assess the situation by a different means.

1.5.6 Senator J.L. Perchard:

Just briefly. This House is committed to reducing the amount of red tape that we impose on those that we represent. This is simply red tape. It is unnecessary. It is a principle that planners will

adopt anyway to ensure that design is appropriate and all aspects of the design are considered when determining an application. It is simply red tape, cost to industry, cost to householders, cost to the people of Jersey we represent and is unnecessary.

1.5.7 Deputy M.R. Higgins of St. Helier:

Just very briefly. Following the last speaker, I tend to disagree. It may be considered red tape but if we look at design faults in the U.K. Okay, I know we are not proposing things like Broadwater Farm in the U.K. but absolute warrens are ideal for criminals to escape and so on. I think it is sensible that we take into account what Deputy Fox is looking at. When we are looking at a development, we should look at all aspects of development. It is not red tape.

1.5.8 Deputy T.M. Pitman:

To follow on from Deputy Higgins, we often laugh about Deputy Fox telling us about his former life but he has got a lot of expertise in that area and I think what he is suggesting is something that is really common sense and would give an extra guarantee that what we do in the future is going to be of the best quality possible. So like Deputy Higgins, I would urge Members to support it.

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

I wonder if the proposer could just elaborate on who he expects would be producing the crime impact statement and also to confirm that this would encompass things such as vandalism, which we often see on buildings.

1.5.10 Senator T.J. Le Main:

I am going to support Deputy Fox because over the years there has been certainly a lack of planning in some of the housing estates and I can recollect well, particularly at Le Clos Gosset and Les Cinq Chênes at Five Oaks, where there were huge rat runs in areas causing immense problems to residents and what have you. Had there been some proper planning on what is being proposed today, then a lot of these problems would not have taken place. So I think that the policy, in developments, of planning in regard to crime and disturbances and nuisances by planning criteria I think should be maintained and I think that Deputy Fox is on the right lines.

1.5.11 Deputy R.G. Le Hérissier of St. Saviour:

Very quick support. We worked a lot with Senator Le Main on Les Cinq Chênes. Major issues: horribly designed by the States. A lot of the problems have been dealt with but the real issue was had it been a much more pleasant place, had there been real open spaces, had there been easy movement of people, we would not have needed those big ugly gates and that massive Fort Knox kind of fencing around the playground that we have at the moment. I fully support it.

1.5.12 Deputy A.K.F. Green of St. Helier:

Again, in support, this is about another one of these basic quality of life issues that need to be there, fundamental building blocks, and I always thought prevention was better than cure.

1.5.13 Connétable P.F.M. Hanning of St. Saviour:

Just the 2 estates in St. Saviour have been mentioned. I think we have to realise that design moves on. Architects do, hopefully, learn from mistakes that are made in the past and we will be looking for very much higher standards of design now in the estates or in areas of housing than we have had in the past. I see this just as an added security to put in. If it reminds the designers that they have to check on all these issues, then that is a good thing and I really think this is worth having.

The Bailiff:

Does any other Member wish to speak? Then I call upon Deputy Fox to reply.

1.5.14 Deputy J.B. Fox:

Can I thank all those who have spoken and those in favour. I am not going to cover every individual thing as we are on a schedule but to Senator Shenton, this is a very broad aspect. There is no particular area that you can define as where costs come in. Costs can come in as part of the development. It is not something that is expected that one has to go out and get a separate consultant. A consultant could be the architect that you have got; it could be advice by the Principal Planning Officer; it can be advice from the police, getting information from the police as to what the crime is for the crime analysis within the area of particular types of crime. What it is designed for is to provide that additional impetus for people to be able to improve the quality of the design and the purpose of the buildings. If you have got, for argument's sake, a development that is recognised that might be prone to causing public disorder or anything else like that, it is a matter of looking at the planning stage. It is not necessarily going to cost, but to be able to identify... and often designing-out crime saves money because you are looking at something at the time. For argument's sake, the question of security fencing around premises, that might be something that has been brought into consideration. Clearly, you would look at it for the safety of, for argument's sake, children running out; but it does not mean to say that you are going to have very high security fences. But what you might do is when you are putting the conduit for low security or high security or piping into the ground, you would put an extra piping in or an extra cable in at that planning stage which costs nothing. In fact, it has been done often with the schools. If you are looking at future requirements for, shall we say, closed circuit television monitoring, you might not put it in at the time but you would put the conduit in at the planning stage. So, yes, it might add just a small cost but compared with putting it in subsequently when you have got problems and the cost of policing or the cost of injuries that could occur at casualty units because of the crime on the streets, *et cetera*. So it is a broad base. It is not a specific cost that I can say: "This is going to cost X number of thousands of pounds" because it will not necessarily cost that. There are some instances where the security initially will cost slightly more in its implementation but, in the subsequent years, it will be a lot cheaper. The Attorney General has answered the question of Deputy Tadier and I do not think there is anything else I need to cover unless I have missed any points of anybody's there.

The Bailiff:

The appel is called for, then, in relation to the amendment of Deputy Fox. I invite Members to return to their seats. This is Amendment 3 and the Greffier will open the voting.

POUR: 42

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 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. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin

CONTRE: 2

Senator B.E. Shenton
 Senator J.L. Perchard

ABSTAIN:

Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (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 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)

1.6 Island Plan 2011: approval (P.48/2011): forty-fourth amendment (P.48/2011 Amd.(44))

The Bailiff:

Very well. Then we come now to Amendment 44, lodged by the Minister for Planning and Environment, and I will ask the Greffier to read the amendment.

The Greffier of the States:

Forty-fourth amendment, page 2. After the words “the revised draft Island Plan 2011” insert the words “except in policy GD1 - General development considerations (page 54) after the words “and other service infrastructure.” at paragraph 1.d, insert a new paragraph as follows: “(e) it improves facilities for the storage and collection of refuse, including recyclables (in accord with WM5).”

1.6.1 Senator F.E. Cohen:

This amendment is related to an issue raised by the Connétable of St. Helier in Amendment 38 section 11 about the need for new development and for redevelopment schemes to make adequate provision for the storage and collection of waste material and particularly recyclables. This is an important issue, which I know is of particular concern to the Connétable, both as someone who is responsible for the efficient running of the municipal waste collection service as well as someone who is passionate about the need for greater recycling of waste. In this he is, of course, joined by my Assistant Minister, Deputy Duhamel. I commend him for this and think that the highlighting of this issue in the Plan makes it a better Plan. I consider it is more appropriate to amend Policy GD1 than the suggestion contained in the Connétable’s Amendment 38 part 11 as this is a generic policy which will apply to all new development to better highlight this issue and to ensure that it is taken into account in determining all planning applications wherever applicable. The independent planning inspectors agree with my view and they support my amendment rather than the original proposed by the Connétable. They have said we agree completely with the Minister’s own amendment. It gives effect to the Connétable’s wishes but extends his proposal more widely and this can only be beneficial. This was the general agreement at the Examination in Public. I would encourage the Assembly to support my amendment and ask that the Connétable withdraws his equivalent amendment.

The Bailiff:

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

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

I would like to commend the Minister for Planning and Environment and thank the inspector for widening the scope of the original amendment to make sure that retail, in particular restaurants and other premises that create waste and recyclables, do not simply leave it out in the carriageway where particularly in urban settings it is such a blight for residents and tourists. Let us hope that all the Roads Committees of the 12 Parishes benefit from the strengthening of the planning policy when they make comments on planning applications.

1.6.3 The Connétable of St. Brelade:

I think this is long overdue and is an excellent amendment and I hope will bring marked improvements, not only to the town but also areas of housing where provision has not been adequate in the past. Bins are exposed to the public. They need not be and I think proper design processes at the outset will give a better quality of life for those living in those particular estates as well.

1.6.4 Deputy J.A. Hilton of St. Helier:

I support this amendment wholeheartedly. On several occasions recently, I have had cause to be walking in St. Helier at 6.00 a.m. in the morning, very upset at the amount of waste that has been distributed by seagulls and things and think this is a brilliant amendment and support it wholeheartedly.

1.6.5 Deputy D.J. De Sousa:

I would also like to echo my colleague's words. Every time that I do attend a Roads Committee when there is a development being altered, when there is a proposed new development, they constantly ask for this to be considered so it is a no-brainer.

1.6.6 The Deputy of St. Mary:

I want to bring something new to this particular party. I think it is an excellent amendment but challenge the Minister in a sense to say just how far it will go and to make sure that this provision will be adequate for future requirements. My crystal ball says that there will be pressure on individuals and so on to reduce the waste they generate in the first place, and one of the mechanisms to do that is to encourage people at supermarkets to tell the supermarket in no uncertain terms that they can keep their own packaging, thank you very much, because if I take it home and it goes into my bin, then I will end up paying for it. I would in Germany. If I took that packaging home and put it in my bin, I would pay for the disposal and therefore, and in response to consumer pressure, supermarkets now all have disposal where people literally strip-off the packaging and leave it at the supermarket.

[11:00]

Not all packaging. You cannot take the contents out of the tins but you can certainly strip off the 3 layers of plastic you get round a tomato and leave it there because you do not want to take it home because you do not want the cost. You never asked for the packaging in the first place. The point I am making is that the volume of the facilities provided under this amendment have to bear in mind that in the future we may be going down that sort of route. We certainly should go down that sort of route in my opinion to avoid waste in the first place because, of course, the end result will be that the supermarket itself will respond to consumer pressure, but there will be a transition time when there might be quite a requirement for a certain amount of space to do this work in. So I am just making a plea that there is adequate provision for that transition when consumers are inviting the supermarket to do their own package reduction.

The Bailiff:

I had called on the Minister to reply and then I allowed the Deputy because he had had his light on.

Senator T.J. Le Main:

I need to say something after the last speaker.

The Bailiff:

No, I think I will call on him to reply, Senator.

Senator T.J. Le Main:

Sorry?

The Bailiff:

I am calling on the Minister to reply.

Senator T.J. Le Main:

Well, you are wrong, Sir, because he had been flashing his lights.

The Bailiff:

He was flashing his light and I had not seen him; therefore, I allowed him to speak. But that does not mean we reopen the whole debate. Minister?

1.6.7 Senator F.E. Cohen:

I will just respond to the point raised by Deputy Wimberley. I thank all the other Members for the comments they have made. The enthusiasm with which this is implemented will to some extent depend on the enthusiasm of the next Minister. The policy is relatively flexible and will need to be enforced rigorously. There certainly is significant appetite for this in the Island as the plastic bag initiative was one of my most successful projects and produced a reduction in the usage of plastic bags in supermarkets of 95 per cent in less than one month. So I certainly hope that this will be enforced with some rigour but it will be a flexible policy.

The Bailiff:

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

**1.7 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- part 2**

The Bailiff:

We come next to paragraph 1 of the 38th amendment lodged by the Connétable of St. Helier and I will ask the Greffier to read that amendment.

The Connétable of St. Helier:

To speed things up, could I say that I would like to withdraw this amendment?

The Bailiff:

You are going to withdraw this one?

The Connétable of St. Helier:

It is described as superfluous and unnecessary by the inspector. One of those words is unnecessary [Laughter] but I agree with him and I withdraw it.

The Bailiff:

Yes. Perhaps, Connétable, it would assist Members if paragraph 11, which is the one we have just touched upon where the Minister said he hoped you would withdraw it, just to help the Greffier in his planning are you going to withdraw that?

The Connétable of St. Helier:

Yes. I was trying to find that in the Greffier's sheet but I will be asking for that to be withdrawn as well.

The Bailiff:

Very well, so amendment paragraph 1 of 38 is withdrawn. We come next to paragraph 2 of the 38th amendment, and I will ask the Greffier to read that.

The Greffier of the States:

38th amendment, number 2: after the words: "the revised draft Island Plan 2011" insert the words: "except that in policy GD3 - Density of Development (page 59), after the words 'commensurate with good design' insert the words 'adequate amenity space and parking'."

1.7.1 The Connétable of St. Helier:

This is a very important amendment and it is not described as superfluous by the inspector. That is because it comes up in a different policy where the importance of raising density is talked about. To talk about raising density in the built-up area without the essential caveat of adequate amenity space and parking would send out the wrong messages, I think, in the future. So the Roads Committee of St. Helier, which considered and indeed came up with the majority of the 23 separate amendments that come into amendment 38, were very concerned that we do indeed endorse the need for adequate amenity space with every development and wherever possible that we provide parking. Indeed, a policy of the Roads Committee which we have adopted in the last several years is that we simply do not support developments where there is no parking provided for the residents who are going to live there. I am not going to speak on all the amendments relating to parking. They are explained in the projet on page 9 and I think most people will support these views.

The Bailiff:

Is the amendment seconded? **[Seconded]** Very well. Now, there is an amendment to that amendment lodged by the Deputy of St. Mary and therefore I ask the Greffier to read that amendment.

1.8 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - amendment (P.48/2011 Amd.(38) Amd.)

The Greffier of the States:

Page 2, amendment (2), after the word "parking" insert the words: "(bearing in mind the potential for reducing the need for car ownership by the creation of carpooling schemes and other methods)."

The Bailiff:

Just to assist Members, Connétable will you be accepting the amendment?

The Connétable of St. Helier:

Yes, I do accept it.

The Bailiff:

Minister, will you be ...?

Senator F.E. Cohen:

Yes, I am very positive about the amendment and the amendment to the amendment.

The Bailiff:

Very well. Deputy of St. Mary, in case that assists.

1.8.1 The Deputy of St. Mary:

Jolly good, everyone is happy. Just briefly to explain why I brought this; very briefly the amendment as it stood required the Minister to ensure that there was adequate amenity space and parking, which I took to mean adequate parking. That raises the question, of course, what is adequate parking. In some people's minds that is one car per person or one car per bedroom or whatever. My amendment simply is there to point out that there are questions over what is adequate parking and that there are methods of reducing the amount of cars that people in a specific development or a specific street might need. I think that is very important because, as the Minister said in his introduction, land is a precious resource. There is a very small Island. We have to use it the best way we can. The indications I have, and Members may have ... it is a long time since we got some of this paperwork, but I did put in an appendix giving the example of Bremen where every car in a carpool scheme - whereby residents have access to a car but they do not have the cost of ownership of that car - replaces between 4 and 8 other cars. So clearly the question of adequate car parking space is very much subject to the development of carpooling. I do hope, I have been urging privately the Constable of St. Helier to make sure that carpooling is high up on the agenda because it is a way of saving precious space in our town. My appendix did show just how big the savings are. You can either use the savings for more accommodation on the same site, 20 per cent more accommodation. That is more apartments, more houses; or you can use it to provide green space. These are massive gains and, as I say, I hope the Constable after accepting this amendment also accepts the implications and makes sure that carpooling is on the agenda, that he has someone progressing it so that we can use this space better for other uses.

The Bailiff:

Is the amendment seconded? **[Seconded]** Deputy Tadier.

1.8.2 Deputy M. Tadier:

My comments are general in the sense that they relate to car usage and parking, which are pertinent to this particular amendment, but I think it is also generally useful and it will come up later on in the debate. So rather than make the points again and again whenever car parking comes up, I will make them now and hopefully once only. The issue relates to transitional arrangements because we do, I believe, as a States Assembly wish to see a reduction in car usage on the roads wherever possible and we want to promote more sustainable usage of other forms of transport, be that walking, cycling or taking the bus. But there sometimes seems to be a misconception that because we want to have a target, let us say, in the next 5 or 10 years of reducing car usage that that means we will not need car parking spaces when the opposite is true. Certainly, in the short to medium term because if people are not using their cars, where are the cars? If I am not using my car to come to town, if I am using the bus or cycling, my car has to stay somewhere. It stays parked. Hopefully, it stays parked for a long time and it might only get used at the weekend. But there will be a period of time where individuals are not using their cars, they will only use them at weekends and they need to be parked. So what we need is increased parking if we are going to try and encourage people not to use their cars. It may sound counterintuitive but surely with a little bit of logic that makes sense. Of course, the Deputy of St. Mary is right that in the long term, perhaps in 20 years' time, we will not need the car parking spaces because there will be such a shift in the way we think of transport, that we do not simply rely on the petrol or diesel-powered automobile, but that is not going to happen overnight. So I think this is what needs to be borne in mind. I am fearful that if we do not make enough provisions for car parking now we will see what has happened - certainly in my district - that we will just be storing up problems for future Deputies, and future Constables in particular, when the parking provision is not adequate in any new development. I would say of course we do not want to be building car parks; we need to be doing it

clever. If we can build car parking underground discreetly, of course that is preferable. But certainly in the short term we need to be ready for the influx, so to speak, of the need for car parking spaces if we are really to challenge people's usage and behaviour patterns.

1.8.3 Senator T.J. Le Main:

I think that what the States must keep their eye on, certainly T.T.S. (Transport and Technical Services) and Planning, is with an increase in the age of the population particularly in St. Helier that it is important that a long-term plan is put in place if the Minister is going to develop St. Helier to its maximum, as he wishes to do, is to have a town-hopper bus service. It is very important and it reflects very much on usage of vehicles and parking of vehicles in St. Helier. I rather hope that the Minister for Transport and Technical Services, I think as promised, that eventually there will be a hopper bus service. But I think long term that will be very, very crucial to many of the plans and planning that are going to take place for St. Helier.

1.8.4 The Connétable of St. Brelade:

I quickly want to refer to the Deputy's comments about carpooling. I would simply ask him when he responds to just express how he would see that happening. My experience so far is that it has not worked terribly well. I think people do regard their independence and guard it jealously. Is this utopian or is it all achievable I would ask him.

1.8.5 The Connétable of St. Helier:

The proposer of the amendment asked me to confirm that I supported carpooling and other schemes such as he suggests, and I certainly do. So long as I have any influence over these things in St. Helier I will do my best to progress them. I think certainly it is open to the public sector, to the Parish, for example, to adopt that kind of scheme both for its employees but also for the quarter of the residents he mentioned who do not have cars themselves. Why not have a Parish carpool scheme so that people who want to use their car occasionally or, for example, a small delivery vehicle can get hold of their Parish and hire a vehicle for a couple of hours that prevents them from having to own one. I would also like to agree with what Deputy Tadier said because it may sound like the reverse of a Damascus road conversion but in recent years I have begun to understand the difference between car ownership and car use. There are a lot of people in Jersey who collect classic cars. I do not want that particular hobby to be stifled by the fact that we do not provide sufficient parking. Just because you happen to have 5 cars does not mean they are all going to be on the road. I think that is another reason why we need to make sure that in our ... of course, we have to adopt green policies, we have to accept the limit of space on the roads with a growing population, but we also need to be aware of the fact that some people choose to spend their money on collecting and maintaining classic cars and Jersey has a good reputation for that.

The Bailiff:

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

1.8.6 The Deputy of St. Mary:

I have lost track of the fact that this is my amendment to an amendment, but I thank all those who have spoken. I must say I am slightly surprised, to put it mildly, at Deputy Tadier's contribution. He is talking about 20 years hence for the time of adjustment to a world where there is less need to own a car. I would suggest the timescale is much, much shorter. I am very encouraged by the Constable of St. Helier's positive comments. It is quite obvious that if you can hire a car for a couple of hours when you need one to take the whole family to the beach or to do a really heavy shop or to go and get a fridge, then that makes every bit of sense rather than to have the entire cost of ownership forced on you because you just do not have access to that sort of scheme. I am sure it would attract others who possibly own a car now to free-up that space in the street because they do not need a car all the time. In fact, that car spends most of its time sitting around, as Deputy Tadier

said. If it spends most of its time sitting around, why have it in the first place? Why not just have access to the 4 wheels that you sometimes need? So, with those remarks, I move this amendment.

[11:15]

The Bailiff:

Very well, all those in favour of adopting the amendment kindly show? Those against? Yes, the appel is called for in relation to the amendment of the Deputy of St. Mary to the amendment of the Connétable of St. Helier. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 39

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Senator A. Breckon
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. Martin
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Peter
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (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 A.E. Jeune (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

CONTRE: 3

Senator S.C. Ferguson
Connétable of St. Brelade
Connétable of St. Mary

ABSTAIN: 0

**1.9 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- part 2 as amended**

The Bailiff:

Very well, then we return to the amendment of the Connétable of St. Helier as amended. Does any Member wish to speak on that?

1.9.1 Deputy J.M. Maçon of St. Saviour:

Very briefly, as Members know, I am a Member of the Planning Applications Panel and certainly one of the things I keep my eye on is adequate parking and amenity provision, especially in urban areas. Throughout this debate, I would like to draw Members' attention that when discussing the Island Plan the town zone goes from St. Lawrence all the way into St. Clement. So when you are talking about development proposals it affects a lot of Parishes, not just parts of St. Helier. Just to bear that in mind, but as I say I think anything that allows the Planning Department to turn round and say: "Sorry, these standards simply are not good enough" is something to be welcomed and I will be supporting this.

1.9.2 Deputy D.J. De Sousa:

I too want to echo the words of the last speaker. Just because people live in town it does not mean they do not need a car. We have all the building in town so we want to escape to the beach and the country. So, yes, this is a definite ...

Connétable G.F. Butcher of St. John:

Could I just say Deputy De Sousa is welcome in the country. [Laughter]

1.9.3 Senator S.C. Ferguson:

Just a thought that occurs to me, we are all being encouraged to have electric cars, so there must be good provision for us all to park and plug them in.

1.9.4 Deputy M. Tadier:

Notwithstanding the previous comments I made, the first comment is I do not want the Deputy of St. Mary or anyone else to think that I am some kind of defender of the car. I think what I am asking for is that there needs to be sensible arrangements for the transitional period in between. With that in mind, I would say to the Minister that we also need to be mindful when we do provide parking that it needs to be of a flexible variety so that if, let us say, in 5 or 10 years' time the patterns of car usage first of all drop-off and then the ownership of car usage later on will tail-off because, as has been said, if one has a car which is only being used once a month rather than once every couple of days, car ownership will drop-off. We also do not want to be stuck with huge car parks which are redundant and then which cannot be converted back into other usage, either for building on for homes or to be reverted to green space. So I think in certain areas we might need to be mindful of that. It may be appropriate, for example, in certain developments to build gravel car parks - that is just one idea - so that as we have this transitional period we can revert back because the last thing we would want is to build big concrete edifices, tarmac over fields for parking, only to find out that in 10 years' time the patterns of usage for transport have changed. I would also just add at this point it is good to talk about car sharing schemes but we do live in a technological age where we know we can send a message out on Facebook or Twitter. I would like to trial a scheme, for example, put the onus back on the individual as well as on the State to say: "I am popping off to town in an hour. I am leaving from the Royal Square to go to St. Brelade", for example: "I have 2 spaces in my car. Give me a text message if you want a lift", things like that. I think a division of personal responsibility versus also provision of the State needs to be looked at so that we can come up with joined-up thinking about how to solve transport issues. Because we do live in an Island which is 9 by 5. I do not think any of us wants to see it completely overridden with unnecessary traffic on the roads, whether they be buses or cars.

1.9.5 Deputy P.J. Rondel of St. John:

I have to wear my environmental hat here. What has come up over the last 3 years as chairman of the Scrutiny Panel for the Environment is it is all well and good people talking about electric cars

and all that goes with it, but there is, of course, at the end of the day disposing of the batteries and the like. It is not totally free; nothing is free in this world. When the Minister and his planning panel or whoever they are in the future, they will be looking for parking but do not forget there are alternatives. They can use scooters, motorcycles and the like. You must also look at the alternatives when you are pulling all these together because I think there are savings to be made on the square footage. Where you have a garage for one vehicle you could have probably 2 or 3 motorcycles or something similar in the same area. I think there has to be a bit of forward thinking in the whole gambit when it comes to planning. I will not say greatly or more, but I am concerned about the disposable side of the electric car. Although we are all told it is the panacea - the way forward - there are other things coming forward, which I think will probably outstrip this in the future.

1.9.6 Connétable J.M. Refault of St. Peter:

Just a very short point. I think Members need to realise that the provision of car parking space or spaces will be at the cost of amenity space per plot. When we are looking at trying to consolidate a lot of the building under the Island Plan in the Parish of St. Helier, it is going to reduce the quantum of units able to be delivered if we are making a lot of provision for car parking on site.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon the Connétable of St. Helier to reply.

1.9.7 The Connétable of St. Helier:

This nearly turned into a transport debate, but luckily it has been held off at the pass. I am not going to comment on most of the comments because I am sure they will have been noted down by the Minister. I would just refer to the Constable of St. Peter's final remarks there and remind the House that this amendment as amended is to a section of the plan which relates to increasing the density of development. That is why it is so important because amenity space and parking must not be sacrificed in an effort to squeeze more units on to sites. We have seen that happen so many times. We can all think of good examples in the urban area where there are 4 units where there should be 2; there are 2 units where there should be one. We must not let this happen in future. So I think it is an important amendment. It is strengthened by the amendment and I maintain it and ask for the appel.

The Bailiff:

The appel is asked for then in relation to the amendment of the Connétable of St. Helier. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 41

Senator P.F. Routier
Senator P.F.C. Ozouf
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 St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour

CONTRE: 2

Connétable of Grouville
Connétable of St. Peter

ABSTAIN: 0

Connétable of St. Clement
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (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 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)

1.10 Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) - part 1

The Bailiff:

Very well, then we come next to paragraph 1 of the 37th amendment lodged by Deputy Le Fondré and I will ask the Greffier to read the amendment.

The Greffier of the States:

Thirty-seventh amendment, part 1 - after the words: “the revised draft Island Plan 2011” insert the words: “except that: (a) in paragraph 1.22 (page 60) for the words ‘Supplementary planning guidance will be used to provide further information about the use and arrangements for planning obligation agreements’ substitute the words ‘Supplementary planning guidance will be updated and used to provide further information about the use and arrangements for planning obligation agreements and shall, in particular, indicate by what point in the life of a development (in the normal course of events) planning gain should be provided, depending upon the nature of such gain. Once the supplementary guidance has been updated, the Minister will inform the States Assembly of any new proposals by way of a report.’ (b) In policy GD4 - Planning Obligations (page 61) after the last paragraph insert new paragraphs as follows: ‘The Minister will update and publish guidance in relation to planning gain and planning obligation agreements, and such guidance shall, in particular, indicate by what point in the life of a development (in the normal course of events) planning gain shall be provided, depending upon the nature of such gain’.”

The Bailiff:

Minister, what approach are you taking for this one?

Senator F.E. Cohen:

I enthusiastically support.

The Bailiff:

Very well. Deputy Le Fondré.

1.10.1 Deputy J.A.N. Le Fondré of St. Lawrence:

A fairly short speech. In the debate on the establishment of S.o.J.D.C. the Minister for Planning and Environment made the following remarks: “The usual mechanism of development is that a developer will say anything, and that includes W.E.B. (Waterfront Enterprise Board), in order to get the planning consent and then immediately they have it in their hands they then start to value engineer: reduce the cost of the building, reduce the architecture. That is our job to make sure that does not happen.” Then obviously he went on particularly in relation to the Waterfront. The point here is that sometimes much is made of the public benefits that will come with a scheme and then it is sometimes the case that these are either a very long time coming or never actually arrive. The other example I use, which I am sure the Minister will probably prefer me not to - it is tattooed across his forehead - is the development in St. Lawrence, which was the Goose Green Marsh site or referred to as that, where it was held out to objectors that a pumping station would be provided - in the early days well before the Minister - before one sod was turned in construction of the main estate. Now, some 4 years after permission was granted, that pumping station is only just now being completed. What I am asking the Minister to do is to review the position regarding planning obligation agreements, and obviously these are coming very much more to the fore in his time particularly as regards planning gain, and then to report back to the States Assembly with any new proposals, hopefully with a view to beefing up the timing as to when such requirements are delivered. The Minister is accepting the amendment and I propose the amendment.

The Bailiff:

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

1.10.2 Senator A. Breckon:

Just a number of points. Over the years I am aware of a number of schemes where developers would say, for example, they would provide some off-road footpaths, and it was suggested as part of the brief it would go in before the contractors’ lorries arrived and it did not happen. We had to use a sledgehammer really to get them to do it after the development had been completed. I remember also quite recently another development where community facilities were promised and the land was left idle. It was not done. I know 2 developments where that happened. Also, drainage improvements were promised and there was a variance on that about how good it would be and how much would be spent, and things like bus shelters and road improvements. So I think where there is an issue and these things need to be done, then it needs to be robust. I think this amendment does that because, as somebody has said, the promises will be made but when it comes to translating into the reality they are very slow because, of course, it is money spent that does not necessarily turn over for the developer or the land owner. So I think this amendment is welcome.

The Bailiff:

Does any other Member wish to speak on the amendment? Very well, do you wish to reply, Deputy Le Fondré?

1.10.3 Deputy J.A.N. Le Fondré:

Briefly to thank Senator Breckon for his comments and thank you to the Minister for accepting them. I wish he would be as enthusiastic about some of my other amendments. **[Laughter]** I maintain the amendment.

The Bailiff:

All those in favour of adopting the amendment kindly show? Those against? The amendment is adopted.

**1.11 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- part 3**

The Bailiff:

We come next then to paragraph 3 of the 38th amendment lodged by the Connétable of St. Helier, and I will ask the Greffier to read the amendment.

The Greffier of the States:

Thirty-eighth amendment, number 3, after the words: “revised draft Island Plan 2011” insert the words: “except that in policy GD4, Planning Obligations (page 61) in the second paragraph after the word ‘including’ insert the words ‘the provision of amenity space, public parking’.”

The Bailiff:

Minister, are you accepting this one?

Senator F.E. Cohen:

Yes.

1.11.1 The Connétable of St. Helier:

I do not think I need to add anything else. The inspector thought it was useful. The Minister accepts it and we have already had the debate on amenity space and parking, so I maintain the amendment.

The Bailiff:

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

1.12 Island Plan 2011: approval (P.48/2011): forty-sixth amendment (P.48/2011 Amd.(46))

The Bailiff:

We come next then to the 46th amendment lodged by the Minister for Planning and Environment. I will ask the Greffier to read it.

The Greffier of the States:

Forty-sixth amendment, page 2, after the words: “the revised draft Island Plan 2011” insert the words: “except that in Policy GD9, signs and advertisements (page 69), in paragraph 1.52, after the words: ‘road traffic sign or navigational equipment’ insert a new paragraph as follows: ‘Official signage displayed in relation to transport infrastructure, including pedestrian and cycle routes and facilities, is generally classed as a form of approved advertisement which does not require permission. Where new pedestrian and cycle transport infrastructure is provided, whether it is on-road, off-road, urban or rural, the Minister for Planning and Environment would expect to work closely with the highway authorities to ensure that the need for public awareness and promotion of new facilities, the safety of all road users and the quality and impact of signage on the character of the area were taken into account in accord with the spirit of this policy’” and renumber the subsequent paragraphs, as necessary.

1.12.1 Senator F.E. Cohen:

I would like to compliment the Constable of St. Helier on raising this matter and I have proposed my own amendment to deal with it.

[11:30]

While we can accept the need to ensure awareness of and appropriate signage for new and existing transport facilities, this needs to be balanced and considered against its impact on the environment and character of an area. There is perhaps a perception that the urban environment has a greater capacity to accept more signage. However, the Constable of St. Helier will perhaps be more aware than most, from his work with the former Urban Renewal Sub-Committee and the St. Helier Street Life Programme to improve and enhance many of the town's streets through the removal of much of their visual clutter, that the quality and character of the urban environment could be very much affected by the extent and detail of small features such as street furniture, including bins, benches, lights and signs. On this basis, the emphasis would be on the quality of signage. Most significant to the consideration of this amendment, however, is the fact that it is not a matter for the Island Plan policy. This is because official signage associated with the transport network is exempt from planning control. This is governed by and set out in the Planning and Building (Display of Advertisements) (Jersey) Order. Notwithstanding I would expect that my department would work closely with the Highway Authority as it has done in the past to deliver new transport infrastructure that people are aware of, is safe to use and which minimises its impact on the environment, I have, therefore, put forward a further amendment which takes into account the above comment while seeking to embody the intent of the original amendment.

The Bailiff:

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

1.12.2 Senator S.C. Ferguson:

I hope one of the first places that the Minister will look at is St. Aubin because if you stand outside the Parish Hall I think the Women's Institute reckoned there were about 29 separate pieces of road signage you can see.

1.12.3 Deputy A.T. Dupré of St. Clement:

Where appropriate, could some of the signs have Jèrriais as well, please?

1.12.4 The Connétable of St. Brelade:

I would say that I am sympathetic to the sentiment of the amendment. Notwithstanding that, I have to point out there are safety considerations and standards for my department to comply with. But I think we do need to move forward on this and reduce the clutter and make it more effective as is suggested.

1.12.5 The Deputy of St. Mary:

I have to say I am concerned about the Minister's variation on the original amendment by the Constable of St. Helier. I am not sure where that fits and whether the Constable of St. Helier is withdrawing his in consequence to this one. If I just read out to Members the original amendment by the Constable, I think they will see that there is a very big difference in emphasis. It does worry me that that emphasis is now not there. What the original amendment said, and I am not clear whether it is being withdrawn but I think it is, the Constable wished to add the words: "The implementation of a network of pedestrian and cycle routes, particularly in urban areas, may require extensive signage to ensure awareness and safety. Transitional and/or time limited signage may be approved that is larger and more intrusive than would otherwise be approved." That is the point. It is to make sure that when we make additions or extensions or variations of cycling provision or pedestrian provision, then people are aware of it. Bang, there is a sign that tells you. After a month or 2, when everybody is aware of the new situation, those signs can be removed. T.T.S. do it all the time when they do road works. They do not put up little signs, they put up big signs to say: "Cycle route diversion" along the Promenade. You have to go this way or that way, and: "Road closed, diversion" and so on. Those are intrusive, big signs because they are temporary. That emphasis has gone from the new wording. Now, I can see that the Minister for

Planning and Environment has to ensure that the need for the public awareness and promotion of new facilities and the safety of all road users is taken into account, but it is kind of buried. The requirement or the suggestion that signing might have to be bigger and that it might be bigger on a temporary basis seems to have gone. So I would just like the Minister to assure us that the priority will be given to making sure that users, particularly vulnerable users, will know ... actually, all other users because, of course, car users need to know about these new provisions as well, to make sure that that is uppermost and that these negotiations about ensuring that the need and ensuring about signage will be safety first, particularly with new developments on cycling and pedestrian routes.

1.12.6 Deputy A.E. Jeune of St. Brelade:

My concerns are that we should use street furniture as little as possible. Street furniture is the cause of so much personal injury in accidents to pedestrians, cyclists and motor cyclists in particular. I think where signs can be painted on the road rather than up on a pole is much more preferable.

1.12.7 The Connétable of St. Helier:

I was hoping this would not turn into a debate on signage because we really will be here for the rest of the month. All I would say is I think that the Minister has pointed out that the whole business of signage is exempt anyway from planning requirements, so I think on that basis and given the extra aspects he has introduced in his amendment, I think it is useful. I suspect he would like me to withdraw my amendment and I intend to do so and support his.

The Bailiff:

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

1.12.8 Senator F.E. Cohen:

Senator Ferguson supported decluttering. Well, so do I. Deputy Dupré raised the issue of language and, yes, signs could be in Jërriais. The Constable of St. Brelade made the useful point that we have to balance signage with safety and he is quite right, but I think we also need to be practical about the issue of safety. Sometimes one can go a little overboard. I had some difficulty with the comments made by the Deputy of St. Mary because I think he has misunderstood the intention of my amendment. I can assure him that the priorities he has suggested are intended. Deputy Jeune does not like street furniture. I think many of us do not like street furniture and some of us do not like the design of some of the street furniture that we have seen placed in the Island over recent decades. However, we do need some street furniture and I think that it should be balanced, kept to a reasonable minimum but the design of street furniture is the most important of all. Lastly, I would like to thank the Connétable of St. Helier for his support and for supporting this amendment.

The Bailiff:

Very well. All those in favour of adopting the amendment kindly show? Yes, the appel is called for then in relation to the amendment of the Minister for Planning and Environment, number 46. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 36

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
Senator P.F.C. Ozouf
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 F. du H. Le Gresley
Connétable of St. Helier

Connétable of Trinity
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. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy M. Tadier (B)
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

The Bailiff:

Connétable, you were kind enough to indicate, therefore, that the next one is withdrawn, is that correct?

The Connétable of St. Helier:

Yes, please.

1.13 Island Plan 2011: approval (P.48/2011): ninth amendment (P.48/2011 Amd.(9))

The Bailiff:

We then come to the ninth amendment lodged by Senator Le Gresley. This is quite a lengthy amendment and, therefore, with Members' permission we will take it as read. I invite Senator Le Gresley to propose it. Before he does, sorry, Minister, can you assist on ...

Senator F.E. Cohen:

I am accepting all but one part.

The Bailiff:

Which part are you not accepting?

Senator F.E. Cohen:

The last part, part (d).

The Bailiff:

Well, the Senator must propose them all but clearly if he wishes they can be voted on separately.

Senator F. du H. Le Gresley:

I have to inform Members that I will not be brief. **[Members: Oh!]**

The Bailiff:

You do not have to be too long on the 3 that the Minister is accepting, though, Senator.

Senator F. du H. Le Gresley:

No, definitely not, but I need to set the scene.

Senator F.E. Cohen:

If I could quickly interject, while I am not supporting the fourth part, I do not have particularly strong views on it. I have made my position to reject based on consistency throughout and I leave it to the Assembly to decide without particular ...

The Deputy of St. Mary:

Sir, could the Minister speak up? I cannot hear a thing over here.

The Bailiff:

I think if I can summarise him he said he is not going to be opposing it particularly strongly. Is that a fair summary?

Senator F.E. Cohen:

That is far better than I put it.

1.13.1 Senator F. du H. Le Gresley:

Sixty-two years ago the National Parks and Access to the Countryside Act was passed by the British Government and over the following decade 10 national parks were created. There are now 15 national parks in Great Britain covering an area of nearly 9,000 square miles. The essential requirements for a national park were described in a 1947 report for the British Government by Sir Arthur Hobhouse, which prepared the way for the legislation for national parks. It was described as follows: "It should have great natural beauty, a high value for open recreation, and substantial continuous extent. There is merit in variety and it would be wrong to confine the selection of national parks to the more rugged areas of mountain and moorland and to exclude other districts which, though of less outstanding grandeur and wildness, have their own distinctive beauty." Britain's only Coastal National Park is in Pembrokeshire. It covers an area of 240 square miles. It takes in about a third of the county, including the entire coastal strip. It has a varied landscape of rugged cliffs, sandy beaches, woody estuaries, inland valleys and fields. The Pembrokeshire Coast National Park is a living, working landscape. This week we have a unique opportunity to identify and designate parts of our coast and countryside to be included within our own national park and I applaud the Minister for this initiative. The draft Island Plan states that the national park boundary should embrace all those parts of the Island of highly sensitive and valuable landscape quality in addition to St. Ouen's Bay that are vulnerable to change and damage and which warrants the highest level of protection against development. The plan acknowledges that Jersey's Coastal National Park is a living landscape with many buildings and land use within it. The first report of the planning inspectors to the Minister, R.154/2010, on page 31 emphasises this point. They say the national park is not a single entity like a country park or managed natural reserve, but swathes of land that although sparsely populated and substantially wild and natural do encompass places where people live, farm, visit recreationally and run businesses. These should never be wished away nor set in aspic to meet conservation interests. The areas selected by the Minister to form the Coastal National Park zone are those afforded the highest level of protection in the Countryside Character Appraisal Report of 1999. This is an excellent report and I have quoted copiously from it in my amendment. It has to be said, though, that this report is 12 years old and the views of many Islanders on the protection of our coastal landscape have hardened or, in some cases, changed due to inappropriate and in some cases what I would personally call irresponsible building developments on our coastline. The National Trust for Jersey has captured the public mood with

their coastline campaign, which aims to safeguard the character of Jersey's coastline for ever and for everyone. I quote from the Save our Coastline leaflet as follows: "Despite improved planning control and the prospect of a Coastal National Park, the coastline of Jersey is still vulnerable to inappropriate and creeping development. Areas of the southeast coast and the recent developments at Portelet and La Coupe perfectly illustrate how the natural beauty of Jersey can be irrevocably damaged. With coastal development sites now having immense monetary value, there is increased pressure for larger scale buildings which are visually intrusive and out of scale with the surrounding landscape. Every effort must be made to ensure that such developments do not occur to the permanent detriment of our Island.

[11:45]

The additional areas that I am proposing should be included within the Coastal National Park. All have the endorsement of the National Trust for Jersey and the Council for the Protection of Jersey's Heritage. Since lodging my amendment, I have only received 3 objections: one from the architect representing the owner of Plémont Holiday Village, the second from a member of the Jersey Go-Kart Club, and the third from the directors of Ronez Limited. On the other hand, I have received numerous messages of support and a significant number of people have supported my amendments on the online consultation on States Members' amendments to the Island Plan. I now propose to speak very briefly about parts (a), (b) and (c) of my amendment, which I am very pleased that the Minister has accepted. I am delighted that the Minister has accepted part (a), Mourier Valley in St. Mary, and that the inspectors also recommended acceptance. This will complete the area D4 from the character appraisal, north coast valleys within the Coastal National Park. Part (b), La Commune de Gouray, mainly comprises the Royal Jersey Golf Club together with the Longbeach car park and a small area to the east of undeveloped dunes. The Minister has supported part (b) on the basis of further work with the land owners to promote good habitat management of the area in recognition of its value as grassland of Channel Islands significance and with a view to further extension of the boundaries to include the ecologically rich habitat of Grouville Marsh. I personally think that La Commune de Gouray completes the coastal line of our new Coastal National Park. Part (c), the Minister is minded to accept that the site of the former Plémont Holiday Village is included within the Coastal National Park on the basis that it will involve a limited area of land and may serve to provide a basis to further work with the landowners to promote beneficial management of the area to restore parts of the coastal headland. The history of this site is well known to Members and my amendment has the strongest support of the Connétable, who unfortunately is not here today, and the Deputy of St. Ouen, who is nodding, and I believe many other St. Ouennais and, indeed, I hope the majority of Islanders. I will now address part (d) of my amendment. Unfortunately, both the Minister and the planning inspectors have rejected this amendment for the interior agricultural land known as E4 north coast to be included within the Coastal National Park. They consider that the Green Zone policy NE7 is entirely sufficient to protect this area from development and that to single out the north coast agricultural land for inclusion in the Coastal National Park alone and not to include areas E1 and E3 to the northwest and northeast is inconsistent and unjustified. However, they contradict themselves by saying that to include all of these areas would not be considered useful in terms of the practice of development control and this is one of the reasons why I have chosen not to do so. I do agree with the inspectors' comment that a desire for the highest level of protection from development is not of itself sufficient justification to include an area within the park. However, I would like to remind Members of my opening quote from the report of Sir Arthur Hobhouse about the essential requirement for a national park. It should have great natural beauty, a high value for open recreation and substantial continuous extent. In the Jersey context, I interpret the words "substantial continuous extent" to mean that the inland boundary of our new Coastal National Park should not just stop at the top of our cliff paths but should incorporate the grass headlands and small agricultural fields which slope down to the north coast cliff edge. The Countryside Character Appraisal extols the open and windswept landscape of the north coast interior agricultural land with

its variety of boundaries, patchwork of small fields and narrow, winding, sunken lanes. I think we would all agree that this rural landscape contributes significantly to the special identity of the north coast, which is a wonderful tourism asset. I believe we should include area E4 in the Coastal National Park as it will help to showpiece our rural heritage, dating back to medieval times when the north coast heath lands provided valuable grazing land. Members may be aware that the National Trust for Jersey is currently working on a project with Durrell and the Environment Department to restore the coastal headlands between Sorel Point and Devil's Hole in order to re-establish the chough, which is a member of the crow family. This is being achieved with the help of a flock of long-horned sheep. By careful restoration and management of the headlands and adjoining small fields, it is envisaged that other declining species such as the ciril bunting, yellowhammer and stonechat will return to this ideal grassland and agricultural habitat. I would remind Members that in St. Ouen's Bay the Coastal National Park will include area C3, St. Ouen's Bay escarpment and valleys, which is described in the draft Island Plan as follows: "The steep topography of the escarpment forming a backdrop to the flat coastal plain is a distinctive feature of the Island's landscape. On the exposed scarp slopes of St. Ouen's Bay, stone walls are the characteristic field boundary." I would argue that the north coast interior agricultural land fulfils the same role as the St. Ouen's Bay escarpment as it is a distinctive feature of this part of the Island's landscape and forms a backdrop to the dramatic cliff tops and small headlands. Should Members agree to support part (a) of my amendment, all of the north coast valleys will be included within the Coastal National Park. Members will have noted from the map that I have circulated that the upper extent of both Grève de Lecq and Mourier Valley touch the most southerly border of area E4. I am aware that Members will have received a letter from the directors of Ronez Limited, who are concerned that their business will be adversely affected by this amendment. However, I understand that the mineral extraction is covered by policy MR1 and that the Coastal National Park designation would primarily affect restoration, aftercare and after-use, which is described in policy MR4 where it is stated that support will be given to schemes which will enhance the long-term quality of the landscape, the land in question and the wildlife. I would also remind Members that Simon Sand and Gravel Limited operate a mineral extraction business in the heart of St. Ouen's Bay, which the Minister for Planning and Environment is happy to include within the Coastal National Park. I believe that we have a unique opportunity today to create a north coast national park of continuous extent, which with careful management will encourage flora and fauna. The range of field patterns and associated boundaries are of great historic interest and should have high levels of protection. With its expansive views of sea and sky, the windswept agricultural land of the coastal edge is part of our cultural heritage and has its own distinctive beauty. I would draw Members' attention again to the words of the planning inspectors in their first report. The national park is not a single entity like a country park or managed natural reserve, but swathes of land that although sparsely populated and substantially wild and natural do encompass places where people live, farm, visit recreationally and run businesses. In my opinion, this perfectly describes the north coast agriculture interior. Before I finish, I would just like to remind Members that nearly 2 years ago 7,000 people, including our Minister, joined hands to draw a line in the sand to send out a powerful message to this House that our coastline is precious and must be given the highest level of protection. We must not let them down today.

The Bailiff:

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

1.13.2 The Connétable of St. John:

The Island Plan has gone through an extremely rigorous process of consultation with the Planning Department, public meetings and the inspectors looking at all aspects of the Plan, yet here we have a Senator stating that he does not think it goes far enough. I am not sure what input the Senator has had into the process of developing this Plan. I intend to comment predominantly on part (d) of the proposition as it relates to the northern part of St. John. The St. John working group was elected at

a Parish Assembly in December 2009 and the group was set up to make a Parish submission to the draft Island Plan. The group consisted of a wide section of our population in the Parish, their backgrounds ranging from carpenters, housewives, medical professionals, lawyers, architects, and yes, even a plumber as the Deputy of St. John was elected to chair the group. I took on an *ex officio* role. The group has done a tremendous amount of work over the last 18 months. When we first set up we met on a weekly basis and then monthly until more recently. We have been analysing the consultation that we did with our own parishioners as we sent a questionnaire out to all households in March. Members will have been given a hard copy of our submission to the Island Plan and I would certainly hope that Members will have had time to read it and take note of what is in there, although this is only a very small selection of the paperwork that we have to hand. We have undertaken a detailed consultation this year looking at all areas that parishioners feel that the Parish can be improved. It seems to me that Senator Le Gresley has just got hold of a map and drawn an arbitrary line along it and suggesting that half of the northern part of our Parish should become a national park. I would ask the Senator where is the evidence to say that the residents of St. John have asked for this vast area of our Parish to be turned into a national park or even want it. As far as I am aware, the Senator has not consulted with anyone in our Parish other than to say that he would be happy to attend a Parish meeting. This offer was only made after he had lodged his amendment and I can only assume the intention would be to justify his actions. If Senator Le Gresley had done his research on the subject, he would have been more than aware that we had a group in our Parish working on an Island Plan submission and certainly would have consulted with us prior to lodging this. So we have done the work, consulted with the residents; 26 per cent of our households returned our consultation document, which is a fairly good percentage. There was a large section in our questionnaire which allowed people to make their own comments. I can categorically say the words “national park” was not mentioned once. We also had a public meeting on 8th May to feed back into the parishioners the results of our questionnaire. A presentation was made and then it was opened up to question and answer session at the end. Again, the words “national park” did not come up at all. Within the 2002 Island Plan there was a differential between Green Zone and Countryside Zone and that caused some confusion over the years, creating a double layer of protection, which will do exactly the same if we have a national park up on the north coast. If we need housing in the Parish of St. John to create real affordable housing for our youngsters, I would fight tooth and nail to achieve it, even if there is a national park. As far as I am concerned, Green Zone is adequate protection for the agricultural land and there is no need whatsoever to increase the national park south as is being suggested by the Senator. I would ask Members to support the residents of St. John and reject part (d) and I would hope that the Minister for Planning and Environment as a resident may take the same view.

[12:00]

1.13.3 Connétable D.J. Murphy of Grouville:

On the same tack, I am afraid, in that most of the area included in La Commune de Gouray is owned by the tenants of the area. As far as I know, there has been no consultation with them whatsoever. I am very sorry that I am just taking this up on the hoof, really, but I would like to have seen some consultation. The area is already very heavily protected, as are the areas around it. It is mostly a Ramsar site, the whole of the south east coast and the whole of that area. We really do not need another level of bureaucracy on top of us. It is extremely well looked after and tended very, very carefully indeed. The only other thing I would like to say, and this is in no way personally meant, but I wonder if the Minister would care to inform us whether, in fact, he has inadvertently not declared an interest in this area.

Senator F.E. Cohen:

In which area? I have a problem in a number of areas. I am a representative tenant in the Fief de la Reine. I am a member of the Royal Jersey Golf Club and I own some land at St. John. I am not quite sure what to declare; that is why I have kept to rather neutral lines.

The Connétable of Grouville:

I am of course referring to the tenancy that he has at La Commune de Gouray.

Senator F.E. Cohen:

That is in my comments.

The Connétable of Grouville:

I am sorry, Sir. The Minister has, in the past, refused to make planning decisions on anything involved in that area because of his membership of the Tenants.

1.13.4 Senator J.L. Perchard:

I just would like to ask questions really of the proposer, and when he sums up he may be able to convince me. I, like him, agree that our coastline is precious and we must not let down those of us that joined and formed the Line in the Sand but let us not confuse that very strong message with perhaps some parts of this amendment. There are 4 parts; I am very neutral on Mourier Valley, I know it well. I think it is a magnificent site of local character. It has great potential ecologically and I would be happy to support its inclusion as a part of a national park. That said, I do not see it threatened by development and I know the Planning Department would ensure its continued protection. It has survived for thousands of years and it will continue to survive, I am sure, with or without this designation but I will support it; that is part (a) I believe. Part (b), La Commune de Gouray, very similarly I think it is a magnificent example of managed dunes. There is the links course, the golf course that Senator Cohen has just referred to, and the Ramsar site to the east. It is not threatened from development, we all know it is not, but again, that same argument I will use to support it becoming a part of the national park zone because it is not threatened. With or without consultation there is no way that wonderful area will be developed and exploited. I have to ask a question and I do not know if it is the Attorney General perhaps I should be asking about part (c) rather than the proposer but whoever; they may both have a stab at answering. I understand there is currently a planning application on Plémont Holiday Village, would the re-designation of the site to a national park affect that? How would it affect that really, is the question I would like to ask and have answered before I vote? Similarly, I am very familiar with the area and would support it as being retained where possible, and I do understand the complexities that surround this planning application and the commitments given to the owners about the development. I do understand the ecological importance of that headland and if the proposer of the amendment or the Attorney General can help me with regards to the conflict between the application being made by the owners and this amendment. Part (c), I am, like the Connétable of St. John, concerned. I will invite Members to turn to page 13 of the proposition, appendix 4, where part (d), the proposal for the national park area is highlighted in green. The proposer, when speaking on this particular part of the amendment, mentioned the small native birds may be encouraged to return if we call it a National Park and the natural flora and fauna would be encouraged to return if we re-designate it as a National Park. That may be true but that then assumes that we will curb activity, for example, people accessing the area, farmers cultivating the land and I want to know how many vergées this involves, how many vergées of agricultural land and does the proposal to form a National Park prevent agricultural activities, as we know it, from taking place in this area? What is it that will encourage the return of native species to the area or is it just semantics? I am concerned about this part (d) of the proposition; it would be nice to paint all Jersey green and call it a national park but we have to be realistic. There are people who work in the countryside and have to make a living from it and it appears to me, looking at this map, that this may be a step too far and I need some reassurance from the proposer if I am to support it.

The Bailiff:

Mr. Attorney, are you in a position to answer the query about Plémont?

The Attorney General:

I am making one or 2 further inquiries. My initial view in answer to the question is that when the Minister makes a decision in connection with a planning application he makes the decision on the basis of the planning situation that exists at the time the decision is made. Accordingly, if there is a material change in the planning characteristics of an item of land, it is the new situation the Minister takes into account in making the decision.

1.13.5 The Deputy of St. John:

I have serious concerns, given that I chaired St. John's Working Party for the last 18 to 20 months and at no time, until 8th June when we gave the last presentation to our parishioners, had the Senator contacted the Working Party to get our views on a coastal park. But further to this I look at the Senator's report; on his second paragraph he says: "Mourier Valley in St. Mary." In fact if he had been talking to some of his friends from the National Trust and others he would know that the valley is half in St. John. In fact the reservoir at Le Mourier is in St. John and therefore I just wonder if he knows the area of St. John that well. I have real concerns, when we get further up the road; these are all to do with part (d) but generally overall because we have, between Les Fontaines Hotel and Sorel, a quarry that employs in excess of 100 blue-collar workers, which extracts the majority of the minerals for this Island. Putting more restrictions in place makes things far more difficult. A little bit further on we also have the States Quarry which employ a number of blue-collar workers. A little bit further on again we have La Saline Quarry, or Vibert's Quarry, who are the current owners who employ a number of stonemasons and the like and extract granite. If this was accepted we are putting a lot more restrictions on these particular companies. They are all doing what is right by the environment. They are using stone from within this Island. We are not importing stone and giving somebody else an environmental problem for the future; we are taking what we need by using our own products. I would like to know, when the proposer sums up, whether he has had discussions with public services over their quarry, with the owners of Vibert's quarry and with Ronez and also we have some clubs that use those areas. We have the Motorcycle Light Club and, as mentioned earlier, the Go-Kart Club. I have just seen the permit for the Go-Kart Club renewed in the last few months and I see, in fact, 21 further restrictions on a renewal; 21 comments I noted that the club themselves are to monitor the birds and they had some Japanese weed or something similar to have to remove from within their site; there were a whole host of new amendments put in. If we go down the road of adopting the national park we start bringing in the agricultural community, as Senator Perchard has said, and with a lot more restrictions. Yes, we want to all live in a lovely green Island but somebody has to produce what we require and a lot of that is happening in St. John. We are probably the only Parish with a good road infrastructure which goes from north to south of this Island because of Ronez Quarry. Something else I noted in the Senator's report; he claims that the Route du Nord, in fact, on the north coast was built during the occupation up to Sorel but once again that is wrong. The road was built from La Saline Quarry through to Les Fontaines during the occupation so as to keep the labour force working on the Island and away from the Germans. Then the area from Les Fontaines to Sorel in fact was built after the war. If he is putting details like that within his report he must make sure his facts are correct. Another issue I have to remark on, and I probably am the wrong person to do it but I am going to say it anyway, as a Jérriaise; when mentioning, as Mr. Le Gresley is a Jérriaise, another Jerseyman's name, I would not want to be called Mr. Simon when it is Mr. *Simon*. There are a number of issues that really concern me and I think this one is a step too far; it is a step too far and I cannot support it on the grounds, as I have already said, it is encroaching too far. In fact it goes right down to this side of St. John's Recreation Centre, if it is adopted, and although that may not seem a great deal it encompasses St. John's Village because on the north side of St. John's Village it encompasses St. John's Village. St. John's Village goes beyond our old people's home, Senator.

The Bailiff:

Through the Chair.

The Deputy of St. John:

Sorry, Sir, but I have seen the Senator nodding his head and I am going by the map he has got on page 13, it encompasses around the village on the north side, so therefore I have some real concerns. All right, we are going to, hopefully, have our allotment area in that area; that will probably create more problems. I cannot support this. As like the Connétable of Grouville has said his Parish had not been consulted. I know for sure that ours was not because I was chairing the Working Party over the last 18 months. If the Senator, with all the work he has done on this, had come to see us in the last 18 months we could have included it in our survey.

[12:15]

We could have taken a view and we could have done the necessary work, which we did an awful lot of work, as Members will have had this document on their desks yesterday, which gives you the type of work we did and it was all being tested. We would have needed to have tested the national park that the Senator was wishing us to adopt today. I cannot accept this and will not be supporting it. Thank you.

1.13.6 Deputy J.B. Fox:

When I joined the States some 12 years ago I was part of Planning and Environment of the day and was charged with being the chairman of Les Mielles Sub-Committee and I was very pleased to be in it. I learnt a lot from having the protection of that area, even though it was not, in itself, *per se*, a national park although it involved many of the principles and the people that lived down there and worked down there, *et cetera*. The general principles of (a), (b) and (c) I do not have a problem with but (d) I do have a problem with and the reason being is that one of the things that I have been striving to do for most of my life is to improve the lot of our young people and encourage them to be outwardly active and supportive, *et cetera*. One of the areas here is obviously the Jersey Motorcycle and Light Car Club that has activities in this particular area of (d) and more recently being involved with the Go-Kart Club who have been frantically trying to renew their licence to operate on the particular area up there and have been going through a great deal of trauma and difficulty. They have just achieved a 15-year extension but, as the Deputy of St. John has just highlighted, there are so many restrictions that have been included in this. It is sad, in a way, that it is there but unfortunately when their facilities were removed from Les Quennevais all those years ago there was a promise made by the President, I believe, of I.D.C. (Island Development Committee) at the time – and Senator Le Main will probably be able to confirm - that the Island and the States would provide another facility for the replacement of the Go-Kart Club and they have been trying desperately ever since to find somewhere. If I can ask any Parish Constables if they are sympathetic to find a permanent site would they please let us know before very long because the thing that concerns me here is that with the 21 restrictions that have just been put on to the club now what will happen in 15 years' time, especially as it was their intention, and still is their intention, to provide a youth academy for encouraging young people to play an active support and being involved in go-karting? There are not very many areas nowadays, and certainly the go-karts nowadays are not as noisy as what they were in the old days, but I cannot support this until someone can give me a reassurance that we are not going to erode these precious activities that are dwindling into a smaller and smaller accepted area and yet, unfortunately, it is in an area that is outstanding natural beauty and is a working area. The other side I would just like to briefly comment on is on Ronez; Simon's Sandpit have done a tremendous job at enhancing their commercial business and at the same time providing a lot of the environment that the National Trust and others in the support of the wildlife, *et cetera* and they do a magnificent job. But, having said that, in Ronez's case of course you have a problem; they are having to blow... they are using explosives, which is not conducive to wild birds wanting to stay around for too long, especially with pieces of flying granite around. Back in the time when I was on Planning they were talking about allocating a piece of La Collette 2 to import our minerals and close down or severely restrict the use of our local quarries in favour of importation. Clearly that has ceased to be a priority at the moment and we are utilising our own material, sometimes in different ways than we have done in

the past but, nevertheless, I think that until such time as we have a long-term policy and we have spoken to people like the Ronez Quarry as to what their future requirements are, and that includes what the Island's future requirements are, I cannot support part (d). Thank you, I think that is all I need to say.

1.13.7 Deputy C.F. Labey of Grouville:

I can understand the sentiments behind the Senator bringing this forward because, unlike Senator Perchard, I do not necessarily share his total confidence in: "No one is going to build here anyway, are they?" I would like to echo the thoughts of my Constable in that the Chef Tenants, who look after this land, do generally do a very, very good job and I would like to declare an interest at this point. However, I feel I must point out the Chef Tenants made, in my opinion, a very misguided decision a few years ago in that they allowed a planning application from the Jersey Pottery to go forward to build a restaurant on the headland and sand dunes here and this at the same time as putting a planning application in for 57 units of accommodation in Gorey Village. The land is not protected as much as Senator Perchard feels that it is but I am disappointed that the Senator has not consulted as widely as he might have. I would like to listen to his summing-up speech and also if he could tell us if any of the landowners have contacted him since he put his amendments in and I welcome his summing-up speech. Thank you.

The Bailiff:

Attorney General, are you seeking to ...?

The Attorney General:

Yes, Sir. I wonder if I may add to some of the remarks that I made earlier on following a question. Earlier I indicated that in my view the adoption of an Island Plan would have an effect on any of the applications currently being considered by the Minister. That may well still be the case but I recall a judgment of the court which may have a bearing on the advice that I wish to give the Assembly for the sake of completeness. I am afraid I have not been able to access the judgment from my computer here and I will accordingly need to return to Chambers in order to look at it. Consequently, I would like the Assembly to take my advice given earlier as provisional advice and subject to further consideration having seen that and it should not be taken as a definitive statement until I have had the opportunity to review the judgment of which I am aware.

1.13.8 Deputy J.A. Martin:

Maybe the Attorney General, when he is looking at the old advice, will be able to answer this part of the question, but if he is going to be representing the States in legal transactions later on he may want to reserve his judgment because that is where I feel Plémont is. We have tried every which way. We have even asked the States to buy with the taxpayers' money. We have asked to buy Plémont Village and it is very nice to see now that we have just carved out Plémont Village. I would like a categorical assurance from the Attorney General when he comes back and maybe looked at the old judgment because he said under this law and under the new law would have to be taken into consideration if there was already a planning application in, what about expectation and retrospective? I need to be totally assured that this will not cost the taxpayer one penny. The Attorney General may not be able to advise you on that and I am no lawyer but I am no idiot either. This person has expectations and they own the land. Also, to reiterate what the Constable of St. John has said; I do support probably the sentiment behind Senator Le Gresley's amendment but we have quite a big area already pencilled-in or are already in there that is a Coastal National Park. As it happened there has been no consultation with the Constables and the Constables might like to hear that I have total sympathy with them under this. Days when I tell them that I would like them to come and sort on other things I always remind them as well, but I do not get their sympathy but I am being the bigger person here. **[Laughter]** I do really think that I am not going to support any of this extra because I do not have the information. It looks very nice on pretty pictures. I do not

know what it is going to cost the States. Like the Constable of St. John and the Deputy of St. John, I do not know how it is going to affect their village plans and everything else in the future. Again, I think the Minister for Planning and Environment has been a very nice chap in accepting 3 parts of this but again, I cannot see too much, even in his own comments, about what affect ... and mine is mainly if we were asked, and I cannot remember the exact figure but it is in the millions, to buy the Plémont Headland, that is an expectation and we cannot just pass a law in here today and let go away. Be very, very careful what you vote for. I cannot support this. I am very sorry, Senator. Thank you.

1.13.9 Deputy J.G. Reed of St. Ouen:

First of all, I support the general concept of a Coastal National Park. Indeed in St. Ouen we already have St. Ouen's Bay which is afforded significant protection and I suppose that is where my questions arise. Senator Le Gresley mentioned about the national park as a living landscape requiring special consideration but equally I have seen in St. Ouen's Bay that it does not necessarily mean that no development is allowed. It is just that the form of the development is taken into consideration in the determining of an application. I also congratulate Senator Le Gresley and the Minister for recognising the need for the greater protection of our coastal areas. It is the one important matter that was raised by the public in a heritage survey not that long ago where they cited that our natural heritage was by far one of the most important things to them as they moved around our Island. I fully support and want to speak specifically on part (c) and acknowledge that yes, there is a building there and yes, there are current applications in process. But I would also like to pick up the point that Senator Le Gresley makes in his report where he mentions that it is essential that this important area of headland is protected in order to prevent any expansion of the proposed housing estate at some time in the future. My question that I would like Senator Le Gresley, or maybe even the Minister for Planning and Environment, if he chooses to speak, to answer is whether or not having just a designation of a national park, means that any extension to a particular development would be restricted?

[12:30]

Finally, I just raise the point about part (d) and the proposal to include quite a large swathe of land across the north coast. My question to Senator Le Gresley is why has he selected that area rather than the area that extends from Grève de Lecq right through to Grosnez to be protected? Thank you.

1.13.10 Deputy A.E. Jeune:

I would like to start by saying I was very grateful to receive the delivery that we all had on Saturday where the Planning Department has set out the comments of the independent inspectors as well as his own comments because I found them extremely valuable. When I first received the Senator's amendment in the post I read it and thought: "Why do we need this? Why do we need this extension?" Then I realised, and I think Deputy Martin particularly alluded to it, in that if we have the coast going round why must we include that particular holiday site? It is as if we are trying to take absolute control over something that does not belong to us and I have a problem with that. I also struggled when good people from the National Trust were kind enough to talk to me and explain what their feelings were but, at the end of the day, I do feel I am going to have to come back to the inspectors' recommendations. We have employed these people at great expense and to not seriously consider what they are saying I believe would be wrong. We must all struggle with the people we represent and try to be objective and I think that is as much as I need to say on that. Thank you.

1.13.11 Connétable J.L.S. Gallichan of Trinity:

I would like to try and bring a different aspect to this. I know this area very well; *Égypt*, White Rock, the North Coast. I believe there is enough habitat there for the birds to nest; it is just

unfortunately, because of the way of maybe farming was in the distant past which is not the same now, we use too many different sprays and insecticides which did kill off a lot of the birds but if you do walk, and I do go regularly down to *Égypt* along the North Coast along to the White Rock, there is enough vegetation for all the species of birds that wish to nest, if they were there. Obviously I could totally agree with the Senator; it would be lovely to have these birds back but in general we are still very, very fortunate with our natural birdlife here compared to a place like France when you do travel. The other thing I would like to bring up is we hear a lot about the National Trust and what they want to do to try and save our coastline and different things. Unfortunately, I get a bit upset because I know a lot of people who donated their land to the National Trust that was like cõtils, and they donated to the National Trust hopefully they would be kept as a cõtil. If you go down to the memorial at *Égypt*, Petit Port, all that land 35 or 40 years ago was worked as agricultural land. If you go down there today it is just full now of fern, gorse and it is overgrown. If you go along the whole top of *Égypt*, from Les Platons, there were fields there which were used by farmers for agriculture. Sadly today there is not one field left; it is overgrown with brambles. I get concerned; we would say: "Let us try and keep Jersey as it was". Jersey, as it was, was a patchwork of small fields being worked by farmers to get potatoes out as early as they could because they were along the coastline, very rarely they got frost; they did get a lot wind damage, I do know. *Égypt* used to be one of the earliest places for potatoes. If you go down that area now hardly any of that is cultivated, as we used to know it, in the small fields. They are not damaged, they are still there but unfortunately they are not used for agriculture anymore. I just think that what is there is protecting what we have and this is maybe going a little bit a step too far; I know that down at *Égypt* there is the Motor Cycle and Light Car Club have a little scrambling track which they bought the land for youngsters to go and learn to start on small motorbikes up to about the age of 13 or 14. Every time we come to a planning application I support it because I think it is essential that the youngsters today have somewhere to go. Everyone complains about the youngsters are all bad; they are not. These parents support their children and they go out there every Saturday morning, they do their scrambling and, as far as I am concerned, they do no harm and they are supervised by their parents. Personally, I think the Island is a beautiful place and I have grave concerns, not so much on the coast, but on the inland meadows of the Island. If you come to the Parish of Trinity, which is very rural, there were a lot of meadows years ago that had cattle grazing them. Sadly, with the bigger herds now, it is very hard to move vast amounts of heifers to graze these meadows. If you go along the inner land, which unfortunately Waterworks have bought a lot of those meadows, they are overgrown with brambles; you cannot see the streams any more. If you want to save the owls and all these sorts of things, it is ideal for them to get the voles out to sea; an owl will not go through a 3-foot height of brambles to get these things. As much as I sympathise with the Senator, and one of my parishioners is Mike Stentiford **[Laughter]** I have to take the view, I think we do look after our countryside. Agriculture has changed dramatically; I must say we have many farmers now, organic farmers; you have heard the outdoor tomato people cannot grow any more outdoor toms because you cannot get a spray anymore to use on that sort of thing. As much as I would like to support this amendment, I think at the moment we are doing a reasonably good job. Let us start with the first coastal part in St. Ouen, which is to be protected and I fully support that and I think we do protect our countryside pretty well. I do not think it has to be restricted everywhere. Maybe this is the first phase which the Minister for Planning and Environment has brought with the coastal park down at St. Ouen and maybe this should be reviewed in the future if it is desecrated but I personally think that is not and I shall not be supporting this.

1.13.12 Deputy M. Tadier:

We seem to have some strange arguments. I completely endorse I think most of the sentiment that I have just heard from the previous speaker and even I am a St. Brelade lad. I do know *Égypt* very well; I used to fish down there with my father. We used to slide down the bank on our bottoms, essentially because it was so steep, at a very young age. There was a spike in the rock I used to get

tied to while I was fishing in case I would fall in; very responsible parents. **[Laughter]** I do not know if people are saying I was tied in the wrong place or I should not have been tied at all. **[Laughter]** But thankfully I have managed to extricate myself from that now and I am a free man. The point I am making is that I think there was a comment earlier, and I can understand the sentiment from the Constable of St. John, that this is our Parish; we have had a consultation. While that is quite correct that bit of land there, it does not belong to St. John anymore or that belongs to anyone else. The whole of the Island goes up there to enjoy it. I was in Bonne Nuit sitting on a bench having my lunch the other day before heading back into town to work and it is something which is appreciated by the whole Island. The strange thing is that we all seem to be saying the same thing; we are saying let us protect the coastline, let us protect the agricultural fields and that is exactly why I am minded to support this because it seems to give an extra level of protection. It does not, by any means, undermine I think the authority or the jurisdiction of the Parishes involved but what it does say is that the coastal areas are of such vital importance, in particular the agricultural areas, which I think we all agree with, I am speaking really to part (d) here because I think the other 3 have been accepted and will hopefully go through without too much controversy, is that we recognise the integral importance of fields in the northern coast and that we do have to be mindful of any proliferation of buildings. We heard, I think, slightly alarmist comments from the Deputy of St. John saying that on the one hand the area encompasses the village but it encompasses it to the north. That is not encompassing it; I have looked at the maps, the area is the north of it. If there was to be an extension of the village in other areas there is plenty it seems, in my opinion, of St. John that could be built on and I think the bottom line is that what we have here is that there is a clear choice. If we want to protect this area of coastal land even more then we can vote for this amendment. If we are saying that we want less protection for this area then we do not vote for the amendment. The idea of that is simply because this area is in the Green Zone anyway and therefore it will not be built on; I think for 2 reasons it is not true. I have known from my personal experience in St. Brelade they are very sensitive areas. Indeed there was one recently in the zone of outstanding beauty which initially the Planning Applications Panel gave permission for 2 properties to be torn down and rebuilt. Thankfully, when the panel was reconstituted, that was then referred to the Minister to make the decision because it was recognised that this area is a very sensitive area. Simply because something lies in a Green Zone we know that there is not necessarily, in reality, a presumption against, even though there may be and I think that firming this as a Coastal Park is the correct thing to do. The comments were interesting about farming and of course it is not simply the fact that spraying chemicals kills birds; it is less direct than that often. It kills insects who then go on to pollinate, who cannot pollinate plants and then the birds will be eating the insects, *et cetera* and they either eat insects which have been polluted or they do not eat insects at all because there are not any insects around, so the biological infrastructure is very complicated. It would be interesting to see if this area were designated a National Coastal Area I would hope that there would be limits on what farmers can spray on their fields and maybe we could develop purely organic farming, I think, in these areas because it would have to be a natural consequence. Of course that may have an impact on farming and that would need to be balanced up I think but I am certainly supportive of this. I think we are making too much heavy weather of it. We have heard that the resistance from the Minister for Planning and Environment is not going to be strong, so to speak. I think we need to get behind the idea of a Coastal National Park. Of course the questions are quite valid; why was it that Senator Le Gresley did not extend, for example, the coastal park to St. Ouen and even to St. Catherine's Woods? These are valid questions I think but this we have what we have on the table today and I am minded to support it but of course, as the Senator has reminded us, the coast is of such importance to not only the 7,000 who attended the Line in the Sand event but to the many others who were not able to go to that event but who do enjoy the countryside on a day-to-day basis. Just to reiterate, this is not an issue between the country Parishes versus the rest of us. I do not think the Constables need to worry that somehow their autonomy is going to be given up. I would hope that, in any event, whatever decisions are made in those areas of Coastal National Park or otherwise that we would always take into account the views

of parishioners. Lastly, I think it is very commendable the fact that the Constable of St. John has carried out this consultation and I would like to see that happen across the Parishes more often on more subjects.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed.

Deputy J.A. Martin:

Sir, before we do adjourn, as the Attorney General has been away and come back, could we just hear from him before ... would it be ...?

The Bailiff:

Are you in a position, Mr. Attorney, or do you want more time over lunch?

The Attorney General:

I would be most grateful that I have the time over lunch to give a more definitive answer.

The Bailiff:

Very well. Before we adjourn 2 matters have been lodged or presented: first of all Projet 118, - Discrimination Law and delay on pension reform - a proposition lodged Deputy Southern; and secondly, comments by the Council of Ministers presented in relation to Valerie Band House: therapeutic workshop - Projet 80. Very well, the Assembly will adjourn until 2.15 p.m.

[12:45]

LUNCHEON ADJOURNMENT

[14:15]

[The Bailiff:

Yes, we continue with the amendment lodged by Senator Le Gresley, the 9th amendment, and I see next is Deputy Duhamel.

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

Is everybody sitting comfortably? I only really want to say a couple of things. I think it is instrumental at this stage to be reminded of the fact that the inspectors recommended the rejection of parts (b), (c) and (d). They did that because they are planning professionals and they look at the principles of the policies and they do not respond to pressure, whether it be public or anything else. Page 103 of the Island Plan document; it would be useful, if Members do not have it... I think I should read it out because we need to be reminded of the reasons for setting forward the Green Zone policy and the new Coastal Zone area and it says on page 103, under Landscape Management Strategy, 2.86: "The maintenance of landscape character requires more than simply protection from development by the designation of zones in the countryside. It needs active management for the conservation of exceptional landscapes, the management enhancement of countryside that remains largely intact and the restoration of landscape character where it has become degraded." It goes on to 2.87, it says: "The countryside character appraisal, a formal document that was undertaken by the department to assess the different characters of the countryside, referred to earlier in this section, sets out the management requirements and priorities for each landscape character type and area. The character areas have become the basis for the 2 zones designated for the protection of the

countryside and it is proposed to use these to guide the stewardship of the landscape. In summary, the 2 zones comprise: Coastal National Park, which includes cliffs, headlands, heaths and dunes, which require [and this is the significant part] a conservation-based approach needing sensitive management and the monitoring of resources ..." as opposed to: "The Green Zone, such as valleys, escarpments, the northern farmland and parts of the undeveloped coast and coastal plains, whose character largely remain intact as humanised landscapes and require careful management to retain their distinctiveness." It is quite clear that the basis for these 2 policies is that the coastal areas will warrant a special measure of landscape management, based on conservation zones, which is not appropriate for the farm areas that are inland. On that basis I think the inspectors, as I mentioned earlier, were abundantly right in rejecting (b), (c) and (d). Deputy Tadier mentioned why, if indeed, this is a departure from the policies to incorporate the designation of coastal park areas under a new heading, which would incorporate farmland and if we were going to do that why indeed had we stopped where we had stopped because if we look at the map of the north coast there are large areas which would warrant the same treatment - as Senator Le Gresley is putting forward - up from Rozel, St. Catherine's Woods, Ville Brée and a whole host of other areas but that is not what this policy is seeking to do. It is seeking to set up a new named designation for the double green areas that were present in the last plan, a Coastal National Park and indeed to bring forward a landscape management strategy to preserve that area in that particular state and to do similar things in a different way in the Green Zone. On that basis I do not think that anybody who would wish to follow the careful reasoning of the planning inspectors, I cannot really see any reason why they would wish to depart from what was suggested that we do reject (b), (c) and (d). Indeed, unless I hear anything to change my mind, and I do not think there will be much, then I shall be doing just that.

1.13.14 The Connétable of St. Mary:

I am going to address my comments particularly to the Mourier Valley area, which obviously is partly at least contained within the Parish of St. Mary. I would draw Members attention to the fact that the site boundary shown in Appendix 1 does stretch from the area that is already designated to be in the proposed Coastal Park, really almost right up to where St. Mary joins St. John; it is literally the whole width of that end of the Parish. I would just like to say that that is really largely a beautiful country area; there is no doubt about that. It is pleasant for the people who live there. It is pleasant for the people who walk there and enjoy it but should it really be included in the Coastal Park? I acknowledge that in the Draft Island Plan we are told that enclosed valleys will be included but this is not near the coast, it is not viewed from the coast, it does not have a view of the coast. It is a particularly beautiful area but I would like to know from Senator Le Gresley what it is that he is concerned about that will not be protected by the policy that deals with the Green Zone which this land is already in. Why is he so concerned that this needs that extra level? I have spoken to a number of residents of the area and they are generally supportive of the fact that there should not be development, that this really should be tightly controlled. But they have told me of their experiences to date when they have wanted extensions in the past or whatever and how difficult it was, and rightly so, and how they were constrained by what they could and could not do. I would like to know what difference this will make in practical terms to that. I know from experience the Planning Applications Panel has always been very careful, especially in the couple of years that I have been on it, about domestic curtilage into other areas. I cannot see how this, the plan as already drafted, would not give protection to those areas. As I say, it is not a coastal area; it is a beautiful wooded valley area and perhaps we should be keeping the Coastal Park special to the coast, that is really my important thing. As I say, I am sympathetic to the need to maintain the natural beauty of the area and the environment that is there but I am just concerned that if there is a reason that Senator Le Gresley can give me why the right level of protection is not afforded by the Green Zone status... that in fact there were lots of other areas in the Island that we should be more concerned about than we are because they will be equally beautiful and equally vulnerable as this particular

area of land. I think we need to be sure that we are giving a consistent approach, especially, as I have said, when this is not coastal land. Thank you.

1.13.15 Deputy R.G. Le Hérissier:

I would like to, partly because I will allude to it, declare an interest as a member of the Council of the National Trust and this was referred to by the Constable of Trinity. There is a view that the Trust engages quite heavily in planning and all it does is send a series of negative comments to the Planning Department. This of course is totally far from the truth; it departs from the truth. What they do do is they do identify the applications which are seen as most contentious and they comment on these, but the notion that they are seen as operating in a totally negative way when it comes to planning is a bit of illogical fallacy and I am sure that will be taken on board by the Constable and his merry men and woman on the panel. What I would like to say in terms of the coastal areas, again, I am against - although I cannot speak for them, bodies like the Trust might be - I am against freezing these places in aspic. I think what the proposer will find, and I think he alluded to it, is when these kinds of zones are proposed there is put in place a proactive management scheme and it is not a question of just saying: "We live in the country. We live in our nice mansions in the country and we are intent, come H or high water, in preserving this environment in aspic". That is not the way it is handled. They are handled in a proactive way. They enable a coherent approach to be taken to planning/environmental issues and they force people to think in ways that perhaps, if there was conventional planning restrictions or frameworks applied, they would not think. The Constable mentioned of course the giving up of cõtils; some of these bodies do encourage farming activities on land that they own. Yes, a lot of it is not what you might call the large-scale farming activities and they deliberately arrange their rental policies, so where there are houses surrounded by land, often land that only enables them to rent to smallholders, so it is part of the agreement that that person will actively engage in smallholding-type activity. In other words, there is a real attempt to interact with the environment and to do positive things and not just to ensure that a situation frozen in aspic is carried forward. The other thing I would say, I will allude to it later, there is this constant theme that urban is bad and rural is good and so forth. I am not sure that it is as clear as that. I lived several years in Hong Kong and we had a massive country park system there; I like living in urban areas, I like the buzz of those systems, I like the interaction, I like the dynamism and it was never the case. Admittedly it was backed by a massively good country park system where people could get away. The other point I would make I am a great admirer, and I have expressed it in what St. John has done and let us hope it is emulated elsewhere, but there was a certain contradiction in the way the Deputy was speaking because I remember, in a sense of déjà vu, when he talked of quarries he gave the same speech about granite products about 10 years ago, as I recall, when there was an attempt to close down that quarry within a fairly limited timeframe. It strikes me it is not that a country park is saying there shall be no economic activity but that it should be managed in a sensitive way, and I got the impression that the view he was putting forth - which it strikes me, does not coincide with the view put forward by the St. John's working group, which is much more heavily into conservation and so on - was a straight economic view that the quarry shall not close. I do remember this line being used in the granite products debate of many years ago that the quarry shall not close because it is a very vital source of local employment. Of course it is a vital source of local employment but that is by no means the overriding criteria and should not be the overriding criteria. I cannot see that as the view of the St. John parishioners as put forward in their paper. The other thing I would mention... the Constable of St. John - again I do congratulate him and the Deputy and all the merry people on the working party - has mentioned the 26 per cent return rate and we were discussing this over lunch.

[14:30]

That is quite low, I would have thought, given the nature of a parochial community, given the closeness of a local community and given the incredible emotions which the Constable of St.

Saviour has experienced first-hand about the dangers of development in rural or semi-rural Parishes; I was quite surprised at that as well. Just to summarise, I do not think a countryside park should be seen as something frozen in aspic and I am worried about the possible lack of consultation, but I am sure the proposer will talk about that.

The Connétable of St. John:

Sir, I wonder if I might just clarify something for the Deputy. The lady that did the consultation for us in the Parish was a professional. We employed her to do it independently of our group and it was her opinion that the return rate was an excellent one compared to other consultations that she had done.

1.13.16 Senator S.C. Ferguson:

I am glad to follow Deputy Le Hérissier. While he is a national treasure [Laughter] has he ever lived in a national park? I do know a bit about this because my sister lived in a national park a couple of houses ago. [Laughter] Well, it was nearly as bad as being frozen in aspic, the restrictions on what they could and could not do, even down to the colour of the property, were really quite draconian. Mind you, she moved to the edge of a Heritage area and fell foul of the authorities because she planted a dozen apple trees and then was required to apply for planning permission to remove these trees. So there is an extra source of income for the Minister. But the moral to the story is putting all these areas into the coastal park we are imposing tight restrictions on any householder in the Coastal National Park, especially with amendment (d), and we do need to think very closely before we do this. I am waiting for the summing-up.

1.13.17 The Deputy of St. Mary:

I think I shall go to section (d) straight away. I think the proposer's opening comment about Pembrokeshire did put this into context when he spoke about a third of the county being national park including, he said, fields, valleys and a living working landscape. Notwithstanding what the previous speaker has just said, obviously we have to be less picky than that but the point is that is it right just to designate a tiny coastal strip? Because if you look at the map as proposed by the Minister, that is what it is: it is quite literally the cliff path, the bridle path and that is about it along the north coast. But along the west coast you have the entire flat area and the escarpment, which is paradoxical, really. In a way what section (d) is saying is the back drop, the hinterland, the view down to the cliffs, the landscape that comes before the cliffs, is equally or certainly important in the way that it needs protection to make the cliffs work. If you just protect a very narrow strip you are saying something about the value of the other landscape. Various people have talked about the purposes in relation to the Gorey Common and so on, I would say that the purposes of a park do show what this is about, and it is written in the comments of the Minister, as helpfully circulated, his "grand comments" booklet on page 10: "The purposes of a national park are set out in the Island Plan 2.57. The conservation and enhancement of the natural beauty, wildlife and cultural heritage of the national park" and that would include, for instance, what the Constable of Trinity said about overgrown meadows and the fact that no owl can possibly make its way through the brambles, *et cetera*. That is a restoration job which would be done, carried out under a management process which will be part of a national park, as Deputy Le Hérissier pointed out. So there is the: "Conservation and enhancement": we do not just leave it as it is, we try to make things gradually better under a coherent process. The second primary purpose of a national park is to: "Promote opportunities for the understanding and enjoyment of the special qualities of the park by the public." That does not mean signboards everywhere, and along the cliff path there are already little panels - put up by I forget who - which explain, for instance, the Île Agois, which explain the context of Grève de Lecq and so on. So it does not have to be obtrusive, but it is helpful. I personally last week pointed people back to the signpost that they had missed, because it had disappeared, on to the cliff path, they were walking along the road and they would rather be walking on the cliff path, and that sign was just not there. That is the kind of little tweaking about

how we can enhance things for everybody. I would stress just how valuable that landscape is, and I declare an interest because I live in the middle of it, I live in the middle of what would be the Coastal National Park if Senator Le Gresley's amendment goes through, and I have qualifications on this amendment, but we will come to that in a minute. But the view down from the lane that runs along the northern edge of St. Mary, all that countryside going from there to the sea is very valuable and precious and, as someone said, you could not imagine anyone building on it, but the point is what we are talking about is giving all that land the highest protection: the small fields, the patchwork, the sunken lanes, the little lanes that go down to the cliff path and so on; the whole identity thing. I can look out of my window when I am making my morning cup of tea and I can see people using that lane all the time, either on horseback or cycling or walking and some people choose to walk along the lane and not on the cliff path, for obvious reasons; they might not be able to manage the cliff path, they might prefer an easier walk and so on. So the 2 things are linked and they are complementary and it is not just one or the other. So I would hold out that the value is quite special and the proposer's summary of why his section (d) should be adopted on his page 9 of his amendment is really quite striking. I pick out certain things, one is: "The network of roads in the Parishes of St. Mary and St. John to afford pedestrians safe passage to reach the cliff paths could be expanded, could be better signed, the whole area could become pedestrian and cycle-friendly." It is a kind of reflection of what the Constable of St. Helier is trying to achieve with his country park only, if you like, for the whole Island, and it stresses the special value; tourists will be aware that this was a specially well looked-after bit of countryside, specially promoted because it is exceptionally valuable. Then the proposer points out there are car parks strategically dotted along that north coast, there is one above Haute Croix, there is one at Grève de Lecq and those car parks could again be used - and Connex already does use them as promotion stops, places where you can focus people to get them there - and then to explore the north. Then he makes the point which I have already made about St. Ouen's Bay and why is that not replicated to the north. My only problem with section (d) when I looked at the map was the sheer extent of it. I did blink at how far south Senator Le Gresley had gone, in fact, I think he used the main road almost as the kind of default line, just ran the green pen along that main road, and I had in my mind imagined that he would have run it along the lane along the north side of St. Mary - and you would have to do some funny stuff with field boundaries through St. John and Trinity and so on - up to the skyline, up to the effective top line when you are looking from the sea inwards, really quite a deep way inland. From my house, I am on the boundary of those 2 areas: looking north it is bare, desolate, exactly as he describes: no trees - windswept sort of trees trying to be trees - and this patchwork of little fields. If you look south, it is completely different, there are trees in the banks, it is a lush landscape, it is normal Jersey interior landscape which is, again, very beautiful but it is different. I would just wonder whether this whole business of section (d) cannot be covered under what the Minister interestingly puts into his big document at the bottom of page ... sorry, I am going to have to find this one. But he does talk about reviewing policies. I am sorry, I just have to find this. At the bottom of page 9 in the big document he says, and I will quote it: "In the event that Senator Le Gresley's amendment is accepted" this is amendment (d): "the Minister will explore this further proposal and undertake consultation on the matter with a view to bringing it back to the States as a potential revision of the Island Plan." That is why I asked the question at the very beginning of this debate to the Attorney General about whether the Plan could be amended and he said: "Yes, it could, it could be amended by the Minister." It seems to me that section (d) is a good proposal in essence, but it needs adjusting. When I look at the map on the amendments, page 13 of the proposal, certain areas on the north coast which are shaded green by Senator Le Gresley cry out for extra protection: the headland at *Égypt*, there are various other headlands here, the headland at Crabbé, should be protected specially, they should be part of the Coastal National Park, I have no doubt about that at all, and yet some of the areas he is including there, for my money, they do go too far. I am hoping that somehow the Senator and the other Senator, the good Minister for Planning, can get together and cobble something up which allows us to perhaps vote for this as an in-principle approval of extending the coastal strip, which is all it is now, it is a coastal mini strip,

southwards to protect the backdrop to it but to allow that to be developed further in consultation with the St. John-ais and the St. Mary-ites and so on, and other interested stakeholders, because it does seem to me to be a wee bit over-the-top. On (a), (b) and (c) I do hope this amendment simply goes through without too much trouble. Mourier Valley, I know it very well and it is extravagantly beautiful and, despite all the development, it still retains a very special feel about it and in spite of what Senator Ferguson said you can manage a national park in a discreet-living way. Gorey, I think the Deputy of Grouville pointed out that that has already been threatened with development and it is the open patch to the south of Gorey Castle and I really cannot see - in fact, the Minister has accepted paragraph (b) and I hope that it stays in. Paragraph (c), Deputy Jeune said it does not belong to us; well, that would negate all planning at all times because none of it belongs to us, or very little, but we try to manage the Island in the best possible way so that everyone can enjoy it, as I said in my very opening comments way back in Deputy De Sousa's amendment. I hope that this all goes through with the qualifications I mentioned on section (d).

1.13.18 Senator F.E. Cohen:

I say this within the context of 3 potential conflicts that I have already identified and disclosed, the first being that I am a representative tenant, but I have made a particular point of not attending a meeting since I was appointed as Minister for Planning and Environment. Secondly, that I am a member of the Royal Jersey Golf Club, but I have never played there - and no one would want to play with me anyway and I have not got any golf clubs - and, thirdly, that I have a small amount of land that would be included in the national park area if Senator Le Gresley's proposition part 4 was approved, and whether that would have an effect on value I am not entirely sure, so what I say is within that context. But I do have a duty as Minister to raise relevant issues. Perhaps this is all my fault as I came up with the idea of the national park in the first place, but it did seem at the time a jolly good idea. I would like to take issue with the comments made about Portelet, this has absolutely nothing to do with Portelet whatsoever. Portelet, which is a consent of which I am proud and remain proud, was a very special case: there was a very ugly old holiday camp there, there was an existing consent in place when I was appointed as Minister, it was ready to start, I thought that it was a poor scheme and could be significantly improved upon and I ended up encouraging and approving a scheme by an internationally-recognised architect, and it is still 15 per cent smaller than the old building at Portelet. So quite what all the hullabaloo is about is somewhat beyond me.

[14:45]

The first 3 elements of this proposition are easy to support and see merit in as they are relatively small and isolated cases and special circumstances exist in each case. The same will apply to the Deputy of St. Mary's forthcoming amendment in relation to Wolf's Caves. But I would point out in relation to the substantive element of this amendment, which is part 4, that this is mostly farmland and farmland is clearly very important but it is something that changes and it is not something that is quite as special as the intended land that was to be put in the Coastal National Park, there is a difference and it is for Members to decide whether they wish to maintain that distinction and whether they believe that including a large area of farmland would in some way degrade the principal and special nature of the national park and the special attention that will be applied to it. Members may consider that the policies of the Green Zone will be quite sufficient to preserve farmland and to preserve the countryside largely as we see it today. But that is a decision for Members and I am unable to give any direction in that regard because of the conflicts I have outlined. I would say that I strongly support the work of the St. John Village Plan Group and again compliment the efforts of the Connétable and the Deputy and the group, it is a first-class plan; to suggest that there are problems with the consultation response level I think is spurious, to say the least, they had an exceptionally good response from residents of the Parish and I have no doubt that their detailed knowledge of the workings of the Parish would have delivered the plan in the right direction, even without the consultation. But the benefit of that consultation hugely reinforces the work of the group and it is a very commendable plan indeed. I would make the point that

development in the national park and the Green Zone will be very carefully controlled, as Members will have seen through reading the plan. So I am not able to give any direction, all I can say is I have outlined the points that I consider Members should consider when they make up their minds, and I obviously will leave it to each Member to make up their own minds.

Deputy J.A.N. Le Fondré:

Sir, can I seek a point of clarification from the Minister, please, or a couple of points? One is purely lack of knowledge, and I have not been able to get hold of the Island proposals map. The Deputy of St. John referred to the La Saline Quarry, I think it was, and another one in the vicinity. Is that already in the proposed national coastal park, as it were, prior to Senator Le Gresley's proposition, because my interpretation is it is, but I just wanted to clarify, especially as the Senator is a resident of the Parish, I think. Secondly, from his perspective, in relation particularly to the likes of Ronez Quarry, and also the Go-Kart Club, is there any political impediment from his interpretation of the policies of the national coastal park, or the policies surrounding that, to their (a) continuing to operate in their present capacity and/or any plans to expand?

Senator F.E. Cohen:

Unfortunately, I have recently discovered that I am nearly 50 per cent deaf and unfortunately I could not hear very much of what the Deputy was saying but I think I got the general outline. Ronez is not in the proposals that I laid before the Assembly but it would be included in the Senator Le Gresley amendment.

Deputy J.A.N. Le Fondré:

Sorry, it was the smaller quarries that the Deputy of St. John referred to, which was La Saline Quarry and I think there is one right next door to it, that was question 1.

Senator F.E. Cohen:

My colleague, the Minister for Home Affairs, has the map in front of him and from what we can see, they are included.

Deputy J.A.N. Le Fondré:

Already included?

Senator F.E. Cohen:

Correct.

Deputy J.A.N. Le Fondré:

Thank you. The other question then is in relation to Ronez Quarry and the Go-Kart Club and the loop road by Ronez Quarry, is there any impediment to their present operations from the national park policies and would there be any impediment to their expanding their operations, that is from a political and ministerial interpretation of the policy?

Senator F.E. Cohen:

The go-karters have a consent, this would not affect the current consent - I only issued it in recent weeks - but yes, it could have an impact on plans to expand.

Deputy J.A.N. Le Fondré:

And Ronez Quarry?

Senator F.E. Cohen:

Ronez Quarry could possibly, if the Senator Le Gresley amendment was accepted, yes, it could have an effect but do remember that the quarries are dealt with in a separate part of the Island Plan anyway.

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

Sir, could I ask a question, please, of Her Majesty's Attorney General following the speech of the Minister, for clarification please, Sir? It is not a speech. I would like to ask Her Majesty's Attorney General, the Minister has just said that he has a piece of property in part (d) and he does not know whether or not that land is going to be devalued by the approval of this proposal. I am just wondering whether or not there was a need to undertake an evaluation of approving something that would devalue property in terms of the other parts of the proposals and the other owners' property.

The Attorney General:

I am not sure that that is strictly a legal question. If it relates to the potential conflict of interest the Minister has articulated, I think he has articulated it and that is the end of the matter. I am afraid I did not understand the question if that was not it.

Deputy P.V.F. Le Claire:

I am wondering whether or not we are at risk of agreeing something that is going to devalue other peoples' property without having taken into account necessarily their views.

The Attorney General:

The question of whether or not there needs to be a consultation, that is not something that is mandated under the Island Plan process. The fact that a movement from one particular categorisation of land into another by the adoption of an Island Plan may reduce the value of the land held by an individual would not give rise to compensation, if that is of assistance in guiding.

1.13.19 The Connétable of St. Helier:

I really wanted to observe that if the Senator had approached this slightly more tentatively, he might have fared better. When I put the proposal for the St. Helier Country Park, I worded it slightly differently - although I got the same response from the inspector, I have to say - but I said: "Consult upon and develop the proposal" and I think that that is important when you are dealing with other people's land and this is why I have some sympathy, particularly with St. John who have been undertaking the consultation process, a Parish-wide consultation, and indeed the Island Plan proposal itself which has been consulted upon extensively and has gone through numerous iterations. It does seem to me, therefore, that if one is going to come at a very late stage with this kind of proposal that one has to expect a certain amount of criticism. Having said that, I think it is generous of the Minister to have accepted the first few extensions of the Coastal National Park that the Senator has proposed - and I will certainly support those - but I think before I am willing to effectively rubbish the findings of a parochial consultation process, then I think that is something that we could come back to at a later date. The Senator could talk to St. John and the other Parishes affected and bring an amendment to expand the Coastal National Park at some point in the future, and I think that is perhaps a better way of doing that. [Approbation]

Deputy P.V.F. Le Claire:

Thank you, Sir. I was not showing my light, unless it my folder doing it.

The Bailiff:

I thought you showed your light earlier.

Deputy P.V.F. Le Claire:

It was just a point of clarification. I was going to speak in a minute, if I may, Sir?

The Bailiff:

So you do not want to speak now?

Deputy P.V.F. Le Claire:

Not at this time, Sir.

The Bailiff:

Right. Senator Le Marquand?

1.13.20 Senator B.I. Le Marquand:

For the benefit of any Members who may not have brought the full map with them today, I think unfortunately there is a serious problem in relation ... I shall hold the map lower so I can be heard. Yes, the others do have some. There is a serious problem in relation to Ronez Quarry, which is clear from the map. At the moment, Ronez Quarry has a big, red triangle on it which means that it is: "In a mineral/sand extraction site, policy M1." Now, if this part of the proposition would go through and it goes into the Coastal National Park, I see no red triangle on it and it will thereby, in my view, cease to be a sand/extraction area. Now, that clearly cannot be that which was intended by Senator Le Gresley but, on my reading of the different maps, I think that will undoubtedly be the effect of it and that clearly cannot be right in my view.

1.13.21 The Connétable of St. Brelade:

I sympathise with the philosophy of the Senator with regard to what he is proposing but I have concerns over the consequences and maybe he will enlighten me in his summing up. The consequences, as I see it are down to cost and while I could be accused of knowing the cost of everything and the value of nothing, I think there will inevitably be a cost to maintaining coastal park areas and in terms of signs, as has been alluded to by the Deputy of St. Mary, and certainly in terms of maintenance such as rangers and so on having to be employed by the Minister for Environment. There is another small point which concerns me on the Le Mourier Valley proposals in that I notice it is delineated by a red line. I do recall many years ago attending a review board panel on a planning application and the whole argument was over the thickness of the line which delineated the plan, and I find this red line very thick and I would rather see something more accurate, because I think it could give rise to great dispute over areas which might or might not be within the designated area. So could I ask the Senator to respond to those queries in his response?

1.13.22 Deputy A.T. Dupre:

I think the Connétable of St. Brelade touched on what I wanted to ask and that is about how are we going to afford to run these wonderful parks and who is going to pay for them?

The Bailiff:

Attorney General, I see your light?

The Attorney General:

Sir, yes. I was asked prior to the luncheon adjournment, Sir, to come back after having given further consideration and I now feel I am in a position to do so. My advice is largely as I articulated before the adjournment but I think I should go into a little bit more detail to explain matters rather better to the Assembly. The position is if the Minister for Planning and Environment has not yet made a decision on an application then, when he makes his decision, it is the planning regime that exists at the time of the decision that he has to take into account. There is no clear Jersey authority that points to that but English cases certainly say it is the current planning regime and current planning policies that have to be taken into account. The position is made moderately clear, I think, under the Planning and Building Law 2002, Article 19 in particular is the relevant Article. Under Article 19(1): "In making a decision on an application, the Minister takes into account all material considerations." Under 19(2) it says: "In general, the Minister shall grant permission if the proposed development accords with the Island Plan." Under Article 19(3) it says: "He may grant permission if it is inconsistent with the Island Plan but shall not do so unless he is

satisfied that there is a sufficient justification for doing so.” Now, the definition of the Island Plan within the law means the Island Plan approved for the time being by the States. So it seems to me that, unlike under the 1964 regime, under the 2002 law the Minister has a statutory obligation to take into account the current Island Plan in determining any application. I think, however, the position with regard to any specific application is not automatically resolved as a result of those considerations, a number of factors may be taken into account by the Minister in determining whether or not there is justification for departing from the Island Plan in connection with any particular case and what might amount to a material consideration. Among that may include the planning history of the matter and the way that the planning applications have been made and progressed over a protracted period. It would be wrong - and I am sure the Assembly would accept wholly unwise of me - to touch upon any specific cases but that is the general position so it cannot be said that, merely because the Island Plan prohibits something, that does not mean the Minister should not consider that he should give consent in appropriate circumstances. The other question that I was asked related to the potential claims for compensation for people who might have been thwarted by a change of the position under the Island Plan.

[15:00]

Obviously, again, I do not comment on any specific case, I do not have the information before me to do so and it would be unwise even if I did, but the general principles, it seems to me, are these: Deputy Martin mentioned the concept of legitimate expectation. The courts in Jersey have said that the concept of legitimate expectation has very little application in planning matters. The remedy for anyone who is disappointed by a refusal by the Minister is to appeal against the Minister’s decision and, if the Minister was wrong, the court will uphold that appeal and possibly order costs, if he was right then the appeal will not be successful. Under Article 19(7) - the same Article 19 that I have just mentioned - the Minister’s action in determining an application cannot give rise to any claim in compensation. So if the Minister refuses an application the individual has the right to appeal and the court may overturn that refusal, but not the right for a claim in compensation as a result of that refusal. I obviously cannot be definitive about any case in particular, but I cannot immediately see the basis that a claim can be made out in compensation as a result of the refusal, if the Minister’s action in refusing is a reasonable one, taking all material considerations into account. The court sometimes, when someone is disappointed by the decision of the Minister on a planning matter, but where the court has taken the view that perhaps the individual has been wrongly encouraged, or unfortunately encouraged in the application, has sometimes asked the Minister to consider making *ex gratia* payments to deal with the costs that have been wasted. The fact that they are termed as *ex gratia* payments, I think lends support to the fact that the Minister cannot be required to pay any form of compensation. As I said, I cannot be definitive but those are the views that I have.

1.13.23 Senator B.E. Shenton:

I must admit I am a little bit confused by this whole saga. I have fought many battles on behalf of residents to oppose development in the Green Zone and the Green Zone, as the inspectors say, gives the highest level of protection that is required. I am not sure what this achieves, apart from perhaps from devaluing the Green Zone itself, because it brings in a new higher level of protection. So, are we saying that a field on the outskirts of St. Helier or St. Saviour is less valuable than a field in St. Mary or St. Martin? I think what we really need to do is make the Green Zone work as the Green Zone and make sure that the Green Zone does give the highest level of protection. I do not think this does anything but confuse and perhaps devalue the Green Zone to the detriment of all areas that are not within the coastal areas.

1.13.24 Deputy J.A.N. Le Fondré:

Just briefly, one is an observation in respect of Senator Le Marquand in his comment, is that if he refers back to the amendment by Senator Le Gresley on page 10, he will note that up in the top

right-hand corner, I think it is the same quarry, the red triangle is there and so I think yes, on the page he is looking at it is not, but 2 pages before on a separate amendment it is. So, it is a good question I suppose, down to a conclusion which one is which. I think we are in danger of saying are we trying to debate the whole national park policy? The issue about whether a field is worth more or less depending which side of the shading it goes is an interesting one and one I have lived through on a number of years, where I have found that the border finished 200 yards up the road and I was on the wrong side of that border. But at the end of the day, the view I have always taken on the national park side is that it is replacing an extension of the old zone of outstanding character and that there is recognition that there are areas that are deemed to be of a higher level of protection, and I have got no problem with that. It is a pain if you are trying to do things in that area but as a fundamental principle I think it should be encouraged. On that basis, all I am going to say is I will be supporting (a), (b) and (c). I think particularly on the basis of what we have also heard, specifically in relation to Ronez Quarry and the impact there I am going to have to not support (d), although I would be very mindful if something came back in the future. Thank you.

Senator B.I. Le Marquand:

I did not want to interrupt my colleague but I think I may be able to clarify what I was saying. The relevant map to part (d) is on page 13 and that is the one that does not have the red triangle on it. The one that Deputy Le Fondré has just referred to on page 10 does have, simply because that is to do with Mourier Valley, and it is assuming that the 2 things are separate and that is why it is still there on 10, but the really important one in my opinion is 13.

Deputy J.A.N. Le Fondré:

Okay, I take the point.

Deputy J.A. Martin:

I want to be quite careful how I word this question to the Attorney General and I thank him for his advice and I understand why he is very guarded. My question is if a current planning application has under the planning law today been found to meet all the planning requirements, but the Minister has refused the application, because, when this plan is maybe passed at the end of this week or next week, we completely change the rules, where does the planning application stand that is already in? Under this law if the Minister for Planning and Environment has maybe said: "I do not like that one and I am not going to pass it." He has refused it but in law the legal representatives of the owners, of the applicant will be taking the States to court to say: "On what grounds under the law?" The planning law is not just "if I like this or I do not like it" and that is my problem. We are passing a certain planning ...

The Bailiff:

I think, Deputy you are in danger of giving a speech.

Deputy J.A. Martin:

I think I have asked - sorry, Sir - the Attorney General where we stand on that.

The Bailiff:

Well, whether he will give that advice I do not know.

The Attorney General:

I can perhaps make some general observations. If someone has put in an application and they are dissatisfied after a reasonable period with the fact that the Minister has not determined the application, they are entitled to make an application to the court for an order that the Minister determines the application at a specific time. If they have elected not to do so, particularly in an environment where it is well-known that the Island Plan is going to be debated, then it may be that

it will be difficult for them to make any complaint about that. I only speak in the most general of terms however and not in relation to a specific matter.

Senator B.E. Shenton:

So can I ask, if an applicant has put in an application in 2009 and the Minister still has not determined that application, how does that stand because it would be perceived that the Minister was holding off until the new plan came in?

The Attorney General:

I do not feel able to advise on any specific dates because it entirely depends upon all of the circumstances in related connection with any particular application.

The Bailiff:

Right, does any other Member wish to speak? Very well, I call upon Senator Le Gresley to reply.

1.13.25 Senator F. du H. Le Gresley:

I feel a bit like a boxer who has had a bit of a bruising, but never mind. It had to be expected, I guess. I think more people have spoken against than for, which is not the most encouraging position to be standing up and speaking, but the majority to be fair, have mostly spoken against part (d), which I anticipated would always be the most difficult part of my amendment. I will go through a lot of what has been said by Members because quite a few of them asked me questions and wanted me to respond. I think you all have to appreciate that I am just a lowly Member of this House and I am certainly not the Minister for Planning and Environment, nor do I have a team of experts to support me so I hope you all appreciate that when I try and respond to some of these questions. We started out with the Constable of St. John saying: "Where is the evidence that his parishioners want to end up in a Coastal National Park?" My response to that is: "Where is the evidence that they do not?" As far as I am aware the consultation that took place with your parishioners did not have any question about the Coastal National Park, not one.

The Bailiff:

Through the Chair please, Senator.

Senator F. du H. Le Gresley:

Sorry, Sir, I am just looking at him which is convenient because he is looking at me. **[Laughter]** So what I am saying is, like the Minister, I do praise the Parish for the consultation, but there was no consultation in this document about areas of their ...

The Connétable of St. John:

Sir, I wonder if the Senator would give way?

Senator F. du H. Le Gresley:

Yes, I will do.

The Connétable of St. John:

As I stated in my speech, there was a large section in our questionnaire for people to come up with their own comments. We put together a relevant set of questions with the help from the lady that did the consultation for us, but left it open for people to put their own comment in and, as I said in my speech, not one came forward in the questionnaire and not a mention of the national park came forward in the public meeting that we had answering.

Senator F. du H. Le Gresley:

That proves my point that everybody in St. John is happy to be within the Coastal National Park. Thank you for that. The next speaker was the Constable of Grouville. He said that he is one of the

tenants of the Commune de Gouray and they had not been consulted. Now, again I take issue with this because I specifically asked the Constable, knowing that he was a member of the Tenants if this had been discussed with the tenants - this was a few weeks ago in this Chamber, well certainly in the outer rooms - and he said to me that they had had a meeting, there was not too much of a problem as far as the tenants were concerned, although they felt that the management of the golf course was particularly careful and probably did not need the higher level of protection. He certainly did not tell me that the Tenants were not in favour of this piece of land going into the Coastal National Park, so I do take ...

The Connétable of Grouville:

Sir, can I ... would the Senator give way for one moment, I will not take a second? I did say to him at the same time that the last thing we need is another level of bureaucracy on top of what is an extremely well-run outfit at the Tenants of Grouville.

Senator F. du H. Le Gresley:

Yes, it is a question of whether there really is more bureaucracy that will remain to be seen. The next speaker was Senator Perchard. He had concerns about Plémont Holiday Village and the current planning application and I hope Members feel that the Attorney General has dealt with that point adequately. He asked me how many vergées of land is involved with my section (d), and thanks to the Minister for Planning and Environment, because I would not have been able to find this information out, it is about 5,400 vergées, which is 3.7 square miles. Now the Deputy for St. John likewise took me to task for lack of consultation. He said that his group, which have been working for 18 months; well, I need to just remind the Deputy I have only been in this House for 12 months, so I could not have consulted with him 18 months ago, it would have been rather difficult. He would not have wanted to entertain me.

The Deputy of St. John:

Will you give way, please? Will the speaker give way please, Sir?

Senator F. du H. Le Gresley:

Yes, of course.

The Bailiff:

This is going to be a long reply. [Laughter]

The Deputy of St. John:

Yes, given that we were meeting weekly and monthly for those 18 months, at any time in the 12 months that you were in office, Senator, you could have contacted us. Thank you.

The Bailiff:

Through the Chair, please.

The Deputy of St. John:

Through the Chair, Sir.

Senator F. du H. Le Gresley:

The amendments to the Island Plan were not invited until, I think, the second week of April and I cannot say that when I got elected to the States that I was thinking of bringing in this proposition back in June of 2010, so really this has come about quite late in the day. Also, the Deputy is aware that I did ask him if I could attend their last meeting and he said it would probably not be appropriate because they were dealing with the winding up of their document, which we have had presented.

The Deputy of St. John:

Sir, if the Minister ...

Senator F. du H. Le Gresley:

No, I will not give way on this one, thank you.

The Deputy of St. John:

This is quite important, this is, Sir.

Senator F. du H. Le Gresley:

No, I am not giving way. No.

The Bailiff:

He is not giving way.

The Deputy of St. John:

He is misleading the House, Sir, on what I said, so will he give way, please?

Senator F. du H. Le Gresley:

Okay.

The Deputy of St. John:

Yes, in fact what I did say that the Parish were calling a meeting. It had been advertised in the *Gazette*, therefore he could not address that meeting because this had not been tested with all the other evidence that we were giving the parishioners, having come before our working party. Therefore he supplied a map, which was at hand if anybody asked a question on it, which they did not, but given that it had been advertised we could not deviate from what was on the *Gazette* as it was a Parish meeting. That is what I told him.

[15:15]

Senator F. du H. Le Gresley:

Thank you. May I also comment on this document from the parishioners of St. John? There are a number of people in the working party and very kindly at the back of their report they have declared their interests and I am not going to name the people because that would be very unfair, but I have just picked out a couple of things that were relevant to my amendment. One person says: "I believe in maintaining and protecting the rural character of the community and Parish." Another member says: "My other declared interest is a firm view that we need to maintain the rural feel of St. John and defend the Parish against speculative developments", and another member says: "I wish to maintain and protect the village community and the rural environment in which it sits." Finally, and I can name this person, this is the Connétable: "I believe wholeheartedly in maintaining the rural integrity of the Parish." So, **[Interruption]** ... well, it is at the moment, until I sat down. So, I do think that Parish of St. John may have quite a number of parishioners who are very keen that the Coastal National Park should be extended but we do not know because we have not got that information. I apologise to the Deputy of St. John for not knowing who built the whole the North Coast Road. I am sorry my history is not as good as his, and also for pronouncing Simone as Simon in regard to St. Ouen's Bay. I also have to correct him that the boundary of the proposed E4 area is not encompassing the village, the north of St. John's Village ... this is in the built up area and it does not encompass it.

The Deputy of St. John:

Once again, if I could interject? Given we have a appendix 4 on page 13, it shows the boundary of the proposer's amendment which runs right down to the south side of the actual village of St. John, plus it also encompasses wholeheartedly, 100 per cent the village of Mont Mado and where the St.

Ouen's Village is outside of it and the village at St. Mary's is just on the outside of it, but in the Parish of St. John it encompasses everything except the very south edge of the village.

Senator F. du H. Le Gresley:

The area the Deputy is referring to is currently Green Zone. It is not Built Up Zone and the whole reason that I produced for Members a much larger map, because obviously this is the very point I wanted people to realise, that the boundary of St. John's Village and St. Mary's Village is in the build up area as designated at the moment and that the area that I am talking about is Green Zone. It is not built up area. Deputy Fox was concerned about the sporting interests that take place on Sorel Point, the Jersey Motorcycle and Light Car Club and also the Jersey Go-Kart Clubs. I have hopefully stressed in my opening speech that the Coastal National Park, the whole point of national parks does not mean that all activity ceases or needs to cease. In fact, it is to be encouraged that activities, particularly for young people, should take place within the park and we heard later on during the debate that, although it might influence the actual expansion of those activities, it should not affect the facilities they currently use. I support those activities because they are very important for the youth of this Island. I thank the Deputy of Grouville for reminding us all that the Chef Tenants of La Commune de Gouray failed to protect their land when they allowed an application to go forward for a restaurant some years ago, and that is worth remembering how important it is to have the highest level of protection on that area. She asked me if any landowners had contacted me. No, nobody. In fact throughout all of this process, as I said in my opening speech, only 3 people have contacted me and I have seen no letters in the local media objecting to anything in my amendment. I think the points of Deputy Martin have been dealt with I hope by the Attorney General but one point she did make, and she quite rightly said that I had no consultation with the Constables, and she supports them on that. I would like to draw Members attention to the fact that on 27th May I sent an email to the following Members of this House; Constable Gallichan, Constable Butcher and Constable Gallichan of Trinity and I said: "In order to gauge the views of your parishioners to my amendment to include the North Coast interior agricultural land E4 within the proposed Coastal National Park, I would be happy to attend any meeting that you might wish to organise prior to the debate. I am arranging for a larger map of the area E4 to be produced which could be put on display at your Parish Halls prior to the meeting. I look forward to hearing from you." On 5th June I contacted the same 3 people again: "I have not heard back from any of you. I will be picking up the maps I referred to tomorrow and can deliver them to your Parish Halls if you agree that they can be displayed." On 6th June, the Constable of St. Mary did respond and she said: "I seem to recall a brief discussion about possibly having a joint Parish meeting but I think the matter was deferred due to other Constables absences. I do not have any problem with the map being displayed." So, I hope Members will understand that I did invite consultation. I did offer to go to the meetings. I did wait until the outcome of the second public consultation with the inspectors to see what the response was to my amendment. I was awaiting the response of the inspectors and so that is why, between lodging my amendments and making the approaches to have a Parish meeting, there was a delay because I did not know how the public meeting with the inspectors would progress. So I hope I have dealt with that point. The Deputy for St. Ouen is quite correct that although St. Ouen's Bay currently has a high level of protection, it does not prevent development per se in the bay. Certainly on a recent planning applications panel meeting that I attended we approved demolition of a small group of ... well, I am not sure if they were quite derelict, but they were small out-buildings and a little cottage, which will be replaced by one brand new building, right in the middle of the new Coastal National Park. So replacement is not, provided it is of high architectural quality, certainly you can replace existing buildings and would be looked upon sympathetically. The Deputy also asked why I chose area E4 as opposed to the other coastal agricultural land in his Parish. The reason why I did not choose the one in his Parish is because it includes a large area of built up area around Plémont School and the houses and the plans later on, we will be discussing about further expansion of that area. So I just felt that the area I chose was a perfect introduction, if you like, to the North Coast National Park. The Constable of

Trinity disappointed me, bearing in mind he is the chairman of the Planning Applications Panel, and it is worth Members recording that the Planning Application Panel consists of 3 Constables, all of whom would be in area (d) of my amendments. So, these are the people who are making decisions about planning applications, so you have to bear in mind, Members, that there is a strong view that we can possibly build in some of these areas because we do not want to give them highest level of protection, which I find very strange, but that seems to be coming through.

The Connétable of Trinity:

I take a bit of ... that is not true, what he is saying there. We have to take application on its merit. Just because it is in the Green Zone does not mean to say that we would be against this or we are going to approve housing in the Green Zone. I am afraid that is not correct.

Senator F. du H. Le Gresley:

I take the point because the panel decisions go on a majority anyway, rather than on individual views. I also take issue, and Deputy Le Hérissier did this as well, of the criticism of the National Trust. I think that that is unfair. They may have been gifted land but actual maintenance of that, they only have a limited number of staff and I think it is unfair to criticise the fact that some of the còtills that have been donated are now somewhat overgrown with gorse and fern. Also, the use of Égypte by the young people with scrambling, *et cetera*, although this probably does some damage to the countryside, again it is similar to, as I said to the Deputy before, these activities do not have to cease. The important thing is if they do cease at some stage in the future when they are no longer required, that the land is restored and this is what a Coastal National Park management program would ensure. I agree with the Constable of Trinity when he says the farmers do look after our countryside. I totally agree with him and I think that has changed as agricultural industry has changed. Now Deputy Tadier touched on a point that I feel quite strongly about, because we heard quite a lot from the representatives of these northern Parishes about how they are voicing in their opinion, the views of their parishioners, but the land in Jersey belongs to everybody. Just because you live in St. John or St. Mary does not mean that you own per se the whole of that Parish. Certainly the coastal paths and some of the headlands do belong to the people of Jersey, or organisations such as the National Trust and I think that is very important to remember. So we can and should be able to make decisions about parts of the Island without saying that we have to only respect the views of the parishioners. Deputy Tadier made the point that, which is really why I have brought this proposition, is that the Green Zone protection may not be enough in these areas. A number of people, including Deputy Duhamel and Deputy Jeune made the point that the inspector's report only recommends the approval of part (a), Mourier Valley, but we have to bear in mind that the Minister has said that he is prepared to accept parts (a), (b) and (c) and that we know that the Minister has the final decision as regards the advice he received from the planning inspectors. The Constable of St. Mary was worried about Mourier Valley. I am absolutely amazed that she should be worried about Mourier Valley. I thought she would be delighted that, similar to Grève de Lecq Valley, which is a much bigger valley, it stretches much further into the hinterland that Mourier, is going to already be in the Coastal National Park, and all I was trying to do was make sure that the whole of the valley, which is part of an area called D4, was included in the Coastal National Park and that was fully accepted by the planning inspectors. Nobody at all voiced any criticism of that. Deputy Le Hérissier was quite right that all these areas of Coastal National Park will have, the Minister will produce a management scheme. It does not mean that the States of Jersey are going to be spending lots of money going out lawnmowers and hedge-cutters or whatever it might be. The owners will be encouraged to look after their land and in some cases obviously it is public land and there will be some management issues, but it is about making sure that we have good standards of protection in these areas. The Deputy of St. Mary was supportive in this area, as I well know and he knows the particular characteristics of this unique part of Jersey, I would suggest. I did forget to mention when the Deputy of St. John was speaking, he made mention of the fact that I probably do not know the area very well, because I do not even know

where the borders are. I can tell him that I lived in St. Mary for 10 years and walked many of the streets or the coastal paths and lanes many a time.

[15:30]

While I may not quite know where the border is, I certainly know the area. Sorry, I have lost my place. I have some sympathy with what the Deputy of St. Mary said with regard to part (d) and it could be that if this House gives an indication to the Minister that he would like further consultation as to the actual boundaries of part (d), he could come back with a revised proposal, but I think we need to give him an “in principle” decision today. If there is a favourable number supportive then maybe that is something he would consider doing, although we all know he has a very busy workload at the moment. The Minister in fact when he spoke once again repeated that it is easy to support and see merit in (a), (b) and (c) and I hope Members take note of that. I think I am drawing to a close. There was a lot of discussion about Ronez Quarry and Senator Le Marquand with his eagle eye spotted it on one map and not on another, *et cetera*. The point with Ronez Quarry is that it is covered by policy MR1, Extraction of Mineral Resources. This is a plan not a law and the Minister can depart from the plan and I am sure would do so to protect the extraction of mineral resources from Ronez Quarry. In fact the plan makes reference to continuing the operation for another 20-plus years so I cannot see that we would stop doing that. I do not know if the Minister wants me to sit down? Do you? You liked it? Okay. I thought he was tutting, Sir. I think I am going to close there because I think Members are probably getting tired of hearing my voice. **[Approbation]** I would just make one last appeal. I have chosen 4 areas of this beautiful Island to be within a Coastal National Park. The inspectors were in favour of (a) Mourier Valley, the Minister is in favour of (a), (b) and (c), and the only contentious one is (d). I will be asking for the appel on each of these amendments to gauge the response of Members, and I would just ask you to consider that what we are deciding today is creating a zoning. We are not changing, we are not going to put in garden benches and other things, we are just changing the zoning of these areas to give it a highest level of protection and I maintain the amendment and ask for the appel on each, (a), (b), (c) and (d). Thank you.

The Connétable of St. Brelade:

May I ask the Senator for a point of clarification with regard to the question I asked? He has not indicated what the financial consequences may be and it is clear from speeches there will be some, which is somewhat at odds with his statement on page 9. Secondly, I wonder if he could just clarify what I describe as the woolliness of the line on page 10 please?

The Greffier of the States (in the Chair):

Will you assist the Senator with these 2?

Senator F. du H. Le Gresley:

Well, can I deal with the line first? I did not draw the line. If the Constable would refer to the last map, Appendix 5, he will see that the Mourier Valley appears in green at the top of the map and that is then replicated by the department into the smaller map that I was given so Mourier Valley appears, if you have got the map, next to obviously ... close to St. John’s Village; the map was provided by the department. Costs, financial costs, well again we are talking about the zoning of an area, we are not talking about prettifying it or doing anything particular with it. The only thing that I was suggesting was if we are going to create a larger Coastal National Park in the north, which is what I am advocating, then it would be a good idea for people to know at what stage they are entering the national park, by way of some signage on the main roads that lead into it.

Deputy R.G. Le Hérissier:

There was an implication in the proposer’s speech, unintended, that bodies like the National Trust or indeed Jersey Heritage, if there is apparently untidy land this is because they have not got money. No, it is because they have land plans. I am not saying it is left untidy in that sense but he

will find that they have land plans. Land management is not only about lawnmowers and hedge cutting; in fact it may be the opposite.

The Greffier of the States (in the Chair):

A second speech, Deputy, but anyway. You have asked, Senator, for the voting in 4 parts? Do you wish the appel on each one? Very well, the first vote therefore is on paragraph (a) in relation to Mourier Valley and the Greffier will open the voting.

POUR: 41		CONTRE: 9		ABSTAIN: 0
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator P.F.C. Ozouf		Senator T.J. Le Main		
Senator B.E. Shenton		Connétable of Grouville		
Senator F.E. Cohen		Connétable of St. Saviour		
Senator J.L. Perchard		Connétable of St. Clement		
Senator A. Breckon		Connétable of St. Peter		
Senator S.C. Ferguson		Deputy R.C. Duhamel (S)		
Senator A.J.H. Maclean		Deputy J.A. Martin (H)		
Senator B.I. Le Marquand		Deputy of St. John		
Senator F.du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
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 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)				

The Greffier of the States (in the Chair):

Very well, I will ask the Greffier to re-set the voting system and the next vote will be on paragraph (b), which relates to La Commune de Gouray. The system is re-set, I will ask the Greffier to open the voting.

POUR: 26		CONTRE: 23		ABSTAIN: 1
Senator A. Breckon		Senator T.A. Le Sueur		Senator F.E. Cohen
Senator S.C. Ferguson		Senator P.F. Routier		
Senator A.J.H. Maclean		Senator P.F.C. Ozouf		
Senator B.I. Le Marquand		Senator T.J. Le Main		
Senator F.du H. Le Gresley		Senator B.E. Shenton		
Connétable of St. Helier		Senator J.L. Perchard		
Connétable of St. Lawrence		Connétable of Trinity		
Deputy of St. Martin		Connétable of Grouville		
Deputy R.G. Le Hérisier (S)		Connétable of St. Brelade		
Deputy J.B. Fox (H)		Connétable of St. Martin		
Deputy G.P. Southern (H)		Connétable of St. John		
Deputy of St. Ouen		Connétable of St. Saviour		
Deputy of Grouville		Connétable of St. Clement		
Deputy J.A. Hilton (H)		Connétable of St. Peter		
Deputy P.V.F. Le Claire (H)		Connétable of St. Mary		
Deputy J.A.N. Le Fondré (L)		Deputy R.C. Duhamel (S)		
Deputy S. Pitman (H)		Deputy J.A. Martin (H)		
Deputy K.C. Lewis (S)		Deputy of St. Peter		
Deputy I.J. Gorst (C)		Deputy of St. John		
Deputy M. Tadier (B)		Deputy A.E. Jeune (B)		
Deputy of St. Mary		Deputy A.T. Dupré (C)		
Deputy T.M. Pitman (H)		Deputy D.J. De Sousa (H)		
Deputy E.J. Noel (L)		Deputy J.M. Maçon (S)		
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

The Greffier of the States (in the Chair):

Very well, we will reset the system and the next vote will be on paragraph (c) of the proposition, which relates to the site of the former Plémont Holiday Village and the Greffier has opened the voting.

POUR: 23		CONTRE: 25		ABSTAIN: 2
Senator A. Breckon		Senator T.A. Le Sueur		Senator F.E. Cohen
Senator B.I. Le Marquand		Senator P.F. Routier		Connétable of Trinity
Senator F.du H. Le Gresley		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator T.J. Le Main		
Connétable of St. Lawrence		Senator B.E. Shenton		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy R.G. Le Hérisier (S)		Senator S.C. Ferguson		
Deputy J.B. Fox (H)		Senator A.J.H. Maclean		
Deputy of St. Ouen		Connétable of Grouville		
Deputy of Grouville		Connétable of St. Brelade		
Deputy J.A. Hilton (H)		Connétable of St. Martin		
Deputy P.V.F. Le Claire (H)		Connétable of St. John		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Saviour		
Deputy S. Pitman (H)		Connétable of St. Clement		
Deputy K.C. Lewis (S)		Connétable of St. Peter		
Deputy I.J. Gorst (C)		Connétable of St. Mary		

Deputy M. Tadier (B)		Deputy R.C. Duhamel (S)		
Deputy of St. Mary		Deputy J.A. Martin (H)		
Deputy T.M. Pitman (H)		Deputy G.P. Southern (H)		
Deputy E.J. Noel (L)		Deputy of St. Peter		
Deputy T.A. Vallois (S)		Deputy of St. John		
Deputy M.R. Higgins (H)		Deputy A.E. Jeune (B)		
Deputy A.K.F. Green (H)		Deputy A.T. Dupré (C)		
		Deputy D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

The Greffier of the States (in the Chair):

Very well we come finally, and I will ask the Greffier to re-set the system in relation to the paragraph (d), which relates to the North Coast interior agricultural land and ask the Greffier to open the voting.

POUR: 6		CONTRE: 43		ABSTAIN: 1
Senator A. Breckon		Senator T.A. Le Sueur		Senator F.E. Cohen
Senator F. du H. Le Gresley		Senator P.F. Routier		
Deputy R.G. Le Hérisier (S)		Senator P.F.C. Ozouf		
Deputy M. Tadier (B)		Senator T.J. Le Main		
Deputy of St. Mary		Senator B.E. Shenton		
Deputy M.R. Higgins (H)		Senator J.L. Perchard		
		Senator S.C. Ferguson		
		Senator A.J.H. Maclean		
		Senator B.I. Le Marquand		
		Connétable of St. Helier		
		Connétable of Trinity		
		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		
		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 Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		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 A.E. Jeune (B)		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		

		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

1.14 Island Plan 2011: approval (P.48/2011): twenty-third amendment (P.48/2011 Amd.(23))

The Greffier of the States (in the Chair):

Very well, that concludes the 9th amendment. We come now to the 23rd amendment also relating to the Coastal Park, in the name of the Deputy of St. Mary, and the Greffier will read the amendment.

The Deputy Greffier of the States:

On page 2 after the words, “the revised draft Island Plan 2011” insert the words “except that the Proposals Map forming part of the Plan be amended to include the following area as part of the Coastal National Park - Wolf’s Caves car park and former cafe/bar, and after the words ‘D5: St. Martin’s Valleys’ on page 92 add, as a separate bullet point, ‘Wolf’s Caves car park and former cafe/bar’ as shown on the plan at the Appendix””; and to consequentially amend Map 2.4: Coastal National Park on page 93, accordingly.

The Greffier of the States (in the Chair):

Minister, is this one you are prepared to accept?

Senator F.E. Cohen:

This is one I support. Thank you.

1.14.1 The Deputy of St. Mary:

First of all naturally, thanks to the Minister for accepting this. It may be a classic case of shutting the stable door after the horse has bolted but my intention is to emphasise the importance of the Coastal National Park. We heard Senator Shenton in the last debate talk about ... well he asked the question rhetorically, what is the point of having a newer, higher level of protection than the Green Zone? I think that is the issue posed by what has happened at Wolf’s Caves. What do we mean by protection, and Senator Shenton by saying: “What is the difference between the Green Zone and the National Park?” Well here is the difference, the Green Zone policy as in the Island Plan is as follows: “The areas designated as Green Zone will be given a high level of protection and there will be a general presumption against all forms of new development for whatever purpose.” Now, that sounds fairly tough but the Coastal National Park will be given: “The highest level of protection from development and this will be given priority over all other planning considerations.” So we should remember that in the light of what the A.G. (Attorney General) has told us. In this area there will be the strongest presumption against all forms of new development for whatever purpose: “All forms of new development for whatever purpose.” That is very strong language for the Coastal National Park; I hope that we all agree that that will go through as part of the overall package. But in the case of Wolf’s Caves we have seen what happens in the present situation when that was just Green Zone. The reason I put this amendment in, and at the time I did not know what the actual current situation was with the replacement of the public bar there and then the church that it became, but the purpose of this amendment was to protect the site on behalf of all those who stood on the beach, the 7,000. In fact it was more than 7,000 because I did a few sums, it was more than 7,000, and they stood on the beach to say: “No more. Protect our coastline, it is sacrosanct.” Interestingly, I went to the Annual Cultural Conference, I think it was 2 years ago, and there was somebody who reported on the Isle of Man, where they did a survey about culture in the Isle of Man. The most important aspect that residents of the Isle of Man thought was the most important

thing about their culture was the landscape of the Isle of Man. It came on top by a long way. I think that sort of sheds a light on the value of our coastline. I also brought this amendment on behalf of the people who objected to the Wolf's Caves proposals. I have got the wad of objections here. They are very moving and cogent objections to taking, for instance, a slice of Green Zone and putting a car park on it because the existing car park will become a luxury house. I just find it really very odd. My starting point is that the coastline belongs to all of us, as I think Senator Le Gresley pointed out, whether legally or not, it belongs to all of us. It is not a private fief and it should not be privatised. There is a difference between a public bar or a church, which are both public buildings and even a public car park, and a private residence.

[15:45]

Many times have I ridden with groups of cyclists in my previous life, up to that spot, parked the bikes next to what was then a bar, walked down the steps and suddenly you are in a different world. You are in a completely different world. Then we walked along to see the best view in the Island, over Bonne Nuit, and then down to the café there and it was a fantastic experience, and that will be lost because that car park will be no more. You will go up there and, bang, you will be faced with this private residence with all its amenities, and indeed screening by woodland, which will just fit that landscape so well. I would put that picture in people's minds and compare it to what the Countryside Assessment said in 1999 about our North Coast fief plans: "There is no capacity to accept further development. In this area even small scale isolated developments can have a major impact on the sense of wilderness, isolation and remoteness, which are important although diminishing qualities in Jersey." That sums up the feelings of the people who objected. It sums up the feelings of the 7,000 people who demonstrated on the beach. I brought this amendment just to emphasise that the coastline does belong to all of us. I hope that Wolf's Caves is the last of its kind, that by putting it in the Coastal National Park we at least say: "That was enough." I know it is, as I say, a bit of shutting the stable door but it is a signal that we would never want to see that happen again. That "highest protection" means "highest protection" "presumption against", what is the form of words? "Strongest presumption against all forms of new development for whatever purpose." That is what the Coastal National Park says. We have now restricted it to the very narrowest strip along the coast; for goodness sake let us mean what we say.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?
Deputy of St. John.

1.14.2 The Deputy of St. John:

Once again, I am not dissimilar to the previous speaker in the previous debate. I mean in this case the Deputy has been a Member for 3 years, he must have been aware that, and I am sure he is because he sits on the Environmental Scrutiny Panel with me, but he did not even ... he has not consulted the Parish at all on this, well not through me anyway, and he might have spoken to the Constable but this came out of the blue. This could have been an item over the last few months, if the Deputy was minded to bring this forward, to go to our working party within the Parish but it has not been. It has not been. We could have tested it within the framework of our review. I am very sympathetic in what the Deputy is saying here, very sympathetic. I recall that prior to it even being a pub it moved, there was a pub that was up at Sorel Point that was demolished because of the expansion at Ronez, *et cetera*, and the licence was transferred to a café that had been built in the 1960s, 1970s, to the Wolf's Caves. An ugly 1960s, 1970s building was there, well in my view. Beauty is in the eye of the beholder but it was to me an ugly low building. I can understand where the Deputy is coming from but we are now in a position that there is a building site there that is starting to be developed, and I am sure that under the current Minister for Planning and Environment what has been approved on that site is quite suitable but I have real concerns, as I have already said, that the Deputy did not consult the working party in St. John. I am in a dilemma

now because I have not seen all the information that he has seen on this one, and nor have my working party, and I am not sure which way I am going to vote at the end of the day. I will listen to the debate but I sincerely hope that Members who have got more knowledge on this one, because it has not come across my desk other than in recent days when it was submitted on 26th April, of which he had time to come and see my working party, I have real concerns on which way I am going to vote on this. Thank you.

1.14.3 Senator F.E. Cohen:

The principle suggested in this amendment by the Deputy of St. Mary is not problematic but I do take issue with him in relation to the consent that has been given on this site. This site had a really ugly, old, very large building upon it and the consent I have given, which I have here, has 11 very tough conditions that are required to be adhered to by the owner and applicant. This is a really, really well designed contemporary house. It is by a fabulous architect. It will be delivered to the very highest standards. The architect is being retained throughout to supervise the work and it will be a huge, huge improvement on what was there before. I think this gets to the root of the issues that seem to trouble many Members and that is we simply cannot take away an individual's property rights. Their property rights are enshrined in legislation both in the Island and at European level. We cannot, as a States Assembly, tell somebody to tear their house down in most circumstances. If one has a building there can be, in many cases, a reasonable presumption that you can be expected to be allowed to replace it with something, in many cases smaller, in all cases better but we simply cannot just obliterate buildings and live in an imaginary world of la la land where we expect that we are going to remove people's buildings and replace them with trees. It does not work like that. We can have aspirations to preserve the countryside. We can have aspirations for a national park but we must not let that convert us into removing an individual's property rights. I think that some of the comments that have been made in the past by Members do tend to veer towards a system where we would remove people's natural property rights. So, I support this but I think that in doing so I make the point that an individual is entitled to enjoy their property, to improve their property, to alter their property, and the States as a body through its planning mechanism should only interfere in the interests of the Island and in the interests of the States. Thank you.

Deputy I.J. Gorst of St. Clement:

The Minister is still on his feet, I wonder if he could just clarify. His speech is quite clear that even with the designation of the new national park, that presumption would remain for existing buildings and sites where buildings were.

Senator F.E. Cohen:

Absolutely, we can have an aspiration to remove buildings in the long term but we cannot remove an individual's property rights. That is a fundamental point, that we can set planning zones as the States Assembly, we can have aspirations in relation to what our vision of the countryside should be but we must not transgress the line of removing an individual's property rights. Thank you.

Deputy R.G. Le Hérissier:

A point of clarification, Sir, would the Minister confirm whether or not the preservation of those rights, which he is right to stress, involves the increasing of the property footprint? That seems to have been a very contentious matter.

Senator F.E. Cohen:

Sometimes yes, sometimes no. The concept of setting in stone that a footprint should not be increased must be balanced against the concept of whether the overall square footage of a development should be increased or reduced. It is site by site; it is site specific. It depends very much on the nature of the site; what the Minister at the time or the Planning Applications Panel considers to be appropriate. It may be better in certain circumstances to have a larger footplate and

a smaller gross square footage. It may be better in another case to have a smaller footprint and a larger gross square footage. It is site dependant and that is where we revert to the core of these issues, which is simply, good design.

Deputy A.E. Jeune:

May I ask another point of clarification? Given that the Minister has said that this particular parcel of land has been given planning permission with very stringent points against it based on what they can and cannot do, what is the benefit of moving this particular parcel of land out of the Green Zone, which is very well protected anyway?

Senator F.E. Cohen:

The answer to that is it will not make much difference but in this case it will not do much harm. That is why on balance I have decided that at personal level I am happy to support the amendment.

Deputy T.M. Pitman:

I really wanted to try and get the Minister's assurance that this would be iconic and world class because I think that would set all of our minds at rest, going on the past. I am supporting the proposals but I would just like to challenge the Deputy of St. John and the Minister, and say that I spent many of the best years of my life in the Wolf's Caves pub and it contributed to everything I am today. [Laughter]

Senator F.E. Cohen:

In answer ...

The Greffier of the States (in the Chair):

Well, it is not question time. Deputy de Sousa.

Deputy D.J. De Sousa:

I just wanted to ask a question of the Minister.

The Greffier of the States (in the Chair):

Well, it is not question time unfortunately, Deputy.

Deputy D.J. De Sousa:

Well clarification then.

The Greffier of the States (in the Chair):

Yes.

Deputy D.J. De Sousa:

I believe this site gave access to Wolf's Caves, will there still be public access down there?

Senator F.E. Cohen:

I would like to make the point that I think Deputy Pitman may have spent too much time at the Wolf's Caves pub. [Laughter] As far as access is concerned I am satisfied that the provisions of the planning consent not only maintain but significantly improve public access, and public access to use the land.

1.14.4 Deputy R.C. Duhamel:

This one I think is fairly clear-cut and I am in accord with the inspector's recommendation that we reject this amendment. Again, I would just like to read out the first 2 sentences of their advice. It says: "The outcome of this amendment would be a small but contrived enlargement of the Coastal Park." They chose the word "contrived". By redrawing the Coastal Park boundary so it takes in

the site would have no effect on the continued implementation of that permission. That there is an excellent planning permission as we have just heard and in other regards the safeguards accorded by the inclusion within the Green Zone are appropriate and adequate. On that basis, I do not think there is any reason to redraw the boundary.

Deputy J.M. Maçon:

The points that I was going to make have been made. Thank you, Sir.

Deputy I.J. Gorst:

I just want to clarify that it is my understanding there is no public access to Wolf's Caves at this current time because it is unsafe, and there has not been for many years.

The Greffier of the States (in the Chair):

That is the case. Do any other Members wish to speak? If not I will call upon the Deputy of St. Mary to reply.

1.14.5 The Deputy of St. Mary:

Well certainly a few years ago you could get down to Wolf's Caves, it was a bit of a scramble, and my son had his 21st birthday party I think down there, great fun. Anyway, so there were some interesting comments there, I thank all who spoke. Obviously I have to say a few words about what the Deputy of St. John said. He castigated me for not consulting with his working party in St. John, which by the way I have had a skim through the report, and it lightened up my evening last night in between preparing for this debate because it was just such a good read. I do congratulate him and all who were on that working party, it is very much a model of how to do it, but I did notice in reading that that I think other people were approached by the working party. They drew in a bit of expertise here or there, and if I could sort of return the compliment to the Deputy, there was nothing to stop the working party saying: "Would Deputy Wimberley come along? We will talk about Wolf's Caves" if that had been an appropriate thing to do. I would say that a number of the objections did come from parishioners of St. John, including from the Constable, so in a sense St. John-ais did respond to the actual challenge of what was going on at Wolf's Caves, and replacing the public bar. Now Senator Cohen, well that was interesting. First of all we have an ugly old building, which is going to be replaced by a well-designed contemporary house. Now, this is exactly the same as Portelet. There was an ugly old holiday village, which is now replaced by a wonderful contemporary, well designed lot of flats, apartments and houses but this is exactly the issue, is it not?

[16:00]

The fact is that when I used to go up there, and no doubt others will have been there, the bar was hardly there. It was like stuck in the corner, with Deputy Pitman in it **[Laughter]** before he was a Deputy, and even Deputy Wimberley before he was a Deputy, doing some work on other stuff. I used to sit with a few at a nice big table drinking tea usually because I do not drink the other stuff, but I mean very friendly, very nice but it was a public building, and that is the point that I am making. Well there are 2 points. One is, when the Minister says "ugly" I would replace that with "inconspicuous" and I think that there is a very different feel around that. It did not say: "Look, here I am. I am a wonderful public bar and I am super modern and I am here, come and visit me." It just sat there basically, and of course the owners have made a lot more by selling it off for a private house. But that is interesting, is it not? We were told that the individual's property rights are sacrosanct and that the public cannot tell individuals what to do. Well, the whole point about the whole of the Island Plan is that we will be steering things in certain directions this way or that way, whether it is affordable housing, whether it is controlling development in certain ways, whether it is trying to provide enough industrial accommodation or not on this site or that site. Constantly we are telling individuals we are adjusting their property rights, so I think we need to qualify what the Minister said. He accused me of living in la la land, and you cannot obliterate

buildings. No one is suggesting that but the question is whether it is appropriate to take a public building, which is open to the public, and it still was as a church, and to turn it into a private residence on that site. That is the question, of whether that is appropriate and I think the public have very strong views on whether that is appropriate. I have commented on Deputy Pitman's upholding of the bar tradition, yes and the contrived extension. Yes I think the extra designation, which is supported by the Minister, and I thank him for that, will in a sense help the conditions to stick and other non-stated conditions; the footpath will be properly reinstated, the access hopefully to Wolf's Caves on the Coastal National Park would be improved so that people can enjoy going down there, and so on and so on. So I do not see any harm in this. I think it is an important, if you like, line in the sand, line on the cliff and I hope Members support this amendment. Thank you.

The Greffier of the States (in the Chair):

The appel is called for on Amendment 23 of the Deputy of St. Mary, relating to Wolf's Caves. If Members are in their seats I will ask the Greffier to open the voting.

POUR: 22		CONTRE: 16		ABSTAIN: 0
Senator F.E. Cohen		Senator T.J. Le Main		
Senator F. du H. Le Gresley		Senator B.E. Shenton		
Connétable of St. Helier		Senator J.L. Perchard		
Connétable of St. Lawrence		Connétable of Grouville		
Deputy of St. Martin		Connétable of St. Brelade		
Deputy R.G. Le Hérisssier (S)		Connétable of St. John		
Deputy J.B. Fox (H)		Connétable of St. Saviour		
Deputy J.A. Martin (H)		Connétable of St. Peter		
Deputy G.P. Southern (H)		Connétable of St. Mary		
Deputy of St. Ouen		Deputy R.C. Duhamel (S)		
Deputy of Grouville		Deputy of St. Peter		
Deputy J.A. Hilton (H)		Deputy of St. John		
Deputy P.V.F. Le Claire (H)		Deputy A.E. Jeune (B)		
Deputy S. Pitman (H)		Deputy E.J. Noel (L)		
Deputy K.C. Lewis (S)		Deputy A.K.F. Green (H)		
Deputy I.J. Gorst (C)		Deputy J.M. Maçon (S)		
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				

Senator F.E. Cohen:

As a point of correction, may I just say that I certainly did not say to the Deputy of St. Mary, that he lived in la la land. I made a general comment about "we" living in la la land. I most certainly would never make such an inappropriate suggestion to the good Deputy. **[Laughter]**

1.15 Island Plan 2011: approval (P.48/2011): thirtieth amendment (P.48/2011 Amd.(30))

The Greffier of the States (in the Chair):

Very well we come next to Amendment 30, which will also be subject to an amendment in due course but I will ask the Greffier firstly to read the amendment in the name of Senator Le Main.

The Deputy Greffier of the States:

Page 2, after the words: “The revised draft Island Plan 2011” insert the words: “(a) except that in Policy NE6 Coastal National Park on page 95, paragraph 2, after the words, ‘intensification of their use’ there be inserted the words, ‘and any proposals for the future development of property in sensitive locations, which applicants are seeking to develop into more than 2 units of residential accommodation will be submitted to the States Assembly for their views’, (b) except that in policy NE7 Green Zone on pages 101 to 103, after subparagraph (e) insert the following new paragraph: ‘In the case of the future development of property in sensitive locations, which applicants are seeking to develop into more than 2 units of residential accommodation the proposals will be submitted to the States Assembly for their views’.”

The Greffier of the States (in the Chair):

Senator, I should ask the Minister firstly, you are not accepting this amendment?

Senator F.E. Cohen:

Regrettably I am unable to accept this amendment, or the forthcoming amendment to the amendment by the Deputy of St. Mary.

The Greffier of the States (in the Chair):

Very well, we will hear from Senator Le Main.

1.15.1 Senator T.J. Le Main:

First of all I would like to advise Members that I know this Island very, very well. I virtually know every road, every nook and every cranny and I have to say that over the 6 years that Senator Cohen has been the Minister for Planning and Environment I have noticed and seen such a great improvement on the quality and design on many of the homes that have been constructed, particularly in the countryside and generally. So, I would like to say that I would like to congratulate the Minister on a job well done but **[Laughter]**, and I am not having a go at the Minister but I was some time ago very disappointed on returning back on the Condor one evening, to see the heights and the mass of the Portelet development. I know that the Minister keeps saying: “It is a development that has been designed by a world class architect” and: “Wait until it is finished.” I agree with that, I think that one can be critical of anything but one should wait until it is finished before one finally decides the quality or otherwise of the development. I find that over the last 2 or 3 years there have been some very, very major developments that have taken place on sites such as Portelet, Plémont coming up, Field 621, very controversial at Portelet, and other sites. In my argument what I was trying to achieve was that this Assembly keeps ... well with much anger at times seeing some of these developments taking place, and they have no say in it. I know that we are all planners, the 53 Members of the Assembly are planners and what I was trying to achieve was that if you read my report it is quite clear that many of these developments, and it is all very well for the Minister to say: “The owner of the property has their rights” and I agree with that but when I see the owners sometimes are developers from outside the Island that are coming to Jersey and buying huge tracts of land commercial and otherwise, and they seem to me to have probably more rights than the ordinary man in the street with his own property. I feel that although it is impossible for this Assembly to override the Minister in planning terms, I wanted to achieve something that would give some responsibility, some say, in the Members of this Assembly in being able to dictate to the Minister or advise the Minister on some of these huge developments that have been bought up by developers. What I was trying to achieve was that over the years that I have been a Member of this Assembly, some 33 years, I have seen many, many developments come to the Assembly on the basis that this particular site was going to ... like the dairy site was at Five Oaks, that was to help the farming community because they needed this and it was built on agricultural land, something nobody else would have achieved. There were many other sites with a similar ... down for tourism, where hotels were built on prime sites, which normally would not have seen the light of day for anybody else. But one of the biggest issues I have, and I am not blaming,

as I say, my friend the Minister but we talk about Plémont and the Minister said: “I could not do anything about it, there had been a promise by the previous Minister.” A promise. Field 621, the one at Portelet, same situation: “Sorry, but the previous President of Planning and Environment gave an undertaking that something could be built.” I wanted somewhere along the line that developers, or particularly developers in highly sensitive areas where there are existing old developments just could not do what they wanted even as far as to say that it was on the existing footprint of a development. Plémont for instance, is a classic example of a holiday camp that was built in the 1930s from an old farmhouse that existed on the site and developed into a huge ugly site, and yet we can give the developer or the owner who came along and just bought it up with no respect for the Island quite honestly, I do not care what anybody says. I mean if you look at the background on some of these cases, I am not talking about particularly that one, but the developers, they have got no respect for the Island and all they are there for is to take as much as they can out of it. I wanted this, as I say. I wanted to be able to give an opportunity for this Assembly to have some say in how those developers should be guided in the future on development. I think this is quite a major, major point. I have had considerable discussions yesterday again with someone with a lot of planning experience and they have advised me again that there would need to be a major amendment to the planning law to give effect to my proposal. I am well aware of that but the same old arguments come forward all the time; the property owner’s rights. I am not sure whether a developer that comes along and just buys up this and buys up that commercial site has the same rights to me as the man that owns his own home, and issues like that. I do not feel as very sympathetic to them as much as I do for the private householder. I know the Minister is not supporting this. I do not think that I have a chance in heck of getting it approved by the Assembly but what I do make a plea is, I really believe that Scrutiny could assist in this area. As my view, I think Scrutiny could look into this area about the possibility of re-looking at a change in the law, which would give more say I think somewhere along the line to elected Members of the Assembly. I am not sure how it can be done, I am not a lawyer but I would like to see ...

[16:15]

I mean, some of these decisions for one person to make as a Minister are quite dramatic. They are very, very dramatic. If you have got a Minister that is either sympathetic or not sympathetic the development can be something that we will always regret for ever more. I would like to ask Scrutiny that we could, and for the first time ever I would be happy to sit as part of Scrutiny to look at this because I feel very strongly about it, and I feel Members of the Assembly should have a right of determination on some of what is going to be some pretty sites coming along the line. You have got the Milano site, I go down there sometimes at St. Ouen, it is a prime site on the seafront with planning permission, and there are all sorts of things going on behind the scenes that some of you would be pretty horrified if you heard. So I am asking that Scrutiny would take this on with the advice I have had that a major change in the planning law should be achieved on it. But on that basis that now that I have had my say, I really do not believe that the Assembly will agree with me that, and I probably put it together so quickly that I was a bit concerned when I saw, as I say coming back on the Condor one night, the mess, and the response from the Minister that he was improving it with the new architects because planning permission had already had the green light. I have heard this on so many occasions that I believe that this green light given by a Minister now, a President in the time, is something that really concerns me. So on the basis of what I said, I feel sure that I probably would like to withdraw my amendment.

The Bailiff:

Very well and thank you, Senator. So Senator Le Main withdraws his amendment and of course it follows that the amendment to that amendment also falls away.

1.16 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 5

The Bailiff:

So we move then to Amendment 38, paragraph 5 lodged by the Connétable of St. Helier, and I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Paragraph 5, page 2, after the words: “the revised draft Island Plan” insert the words “except that in Policy NE8 - Access and awareness (page 105), after the words, ‘coast and countryside’ insert the words, “, and which assist in the Island’s provision of off road walking and cycling routes,””.

The Bailiff:

Yes, Connétable.

Senator F. E. Cohen:

Sir, I am minded to accept this.

The Bailiff:

I do beg your pardon, Senator, so you are minded to accept it.

1.16.1 The Connétable of St. Helier:

In view of the Minister’s comments the fact that this is, I think, a fairly self-evident and highly desirable matter to improve off road walking and cycling routes I will do no more than propose the amendment.

The Bailiff:

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

1.17 Island Plan 2011: approval (P.48/2011): forty-ninth amendment (P.48/2011 Amd.(49))

The Bailiff:

Then we come to the 49th amendment lodged by the Minister for Planning and Environment 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 “(a) except that in the section relating to listed buildings and places, paragraph 3.18 (page 112), after the words, ‘front elevation of the main building’ insert the following words, ‘Listed buildings and places do not enjoy the same permitted development rights of other properties as a consequence of the need for the greater regulation of change to historic fabric. To ensure that the owners of these properties are not treated unfairly and required to pay fees for works, which would otherwise be deemed exempt from public planning control, the Minister for Planning and Environment will amend the planning fee schedule, which is regulated by order’; and (b) except that at the end of paragraph 3.18 (page 112), after paragraph 3.18 (page 112) insert the following proposal: ‘Proposal 7, Listed Buildings and Permitted Development. The Minister for Planning and Environment will amend the Planning and Building (Fees) (Jersey) Order 2008 to ensure that planning applications in respect of listed buildings or places will be exempt from planning fees to the extent that such fees would not have been payable were the building or place not listed’ and to re-number the subsequent proposals as necessary’.”

The Bailiff:

Yes, Minister.

1.17.1 Senator F.E. Cohen:

This relates to the next amendment, which was 38, paragraph 6 and the intention of this is to produce a more workable version of the Connétable of St. Helier's suggestion, and I sincerely hope that if this is successful the Connétable would consider withdrawing his amendment because it would then be superfluous. I am sympathetic to the intent of the Constable's proposed amendment. The substance of it is not however a matter for Island Plan policy but is regulated through the Planning and Building (Fees) (Jersey) Order, which is revised annually by the Minister for Planning and Environment and tabled before the States. On this basis it is considered more appropriate to add a new proposal to the plan to reflect this intent rather than to append it to a policy. The loss of planning fees resulting from the original amendment would need to be recovered through the adjustment of other planning application fees levied by way of amendment to the Planning and Building (Fees) (Jersey) Order. I am also content to support the amendment of the amendment lodged by the Deputy of St. Mary through incorporation into my own amendment.

The Bailiff:

Just on that last point, Minister, the amendment of the Deputy of St. Mary is an amendment to the Constable's amendment, is it not? So that if, as you have suggested, you want yours to replace the Constable's I do not think you will get the Deputy of St. Mary's in.

Senator F.E. Cohen:

I think that mine covers the issues raised by the Deputy of St. Mary. I incorrectly worded it and I am sorry, Sir.

The Bailiff:

Is the amendment seconded? [**Seconded**] Yes, the Connétable of St. Helier.

1.17.2 The Connétable of St. Helier:

I am grateful to the Minister for his more elegant approach to the amendment. I just want to sort of put on record my gratitude to St. Helier Roads Committee; it was a St. Helier Roads Committee member who came up with this idea and I take no credit for it. He pointed out that he thought it was unfair that someone who owns a property that is listed has to pay planning fees in respect of a minor works application. The same building were it not listed would not require any fees. That seemed to me a very sensible suggestion and I pay tribute to the St. Helier Roads Committee, who have now met in open session more than 100 times and I am still waiting for another Parish to follow us. I am grateful to the Minister's approach to this and fully support it.

1.17.3 The Deputy of St. Mary:

Just to say that I am fully supportive of this new version, it covers all the points that I wished to make and how I amended the Constable of St. Helier. The principle of it is so right, that if we impose burdens on people, administrative burdens like that, then in the name of a public good, which is the preservation of historic buildings then the private owner should not have to pay for that.

1.17.4 Deputy J.A. Hilton:

Just very briefly, I too support this amendment. I should declare an interest as being the owner of an S.S.I. (Site of Special Interest). What would be extremely helpful for people who own historic buildings would be if the grant available to those people ... there used to be a grant, I do not believe that it has been increased in recent years. In fact, I am being indicated that it has gone down. It would be very, very helpful if there was a little bit more money available to owners of historic buildings, it could be means tested, to enable us to keep those buildings wind and water tight.

1.17.5 Senator J.L. Perchard:

Just briefly, I have no problem supporting this amendment but would suggest to the Minister that perhaps it is a time for a complete review of planning fees, particularly with regards to clubs and

associations who do find themselves working outside the guidelines of domestic properties where these are more sympathetic to the developer. I do know from first hand experience as being a member of a club who has done some extension work to the clubhouse, and it is hard earned cash, it is a sports club, and the fees were exorbitant. So, I do feel the Minister should perhaps have a complete review of fees charged with a view to try to keep costs down in order to ensure that ultimately houses and property is not over-priced.

1.17.6 The Deputy of St. John:

This is one of my old hobbyhorses from a long time ago. I am pleased that this amendment has come in and, like Deputy Hilton and others, the grants are totally inadequate in this day and age. I can think of a number of people I have represented but one in particular at Planning, when they were renovating an old Jersey house and the family were of limited means, they had inherited this property. I saw the family in tears after having been told they had to do X, X, X, and X on the property because it had to be like for like. They could afford to put, shall we say, modern materials i.e. by way for the gutters but at that time they were told that it had to be in cast iron and the like. The cost is horrendous to some families and what is available in the way of grants is totally inappropriate. It is a shame that the Minister for Treasury and Resources is not in the House, and has not been for some time, to listen to this because he needs to consider when he is pulling his budget together, any application made by Planning and Environment so that grants are put in place to help. If we in this Chamber are putting barriers in people's way by listing buildings of local interest or S.S.I.s or as proposed with the new system coming forward, we need to be able to make sure that if we are putting these hurdles for people to jump there should be some help. It is totally unfair that 53 Members in this Chamber can vote something through that is going to affect people's lives by increasing the burden on repairs to buildings, which are S.S.I.s and B.L.I.s (Building of Local Interest), well S.S.I.s in particular. Some way must be found to assist families. Thank you.

1.17.7 Deputy A.E. Jeune:

In terms of Members saying that they would like to see a review of fees, some of the listed buildings that I am aware of, some of these properties have been listed but have been done so on inaccurate information. I am aware that the Minister's department is doing a review of listed buildings and I just wondered if he might be able to update us at this stage on what that is.

The Bailiff:

Deputy, this is an amendment in relation to fees, not I think information for the whole listed building policy.

Deputy A.E. Jeune:

But then if those properties that are unfairly listed try to do anything they are subject.

The Bailiff:

I think we must keep amendments closely within the amendment. Does any other Member wish to speak? Very well, I call upon the Minister to reply.

1.17.8 Senator F.E. Cohen:

I thank those Members who have commented. Dealing with the point raised by Deputy Hilton, the financial support and grant system for listed buildings, an old beef of the Deputy of St. John, I quite agree with him, entirely inadequate, and it is ridiculous that we have a system in a wealthy Island where we are unable to provide some grant money for those in need, but my view on grants for listed buildings, like on virtually every other grant that I am involved with, is that they should be means tested. A very good example was some years ago I was looking through the applications for grants on listed buildings, and the applicant had sent a photograph of his building with his brand new Rolls Royce outside. I am not sure that we should be providing grant money to listed buildings for those who have just bought a new Rolls Royce. As far as Senator Perchard's

comments were concerned, very good idea, we should look at clubs and associations and I will take that up promptly. However, there is sometimes a problem over whether clubs or an association are genuinely charitable. We certainly should have, but it is something I have thought of for some time, special fee arrangements for charities. I have on a number of occasions made exceptions to fees to reduce the burden for charities but it is certainly something that would be better done on a proper basis rather than on a random or more haphazard basis.

[16:30]

The Senator claimed that fees were exorbitant. I have endeavoured recently to reduce fees for the average applicant, for the small applicant, and have just pushed through a new fee order that significantly reduces in many cases the costs for the small applicant making an application for a small item, or even a small house. I have shifted the burden to commercial developers. Deputy Rondel always makes good points on listed buildings, as I have said. He is quite right but I do think that perhaps within the Planning and Environment Department there is potential for a complete review of grants that are given in all areas, and perhaps a redirection of some of those grants, through means testing, towards those who are in need in relation to the burden of owning a listed building. Thank you very much.

The Bailiff:

Very well, all those in favour of adopting the amendment kindly show. Those against. The amendment is adopted.

**1.18 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- paragraphs 7 to 9**

The Bailiff:

Connétable of St. Helier, do you wish still to proceed with your paragraph 6, 38th amendment?

The Connétable of St. Helier:

I will withdraw that please, Sir.

The Bailiff:

It follows that the amendment of the Deputy of St. Mary also falls away, so we then come to the 38th amendment, paragraphs 7 to 9, lodged by the Connétable of St. Helier. That appears to be quite long so with Members' permission we will take that amendment as read and I invite the Connétable of St. Helier to propose it.

1.18.1 The Connétable of St. Helier:

This amendment includes a number of provisions to strengthen the emphasis already in the plan on making the town centre vital with the provision of improved cycling and public transport links. The hopper bus has already been referred to, I think, by Senator Le Main and that was the purpose of putting this in here, and also proper off-street parking facilities in the core retail area. Because without this amendment what seems to be a rather arbitrary ceiling on new parking proposed in the unamended plan would not be challenged. However, the main purpose of this amendment is the proposal to consult upon and develop a proposal to designate a St. Helier country park in the countryside immediately to the north of town. This has been accepted by the Minister, I believe, although the inspector had a problem with it.

The Bailiff:

Forgive me, Connétable, but I forgot to do what I usually do, which is to clarify from the Minister what his stance was. Would it be helpful to do that?

Senator F.E. Cohen:

I am very supportive of all the Connétable's amendments.

The Connétable of St. Helier:

Because it has been accepted I do not propose to say very much about it. If it runs into the same hail of fire that Senator Le Gresley experienced with his proposals then I will robustly defend the proposals when I sum up, but it is essentially, as I explained in the report, accompanying the 38th amendment, all about making sure that if St. Helier is to be the focus of development in this Island Plan, as it has been in previous Island Plans, then the corollary of that proposal is that St. Helier must be given adequate amenity space, and I draw attention in that report to the fact that the idea for this came from a visit to Eastleigh where I discovered that the residents of Eastleigh and slightly further afield, Southampton, have access to a wonderful country park on their doorstep. It is perhaps also worth mentioning that our twin town in Germany, Bad Wurzach, has literally on its High Street the second largest raised bog in Europe, which is subject to a lot of preservation and conservation. So, it is not unknown for towns to have country parks on the doorstep, particularly where there is a quality of flora and fauna that is worth protecting and when there is a need for residents to have that open space on their doorstep. So, I hope this will prove acceptable to Members. It is the beginning of a long road, if it is accepted, and in terms of resources I have suggested that the department should be able to do the work from within existing cash limits, but I would expect the Parish of St. Helier to take a lead in developing these proposals and in consulting with the landowners affected by them. The map given with the report is purely indicative and I was pleased that I was not contacted by anybody who found that their property had been wrapped up in this red line. I am very grateful to the National Trust who yesterday confirmed their support for the proposal and if I could just quote from the letter from the President, she says: "It is absolutely crucial that residents of St. Helier and the Island as a whole are able to enjoy access to our countryside and the Island Plan should be instrumental in securing this key objective. There are some wonderful rural areas on the very doorstep of St. Helier including Fern Valley, Vallée des Vaux and Grands Vaux Reservoir and any discussions which seek to ensure easier access and enjoyment should be welcomed, in particular the future management and development of Bellozanne Valley could be a wonderful opportunity in this respect." And they go on to disparage the inspector, but I will not do that. They have produced this helpful, larger map, which I am just showing to Members, and what it indicates is that my proposed designation leaves out Fern Valley, which was not intended. So, clearly there is much more work to be done on the extent of the St. Helier country park if it goes ahead. What I am looking for today is support from Members so that we can start work on what I think could be a very exciting proposal and perhaps in due course bring it back to the States as a proposition. I maintain the amendment.

The Bailiff:

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

1.18.2 Deputy A.T. Dupre:

One problem about this park is that Field 1248 is included in this park. There has been no discussion with the owners of the property about this park. At the present moment 1248 is still, in the current plan, part of the built-up area in the old plan, not this new one, in the old plan. Therefore I think it is very important that these people are included in discussions on this because they are obviously expecting or hoping to build on this field.

1.18.3 Deputy J.A. Hilton:

I stand to support the Constable of St. Helier for bringing this amendment today. I am wholly in support of a possible country park being developed at the north of St. Helier. I walk Vallée des Vaux almost on a daily basis, it is a delightful valley. Also the area around Fern Valley, La Grande Route du Mont à l'Abbé, the 15 mile-an-hour green lane system that we have needs to be protected. As far as Field 1248 goes I think that is going to be a separate issue later on when we debate amendment 19 of Deputy Paul Le Claire's. Obviously the decision will make the House on the

status of that greenfield site and then it goes without saying, of course, that I would hope that Field 1248 will remain part of the green lane system that we currently have in the north of St. Helier.

1.18.4 The Connétable of St. Brelade:

I am slightly sceptical about this and I feel that it will, as has been alluded to before in various speeches, cast the whole area in aspic and I think that the proximity to the present development of the town area renders this dangerous. The whole area is bordered by services and infrastructure and the risk to my mind is that if no development is allowed in this area at all it will get pushed out into other areas of the Island where there is not the infrastructure presently and I feel that I cannot support it on that basis.

1.18.5 Deputy A.K.F. Green:

I am pleased to follow the Constable of St. Brelade and I stand to support the Constable of St. Helier with this. This is not setting anything in aspic or stone or anything else. This is just saying that we need to develop a plan which would enable access to a country park. Bellozanne comes to mind as an ideal place to be starting that sort of work. We have the incinerator activity that has almost completely moved to that monstrosity down at Havre des Pas but nevertheless it will be a better run incinerator. But nevertheless Bellozanne is a beautiful valley that is neglected, and that is just one example of work that we could do, working together, the Parish of St. Helier, all the Deputies, all the people in this Island, to improve the environment and access to the countryside of St. Helier. One of the very good things about St. Helier is you are never more than a few minutes away from the countryside. We want to maintain that for the people in town.

1.18.6 Deputy M. Tadier:

Looking at the map it is quite astonishing to realise perhaps, which one forgets, the amazing green hinterland that St. Helier and even St. Saviour does have access to. It reminds me very much of the Peak District when I was living in Sheffield. Although one was very much in a fairly big city, fairly built up, you had this lovely countryside on your doorstep. Of course the problem was finding the time to go there and I think this is exactly what the Constable of St. Helier is trying to achieve because we all know that we live in a beautiful Island, whether you are looking at the countryside immediately around the town or whether you are looking at the coastal paths, but not all of us have the time necessarily in our daily routine to go and enjoy the beauty if we do not live in those areas. It is simply I think common sense to make it more an integral part of St. Helier so that there are paths and networks so that one can easily get out there. The main part I wanted to speak to relates to paragraph (a) and it relates to the walkable and cycleable routes. Particularly the cycleable area is something I just want to concentrate on very quickly. First of all I think there is an element that as a society, and perhaps as an Assembly hopefully less, we do need to come to terms with the fact that cyclists are around and that if we are to achieve the aims of the Sustainable Transport Policy and also of the Health Department we do need to be encouraging cycling, particularly in St. Helier, and we do need to be making things as easy as possible for cyclists to get around. Frankly, at the moment, the town is a mess when it comes to cycling. There have been some initiatives that I think have been unfairly criticised. For example we have seen counter-flow cycle lanes, the one on New Street is the one that immediately comes to mind, which are being criticised and I think that we have to get our mind round the fact that we cannot expect cyclists in particular to follow the rest of the traffic. First of all it does not create any incentive for a cyclist. What is the point of being on a bicycle if you just have to follow the rest of the traffic, which is perhaps moving more slowly than you are? It is not fair to the car drivers either. So, I think this really is an area that needs to be looked at in a more joined-up approach. For example, if I want to get from here to, let us say, Queen's Road I do not want to have to go partly down that cycle path, which is against traffic, then turn around rather than going down towards St. Thomas. I prefer just to be able to cycle straight through and it would seem to make more sense. I think we do have to be mindful of how this is going to work. Clearly it has to be in a safe environment. We do not want

cyclists getting knocked over, and that is all about informing car drivers as well as cyclists about exactly what is going on. But certainly I think this is something we can support and I welcome the amendment.

1.18.7 Deputy J.B. Fox:

One obviously must be supporting the Constable in the aims he is choosing to do but from the practical point of view this is going to cause future discussion and some problems. The previous speaker has just been talking about cycles. I get more complaints about cycles near-missing people as they go up against one-way streets and tearing around the streets and along the pavements and along the precincts, *et cetera*, and of course it is like everything else in life, it is modification in routes, *et cetera*, to be able to allow these to be done safely. If you go to Europe and the U.K. you will find that most of these cycle routes have nice little green tarmac areas so that they can be distinguishable and suitably signed. Unfortunately in Jersey at the present time someone is going to get very seriously injured or killed and by that time probably the Parish will be defending a law suit because of what has been allowed to happen in the interests of cycle and pedestrian usage. As far as the national park goes, there will be people that will be upset that they have not been consulted.

[16:45]

The Constable was saying that he had a Town Hall meeting, which discussed the Island Plan, but in fact it lasted for about 30 seconds flat at the end of the meeting and on the question of a town park, the principle we have to agree with, that is essential. But there is an awful lot of detail that is going to have to be looked at subsequently in order that these proposals are brought into fruition. It is not going to be an easy job, it is not going to be a short job, but it is something that if we are expecting the majority of the Island's new residents to be moving into St. Helier to save our greenfield sites, as has been proposed, one also has to recognise that we have to maintain a quality of life. It is nice to say we have 15 mile-an-hour green lanes. The reality is of going up to places like Vallée des Vaux the only reason they are green lanes is because the Constable of the day could not get an agreement for a 20 mile-an-hour speed limit so a green lane was in order. No one keeps to green lanes, it is far too slow, and the other arguments about well, people know where they are enforcing speed checks, *et cetera*. I am not going to go into all the details today, it is not appropriate at this time. The only thing I would like to say as a final conclusion is will you also bear in mind that a lot of our residents in St. Helier are of the senior citizens type and they cannot dodge cars, they cannot dodge bicycles and they cannot dodge most things. It takes time, so if we are looking at the whole gambit let us try and do it in a uniform, co-ordinated way that at least we have a set of rules laid down that we adhere to, to have a co-ordinated way forward. At the moment we have not. It is piecemeal, a bit like Clothier, is it not?

1.18.8 Deputy D.J. De Sousa:

The Connétable is asking for us to promote and enable access, to consult upon and develop, to support the provision of, in this amendment. He has consulted with parishioners. We had a special Assembly on Wednesday, 8th June and last Thursday we also met with the Chamber of St. Helier as well to discuss the effects of the Island Plan. I too will be supporting my Connétable, as will a few of the other Deputies of St. Helier as well. It follows on from my amendment right at the beginning of today as well. It is about the quality of life of our residents of St. Helier and as I said recently in a speech, on the final Down Your Way walk with the L.G. (Lieutenant Governor) at the top of Fort Regent the Connétable and I stopped and had a look out over St. Helier, because you can see for absolutely miles. We both remarked how very little green fields and trees could be seen from that height in St. Helier and it is always the case that St. Helier has to have the high-density, cram it all in. What about the quality of life for our residents? They too count in the scheme of things as well. So, I will be supporting the Connétable and I hope all other Members will as well.

1.18.9 The Connétable of St. Mary:

Earlier today when I spoke about Mourier Valley I asked a specific question of the proposer then because I wanted his views. Unfortunately he did not answer it and he did not understand, I think, where I was coming from. My point then was that Mourier Valley is not a coastal area and yet the Assembly, by a big majority, agreed that it should be protected with coastal status. I said when I spoke that my area was beautiful, a joy to walk in. I have heard Deputy Hilton today tell me very much the same thing about Vallée des Vaux. My point was, and still is, that if we believe that there is not adequate protection given to these areas by Green Zone area we should be looking to evaluate them differently, and that is what the Constable of St. Helier is doing in this. He is asking for a decision to be made to look at the provision of a countryside area here, and I see that as being very much akin to what has been agreed on the coastal park, which will be a higher level of protection, and I feel for the reasons that I have stated that this must be supported for the same reasons that the Assembly supported the inclusion of Mourier Valley, which is not a coastal area but is a beautiful area in the coastal park. I will be supporting the Constable in his endeavour.

1.18.10 Senator J.L. Perchard:

I would like the Constable just to comment on the independent inspector's comments and I will read just the last paragraph and quote from the paragraph before it. It says: "We are told that it is not the intention of the proposal to add another layer of regulation to those already existing. The area is Green Zone." They go on to say: "In summary we support the aim to improve access to the countryside. We would anticipate that the States would seek agreements with landowners to do just that but we think the area is quite unsuited to designation as country park and that the designation would be likely to be used in a way which the Connétable does not anticipate as a means of seeking to frustrate development, which might sometimes be in line with the strategic policies of the Island Plan." This is quite a powerful statement. While nobody would argue with Deputy De Sousa's point of view that access to the countryside, improving quality of life, is important, this is Green Zone already and I want the Constable to comment on those points raised by the inspector and also, while he is on his feet and summing up, the Minister in his comments, while accepting the amendment, certainly the first part of this amendment, the Minister, and I have underlined it: "The Minister remains of the opinion that this is a proposal that is worthy of inclusion as it is at this stage just an exploratory proposal which will be reviewed over the Island Plan period." What is it that the proposition on page 10 does not refer to exploring the proposal? It quite directly points to promote and enable access to the countryside for the residents of St. Helier through the creation of a St. Helier country park. I am confused. I will want to support this. Is it exploratory? Is it a mechanism to block development or is it an actual proposal to have a country park as outlined in the Constable's proposition?

Deputy A.E. Jeune:

Senator Perchard has covered my points.

1.18.11 The Deputy of St. Ouen:

Just picking up on the last point, I think it is an important one and it is a matter of what is Green Zone and what is allowed in it regarding development. Because it seems that the flavour of the month, or today at least, is variations in improvements on the Green Zone because of a lack of confidence that the planning department is able to manage appropriate development within the Green Zone. I am tempted to believe that looking at the new Island Plan it has improved, they are able to manage development. I am looking for a greater consistency, I might add, but I certainly believe that with the improvements and removal of the Countryside Zone and inclusion of the Countryside Zone in the Green Zone that we have already enhanced the protection available around the Island. I suppose that is the next question. Why here? Why is the Constable proposing that the country park should be created to the north of St. Helier? We have heard various reasons for it and suggestions being made by one Town Deputy that they are concerned about housing density. A country park will not address housing density. The Planning Department need to address housing

density on the particular development sites that they are approving. We have heard about cycle routes. I know that all round the Island we have many cycle routes, both on-road and off-road, but they do not require a country park to deliver it. In fact, there is an opportunity for the Constable to already engage with private landowners who are able to provide public access and create parks through private land as part of agreements to enable people to enjoy the countryside around them. In fact I believe there is even support given by the Minister for Economic Development to enable farmers to create those sorts of parks. I just would like, when the Constable chooses to sum up, that perhaps he deals with some of the issues and explains to me why he believes the Green Zone designation for this area is not sufficient and why he believes that a country park will deal with the matters that he flagged up.

1.18.12 Deputy P.V.F. Le Claire:

Obviously in an election year it is important that we get behind our Constable and support access to the countryside, protecting Jersey's fields and sticking up for the environment. This is especially true when we are looking at introducing something like a town country park as the Constable has done in this amendment. Although there have been some issues that have been overlooked it is not his fault, he has a lot to do. It has been said that it is going to be looked at over the course of the Island Plan and the Minister has accepted it, so to vote against it really would seem to be, at least by a Deputy of St. Helier, utter folly. So, I am not going to. I am going to support it, because as daft as I am, I am not mad. I do not want a vote on that one. But in reality I would also like to point out, as was mentioned by Deputy Dupré that we do have coming up the housing element of this plan, and during the course of this debate I intend to prove with statistics supplied to me by various departments that this Island Plan is not going to be a walk in the park. Without a doubt, it might be somewhere to sleep, but it certainly will not be somewhere to walk. St. Helier has a massive problem in relation to this Island Plan in relation to the issues of increased density and what that means for St. Helier. So, there will be a very significant need for amenity space. I have been looking recently at the issues of States-owned sites and today I identified the Le Coin site which has sat empty, a quarter-acre of land there, since 2002. It is up for planning permission, it has initial planning permission, there have been 3 plans drawn up. The latest one is comprised of 400 units of housing per habitable acre and yet within the guidance set within the current planning department in the centre of St. Helier that should not exceed 100 to 120 units. So, we are 280 units above what the architects are being told to draw to today, and yet we are told that supplementary planning guidance in these areas by the officers is not available for a couple of weeks, and the Minister is talking about increased sizes and increased amenities and yet the evidence is there, if you look at the Le Squez site and the Le Coin site and the other sites that are coming on, the Metropole site, it is massive increased density in town. Just in summation, people do not want to hear me going on about this out of context, the intention of the owners of 1248 in La Pouquelaye is to have, as approached, their field developed for affordable housing. The Highfield Lane part of their land, which forms part of the Green Zone, has never been and will never be, if it is approved, a path that will be used for accessing any housing on that field. It will remain in the green lane ...

The Bailiff:

This is a subject, Deputy, for the debate on that point when it comes.

Deputy P.V.F. Le Claire:

Sir, this is a piece of land that is involved in this country park and it has been raised and debated ...

The Bailiff:

You are supporting the country park. You have said you are going to support it.

Deputy P.V.F. Le Claire:

Yes, but I am highlighting a concern that was expressed by Deputy Hilton, Sir, that she would hope that this would ensure that the lane and the field is then kept within the green lanes, and I am just

making it quite clear it was never an intention for this development to take that green lane out. I think there may be some confusion in Members' minds, and people listening, if the inference is given that that would be the case. It certainly is not the case and I wanted to make that clear, Sir.

[17:00]

1.18.13 Senator T.A. Le Sueur:

If I could ask the Constable in summing up to try to clarify a concern I have about the wording of part (b). I think we all agree, and the Minister certainly has said that he is happy to consult upon the development of a St. Helier country park, and indeed the report of the Constable of St. Helier makes it clear, on page 9, that the area of both country parks shown on the map in the appendix is for guidance only. Yet when I read proposition part (b) it says: "Consult upon and develop the proposals for the designated country park as shown on the map attached to appendix 1." It strikes me that if one were to take the wording of the proposition, as one normally does, rather than the report, take the wording of the proposition it does seem to tie the hands of the consultees to the area set out and marked on the map in appendix 1. That gives me concern that it does not give the degree of flexibility in the consultation, which I think some Members are expecting, and I would therefore like the Constable to clarify exactly what he means by "as shown on the map attached to appendix 1".

1.18.14 The Deputy of St. Mary:

When I first saw this amendment, or read ... it was a big amendment, was it not? But paragraphs 7, 8 and 9 I felt that this was one of the bright spots in the whole Island Plan debate, whatever you like to call it, affair. The idea of a country park for St. Helier really made my day. The countryside is there already, but the Constable is not trying to change that and it is certainly not about regulation. It is a designation, as I understand it, which allows the Constable and all other people to get on and open people's eyes as to the potential that is out there and I would say that it is about access. As a cycle tour guide I reckon I know all the best ways out of St. Helier to get from Liberation Square to the countryside as quickly as possible with a group of cyclists, and safely. I can tell you from my experience it is not easy. First of all you have to know the best way to do it and then you have to guide your sheep across the various dangerous crossings that you have to do. The fact is that the routes are not there, they are not clearly signed. They are signed now but sometimes you have to wonder about the signing, like along Burrard Street, which is a bit of a nightmare for a group of cyclists, and so on and so on. So, tied together with the second part of this amendment, the continuous safe cycle and walking routes, this is a wonderful way of opening up people's ambition and creating new possibilities. I think it really should be supported by Members. Just a few words on the continuous cycling and walking routes that the Constable is calling for. These are essential for a vibrant St. Helier. I have feedback from the people who hired my bicycles in the days that I had a lot of bicycles to hire and the consistent theme in that feedback that I got was that St. Helier was more or less a no-go area. "We do not go there, it is horrible. What have they done? Why is it like that? I would not go there on my bike." Well of course you would not because there are zero facilities and a mass of traffic that seems to push you off the road. In response to what Deputy Fox said, he was sort of positive but in a very slow, positive sort of way, I would say that if we are positive about this and go for it then the near misses will become a thing of the past because there will be proper routes and proper provision if you have proper facilities. For instance, with the shared use up to Corbière there was a lot of hoo-hah emanating from a very, very few people that if that ever became shared use it would become some kind of disaster. It is not some kind of disaster. You can go on there now, walk or cycle, and it is completely safe with people just doing their thing along there. So, let us be positive and let us realise that cyclists and walkers do go shopping. In fact every shopper is a pedestrian and with that I think I will close. Just to say one more thing, which is that I was recently on holiday with my wife in her home town of Gütersloh and the entire centre is open for cyclists and walkers. Near misses? What near misses? Because the whole thing is cycle and pedestrian friendly and that town is not a retail desert, it is thriving and prosperous.

1.18.15 The Connétable of St. Saviour:

I find this one difficult because I have very serious concerns about this and the way we are going. The aspirations are wonderful. We all want to protect the countryside, we all want to see people in town, not just town, any of the built-up areas, with access to countryside. That has to be good because the people living there need to be able to get to these sorts of areas. But I am very concerned that at the moment we have protected, or we are trying to protect, our countryside by the use of Green Zones, and what we are doing now worries me in that I can see us downgrading the protection that these Green Zones have because the highest protection will be country parks. So, if it is not a country park then we do not have to protect it quite so much. That worries me. We have beautiful countryside that needs to be protected. The Island Plan should be protecting it through the use of Green Zones, and I think what we are doing here is, in effect, going to damage and downgrade that. The inspectors came out against this. I quite regret that because it would be nice to have an area designated as country park if it was not downgrading the Green Zones. Perhaps the Connétable of St. Helier could explain how he thinks we are not making things worse for all the rest of the Island. Otherwise all we can do is change the designation of all Green Zone to country park.

1.18.16 Deputy J.A. Martin:

I was not really going to speak until I heard the Deputy of St. Ouen and followed by the speech of Senator Perchard, who I do not think has even read the full amendment or understood it. It does say “consult” and also the exception is “propose to explore” and that is exactly what we are doing in St. Helier. The Deputy of St. Ouen, followed by the Constable of St. Saviour, wants to know why St. Helier does not have faith in designation of Green Zones. Sorry, Sir, I really have to rise to speak. We did accept Deputy De Sousa’s amendment first thing this morning. We have no idea what adequate amenities faces in St. Helier. We now are told that we are setting ourselves up for a fall here because if St. Helier has a country park, but it is not a country park, it is just an exploration, and to consult upon what would be in it, that we are stretching it a bit too far. I would suggest the majority of St. Ouen is a country park and coastal park all in one and I drive my son up there most mornings, because that is where he works, and at 6.30 a.m., 6.45 a.m., you cannot see a soul but it is green fields covered in thistles and brambles, as the Constable of Trinity reminded us earlier. So, what are we trying to achieve? We are trying to cram in half or more of the population into St. Helier. Why? Because it is 11 of us with the Constable and that is if we all do stand together, and in the next day or 2 you will see we do not all stand together on this, what is acceptable in St. Helier and what is not. Because I am not in favour of high flats, if there is a possibility of houses I will support that. But my objection is to people not understanding why as a St. Helier Deputy, like my Constable and the other representatives, people from St. Helier do not have faith in the ex-Island Plan. I read out the figures this morning. Between 2002 to 2006 51 per cent of all homes were provided in St. Helier and if you added up the other 11 Parishes that did not come to over 40 per cent. Ridiculous. So, you think we do not have faith in the Island Plan? No. Push everything into St. Helier. We need some amenity space and we want to protect our little bit of green space. In fact most of it is very overgrown. We do need cycle paths, walking areas in it and we need it supported by this Assembly, because you are drawing up some very, very bad environments for the future for people to live in. I only said all that because the Deputy of St. Ouen has very upset me.

Senator J.L. Perchard:

May I just put the record straight? The Deputy said she did not think I had read the Constable’s amendment. I can assure her I have, and I asked the Constable to explain the contradiction between paragraph (a) and (b) of amendment 38 paragraphs 7 to 9.

Deputy J.A. Martin:

I did not say he did not read it, Sir, I said he did not understand it after he read it.

1.18.17 The Deputy of St. John:

I have a fair amount of sympathy for the Connétable and the Parish of St. Helier given some 40 years ago I spent a happy 10 years representing the Parish as one of their Centeniers and member of the Honorary Police and knew the Parish very well at that time. I have probably forgotten most of the road names now but things have moved on. I can understand why the Connétable wants to put something in principle and I can highly recommend him going down that route and putting a working party together given that we have seen over recent times what has been forced upon his Parish. I am thinking the Energy from Waste plant right on the waterfront, although that is not included in this, but it has been taken out of a valley, which that area is obviously going to be used for the sewerage works and the like. I can understand the Connétable wants a lot more input into what is going on within his Parish and although currently the parishioners do get asked for their comments on any planning within the Parish that is all they get. They make an input through just a comment. Picking up what Deputy Wimberley mentioned about walking routes, cycling routes, *et cetera*, through the Parish, I agree, because we have recently built a new bus station on the waterfront only to find that the access to that bus station is somewhat limited. I would have thought that given we own the Post Office and various other things we would have had a covered route from the centre of town, an arcade shall we say, right down directing people to the bus station. That has not happened, for whatever reason, and I would have thought that should have been in people's minds. Likewise with the new upgrading of the abattoirs. There is no easy access directly from within the bus station into that regenerated area and therefore you have a lower footfall because you have to go outside and right round the old tourism building before you can get into there, and these things were obviously long before our current Minister for Planning and Environment was in place. These things were put into train, the foresight had not been there. To me, if the Connétable of the Parish where all this is wanting to happen, we should support the principle and hope that he can put a working party together to come back to the House in the future and have a plan of what he wants within his Parish. I know he is doing it for the north of town, he has done a lot of work on that, but I think he needs a bigger body and bigger support, and I think the support should come from this Chamber to ask him to go away and come back and bring something forward in the future that can build on what he really wants for his Parish, or his residents of St. Helier would have the input of what they want within their Parish and come back to this Chamber with something. Because I think there is merit in what is being debated here and it is just the way it is defined with the red border around the north of town here which looks, the way it is drawn up in the proposition, a bit too hard and fast and it needs to be a little bit more flexible. But I think the principle itself in fact has a lot of merit, but I think more work needs to be done on the way forward.

[17:15]

1.18.18 Senator P.F. Routier:

Today I believe is 21st June, the longest day of the year. This might turn out to be the longest week of the year I think. My comments revolve around the town centre vitality. I think the Constable should be congratulated on bringing forward this particular matter because I certainly agree with the point of needing to improve the cycling and public transport links into the core retail area. There is a line also, which suggests that we support the provision of adequate off-street parking for shoppers and visitors for the core retail area. My question is, what is adequate? Because my understanding now is that what we currently have is not adequate. There is certainly, I believe, from the Chamber of Commerce retail section a desire to achieve more parking for shoppers to get into town because there are shops currently that are suffering, and I know people do not as a choice make it freely to drive into town to go shopping. They will tend to go to some of the other places where there is free and easy parking. So, I would suggest to Members that it would be good to support this particular part of the amendment because if we really want our town to be vibrant and to maintain the level of shops that we have we need to make it easy for the whole of the Island to

get into town, whether it be cycling, whether it be through walking, whether it be through public transport, but also those who do want to use their car. I urge Members to support that particular section.

1.18.19 Senator F.E. Cohen:

I support the Connétable's amendment in this context. I think he is endeavouring to deliver a better town and I think that the concept is an excellent one that will add to the positive life for those who live in the town. I am particularly concerned about some of the comments that have been made in relation to this amendment suggesting that the Island Plan is designed to cram into the town. Nothing could be further from the truth, and this amendment in fact adds to the contrary view. The purpose of this plan and the whole basis of this plan is that the new accommodation that is built in the town should be of the very highest quality. That means high quality design externally, high quality design internally, with good quality amenity space, but that does not mean that you cannot have reasonable density. Density can come with very good design and very high quality. In fact one is far better off to have high density and good quality than what we have had in the past, which is often low density and poor quality. It is the total built environment that counts and that is a combination of good quality living space that is of good size and ensuring that we provide adequate amenity space on-site and adequate amenity space off-site, and a country park is a very good way of adding to the off-site amenity space. As far as the buildings that are being built at the moment, and reference was made to the Metropole, the Metropole is an exceptionally good piece of design. It is not finally approved yet but it is not far off. It is high density, all of the units within that site are minimum plus 10 per cent in terms of size. It comprises excellent design by a very good local architect with exceptional landscaping internally and it will be a great place to live. Another example is the Don Road scheme that I was privileged to see the other day, a combination of a Jersey firm of architects and Robert Adam Architects from Winchester, which is a delightful scheme and will provide delightful new homes in the town that I would be only too delighted to live in. So, the basis of the plan is not to cram people into the town, it is to regenerate the town to allow people the choice of living in high quality accommodation in the town and to deliver to our town what is being delivered to many towns all over Europe. I support the Connétable's amendment.

The Deputy of St. Mary:

Could I ask for a point of clarification on what the Minister just said? Was the minimum plus 10 per cent the old minimum, which was a small standard and plus 10 per cent, or was it the new minimum, which is already plus 10 per cent, plus 10 per cent.

Senator F.E. Cohen:

It is the new minimum plus 10 per cent plus 10 per cent.

1.18.20 Senator F. du H. Le Gresley:

I am a little confused by this request, because I have heard people referring to this proposed country park as a Coastal National Park, or a national park, but I do not believe it is any of those things. I think it is just some fields on the outskirts of St. Helier which are in the Green Zone, which will have special value to the residents of St. Helier because if the Constable has successful negotiations they will have more access to them. So, we are talking about a Green Zone and I was waiting for the Minister to speak in case he might have clarified what I did not understand. But we are not, as I understand it, here creating yet another tier of Green Zone. It is not like the exams where you have A-star as opposed to A when you pass an exam. We are not going to have a Green Zone star, which is land which is special because this is a country park. Otherwise I do fear for the officers and the planning panel as to how we are going to designate what we are looking at. So, if the Constable, when he sums up, could clarify exactly what is a country park, because it is a new concept for Jersey, and he has not really, as I understand it, explained, and I do not think the

planning inspectors either, because they mention the possible consequences of this designation becoming akin to a green belt. So, is it a green belt, is it a park, is it a country park, is it a national park? Could the Constable kindly explain?

The Bailiff:

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

1.18.21 The Connétable of St. Helier:

As the debate got under way I thought we were looking at a game of 2 halves, because we were talking about Field 1248 and the country park proposal and then lo and behold it became a game of 3 halves and then 4 as transport got introduced. I will try and deal with the main questions that have been raised, and I thank all Members who have spoken. First of all the map, as I said, is purely indicative. It does sweep up Field 1248 and I realise that gave one Town Deputy some problems, but I would say to Deputy Dupre that I have had discussion with the owners. In fact on 2 occasions I met with the owners of Field 1248 to explain to them why I could not accept their kind offer of this greenfield being turned into housing. Perhaps I could mention to Members that one of the formative experiences of my time living in St. Helier was being asked by a developer to support his application to develop a field, which is right on the top of the hill that overlooks Trinity Hill and I went up there one morning - it is above a well-known supermarket as well - I went up there one morning at this time of year and I was really quite struck by what a marvellous idyll of countryside this was almost in the heart of town. I obviously refused to support that development and I have refused to support any greenfield development near St. Helier ever since because there are brownfield sites that can be developed, there are States-owned sites that can be developed, and we need access to those kind of fields. The Constable of St. Brelade, I did not realise where he was going until Deputy Green followed up the remark about Bellozanne, and of course as Minister for Transport and Technical Services he is concerned about any claims on Bellozanne which I think probably used to have something to do with beauty in its title. Certainly the first part of the name has something to do with beauty, and there is no doubt now that the incinerator has gone, and I do not support where it has gone but it has gone, the residents of First Tower really deserve somewhere they can walk which is beautiful and peaceful. I do intend, however this goes today, to talk to the Minister about what we can do to improve Bellozanne Valley because it is the gateway to Fern Valley, which is one of our greatest assets in the Island, never mind in St. Helier. So, I am sorry that the Constable of St. Brelade cannot support what is after all, and I will probably say it a couple of times while I am speaking, purely an idea. This is just an idea. In fact I think someone called it a proposal. It is not a proposal, it is to develop a proposal, to consult with the public. I think it is the sort of thing that everybody should be able to support and I would be particularly pleased if we have a unanimous vote for this proposal because when possibly in 10 years' time or even 15, if it has the same slowness of the town park, when this eventually happens I would like to look back and think: "Well, at least it had a good support from the then States that we should look at this idea." I come back to Members who spoke about mad cyclists in a minute because I think the main thing I want to deal with first is the country park. Deputy De Sousa spoke about the problems of town cramming. I do not agree that high density is the same as town cramming. I think that you can have high density. The corollary, as I said in my opening remarks, is you must have sufficient open space, which is why we are having this discussion about the possibility of a country park. Senator Perchard was the first of a number of Members who were confused by what I am trying to do here. To Senator Perchard I would point to the difference between an objective and a proposal. The objective, which I would hope we all share as part of the regeneration of St. Helier, is to promote and enable access to the countryside for the residents of St. Helier through the creation of a St. Helier country park. There is no problem with having that as an objective. It does not do anything. It does not draw any lines on any maps. It is simply an objective in the Island Plan if this is approved. But a proposal is something much more deliberate. The proposal is to consult upon and develop a proposal to designate a St. Helier country park in the countryside. So

those are very different things. We can all have an objective, we can have a common objective if you believe, who would not, that a country park like a horseshoe around the urban part of this capital is a good idea, a good objective to pursue. A proposal is to go out there and make it happen, and that second part is very carefully worded. The first word of it is “to consult upon” because if we do not get the backing of the people out there, the landowners, really this cannot go any further. I hope that has cleared up the confusion of Senator Perchard. The Deputy of St. Ouen’s confusion is going to be harder to tackle because he said: “Why should St. Helier have a country park?” I am sorry, I thought that was one case where I thought perhaps the Member had not read my report because the point I made very strongly in the report is if you expect St. Helier to bear the brunt of development, and that is quite clearly the thrust of the Island Plan, then you must as a quid pro quo offer the residents of St. Helier, the workers in St. Helier, the visitors to St. Helier, you must offer them convenient access to the kind of idyllic countryside that I spoke about when I started. Several Members feared that this proposal will downgrade the Green Zone. I do not see how that can happen. It is only a proposal to carry out a consultation exercise about creating a country park. Some Members, I think Senator Le Gresley, I think quite rightly asked what exactly is it? He said: “This is a new concept for Jersey.” Well, it is, but what is wrong with a new concept for Jersey of a country park in close proximity to an extremely congested and densely populated town? I maintain that that is a new concept for Jersey which is worth examining. It does not weaken the Green Zone. The fields we are looking at remain in the Green Zone as this consultation takes place. So, nothing dreadful is going to happen to the Green Zone if we approve the idea of investigating a country park. The Deputy of St. Mary I thought put his finger on it when he said it was one of the bright spots of the Island Plan. I happen to agree with him. I think this is. The Minister for Planning and Environment gave it his support and I am pleased to hear that. He said that once all this is achieved he will be only too delighted to live in St. Helier. I look forward to welcoming him into the Parish if I am still Constable and if he is minded to be a Centenier again he can spare me a fine. Other concerns; the Chief Minister, I thought he was splitting hairs, he said “as shown in the map” means that we can only look at the area shown in the map.

[17:30]

Well, if you read back a bit, the beginning of the sentence, it says: “Consult upon and develop the proposal.” So clearly that consultation process is not going to be confined by the map and if it is then someone will say: “Well, why did you not take in Fern Valley because I see you have left it out? And that cannot be deliberate.” So, I hope the Chief Minister will lend his influential support to this proposal because I think it is a bright spot in the Island Plan and it may be significant in the longer term so I would encourage Members not to get too hung up on the detail of what is essentially an idea that we are asking to explore. The Constable of St. Mary mentioned that she had not got an answer from Senator Le Gresley about designation. Clearly the Coastal National Park does give a higher tier of protection and that is why the Minister for Planning and Environment has introduced it. The very highest, which is a tautology, but certainly the highest protection possible is coming in the Coastal National Park. I do not know whether a country park will also have that same highest protection. Maybe it will, but it is too early to say because we have not done the work. So again I would say to Members this is Green Zone land we are talking about. We are talking about the possibility that it will have some special identity. It will clearly be the St. Helier country park and if that is worth exploring, I ask Members to support this amendment. The rest of the comments were mainly about rogue cyclists and things like that. All I would say to those Members who have this perception is that in my view a dangerous cyclist is also dangerous on a motorbike and is dangerous behind the wheel of a car. They all go through red lights, they all drive on pavements and so on, and we need to do all we can to curb that kind of behaviour and encourage responsible driving. I have even seen dangerous pedestrians, so it is not just the cyclists. Anybody who is moving in the public realm can pose a threat to other people whatever form of transport they have chosen to use. I thank Senator Routier for his comments about town vitality. He quite rightly asks what does adequate off-street parking consist of? One of the amendments in this set of

amendments focuses on that adequacy by saying that the number given by the Planning Department in the Island Plan is inadequate. It imposes a ceiling on the number of car parking spaces, and the amendments taken as a whole I hope will make it easier for example for temporary car parks to be created to help shoppers. The Chamber of Commerce, as a couple of Members mentioned, is concerned about off-street shopper parking serving the core retail area and I am determined we are going to do more to address that. The Deputy of St. John was supportive and I thank him for that. He did ask for a covered, walkable route to the bus station, which I think is a very good idea which ought to be followed up, and of course Liberty Wharf was supposed to be a covered route towards the harbour but it is closed every evening at 6.00 p.m., which is a travesty of the original plans. Again that needs to be addressed as well. I think I may have covered most of the concerns that were raised. I would just perhaps in respect of one Member, I think Senator Perchard, asked me to comment on the inspector's comments and I thought I would let the National Trust do that. That was the paragraph in that letter that I did not read before and I quote: "The inspectors have stated that the country park is unjustified because of its agricultural nature and lack of special attributes. However, in doing so they are failing to recognise that the special quality and intimate nature of our Island's landscape has indeed been derived from our agricultural heritage. In addition the inspectors failed to acknowledge the recent findings of the National Ecosystem Assessment which suggests that the health benefits alone of living close to green space have a value of £300 a year." I must say I was disappointed with the inspector's comments. I did not think he appreciated what I was trying to do. I mention in my report the Itchen Country Park near Eastleigh. Deputy Tadier usefully mentioned the Peak District which provides such welcome relief for inhabitants of the northern industrial towns. I think I have covered everything, Sir, I maintain the amendment and ask for the appel.

The Bailiff:

The appel is asked for then in relation to the amendment of the Connétable of St. Helier. This is paragraphs 7 to 9 of the 38th amendment. They are all being taken together. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 44		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy of St. Ouen		
Senator P.F. Routier		Deputy K.C. Lewis (S)		
Senator T.J. Le Main		Deputy A.T. Dupré (C)		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
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				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				

Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S. Pitman (H)				
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 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 Bailiff:

The adjournment is proposed but before that ...

Deputy I.J. Gorst:

Sorry, Sir, I was just going to say prior to adjourning I understand that perhaps the Greffe's department has been counting the time that we have been taking and whether we have got through the business today that we need to finish by the end of the week. I am not sure whether they could give an indication of whether they feel we have and if we have not whether we need to consider on future days either coming in slightly earlier and sitting slightly later, so that Members, if we decide today, have time to make arrangements.

The Bailiff:

From the Chair we appear to be doing quite well until perhaps this last amendment, which was accepted by the Minister, was voted on with only 3 people against it but we took well over an hour to debate. But there we are, it is a matter for Members. I am sure the Greffe will do work overnight perhaps is the best thing and perhaps discuss with the Chairman of P.P.C. (Privileges and Procedures Committee) and see how we are going. But so far so good. **[Laughter]** Can I just mention 2 matters then, that have been lodged. First of all an amendment to Projet 37, a second amendment lodged by the Chief Minister, that is Draft Control of the Housing and Work (Jersey) Law 201- and similarly a second amendment to the Draft Register of Names and Addresses (Jersey) Law 201- lodged by the Chief Minister. Very well, the Assembly will adjourn and reconvene at 9.30 a.m.

ADJOURNMENT

[17:37]