

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 23rd JUNE 2011

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[9:30]

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

PUBLIC BUSINESS – resumption

1. Island Plan 2011: approval (P.48/2011): tenth amendment (P.48/2011 Amd.(10)) - resumption

The Bailiff:

We return to debate upon Projet 48, the 10th amendment, lodged by Senator Perchard.

1.1 Senator B.E. Shenton:

Unlike most Members of this Assembly I do not have any amendments to this Island Plan. I do not have any long speeches up my sleeve. What I am doing is I am working through the plan fairly objectively. I am tending to put a lot of emphasis on the inspectors' comment and where the Minister has differed from the inspectors then I sort of look at it slightly more deeply. So with Thistlegrove I was a little bit surprised that what is, in effect, an already light industrial - I went up there to look at the site and it is mostly concrete up there anyway - was removed from the plan. I was trying to work out why this was. As Members probably know, ministerial government worries me intensely because of the lack of checks and balances, and we have heard all the way through that this is Freddie's plan. It is not the plan ...

The Bailiff:

The Minister's plan.

Senator B.E. Shenton:

I am glad you agree with me, Sir. **[Laughter]** We even now have a ruling from the Bailiff on that.

The Bailiff:

The Chair does not agree or disagree, but it likes Ministers to be referred to as a Minister or a Senator, not by Christian name.

Senator B.E. Shenton:

It is the Minister's plan. Clothier, with regard the Minister as body corporate, had this concept that the Minister was not only the Minister but he was also the Assistant Ministers, and they also had this unusual concept that the Council of Ministers would ultimately have control over a Minister and could overrule a Minister and so the plan would be the Council of Ministers' plan, but this is the Minister's plan, Senator Cohen's plan. So that obviously worries me because we are debating an individual's view of the Island. The States of Jersey Development Company worries me because it means that we are moving a lot of control to the States and the States are going to become developers in their own right. So the States are going to be in direct competition with the people that want to develop this site here. I must admit that I do agree with everything said yesterday by Deputy Higgins and Deputy Martin and Deputy Southern, and various other Members, and Deputy Le Claire ...

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

Thank you, Sir.

Senator B.E. Shenton:

We do need more industrial sites. The inspectors have looked at this dispassionately. There is no N.I.M.B.Y.ism (Not in My Backyard) with regard the inspectors and I would just like to plant this seed in Members' minds. I did ask myself the question whether the Island Plan was being manipulated to the benefit of the States and the States of Jersey Development Company to the detriment of private developers and private investors. This was brought home somewhat by the

speech of the Minister for Treasury and Resources that said that we will need industry of this type, and it is industry that we want to look for investment for, but there are much better sites at the harbour, which is States-owned, and at the airport, which is States-owned and primed for development. He said we should look out for exciting news to come on this from the States-owned Jersey telephone company. I just sort of thought, well, I am a fan of smaller government. I think governments are there for education, for health, for social services, and so on and so forth, but it is not there to act as property developer, retailer, hotelier, and various other things. I know that my thoughts of small government is contrary to the big government aspirations of Senator Ozouf and Senator Maclean **[Laughter]** but they do seem to want Government to have, like a giant octopus, to have its tentacles in every area of Government. Was Thistlegrove removed for the right reasons or was it removed because the States owned better sites? So that is one question. I was a bit surprised that we did not hear from the Minister for Economic Development yesterday, and I am sure he is going to speak in this debate. But I do wonder, because he lives just off that photo you do wonder how ... and I thought, well, I will speak before him because that gives him the right to reply, because it would be very unfair to speak afterwards and he can have a go at me as much as he wants. But you do ask the question of how impartial he is to this development. He is meant to be driving forward private developments and you do sort of ask yourself the question, well, if you are a neighbour, if you are the N.I.M.B.Y., if you are the actual N.I.M.B.Y., how does that conflict? We love this conflict of interest thing and the Minister is very hot on conflicts of interest, as we know, but he is there to drive forward private investments. We seem to be coming around to this thing where running this plan, so the States of Jersey Development Company will have all the prime sites and then can cream off the business as they want at the prices they want, because there will not be any competition. These are the sort of thoughts that are running through my mind. I mean we have got a shortage of sites. I have been fighting ... we have still got problems with Reg's Skips. We still have not found a home for Reg's Skips. This is not a suitable site for Reg's Skips, I should point out **[Laughter]** before anyone has any ideas, but we have still got a problem with Reg's Skips and so we all want light industrial, we all want to provide jobs in this, that and the other, but there is this sort of "not in my backyard". So that was just the thought I thought I would leave with you because I think that investments should come mainly from the private sector because there is risk with investment, and I think the risk should be taken by the private sector. I will be asking a lot of questions over the waterfront in coming State sittings to prove that where we have taken the risk as a Government, we have not done very well out of it. So I leave you with that thought. If this is not removed from the Island Plan then there is always the harbour and the airport, and the lovely States of Jersey Development Company will come along and fulfil all our needs and, as with everything else, we can have big government, which is exactly what the Council of Ministers wants but it is not what I want.

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

In those immortal words, Senator Shenton has taken away my speech. I am not quite into the elaborate conspiracy theories of the Senator and I have kept fairly quiet during most of this planning debate, but I have become increasingly concerned, and of course I did move a proposition a couple of months ago about the powers of the Minister for Planning and Environment.

[9:45]

Before we go any further I know we are going to have yet another debate, is he not a wonderful chap but ...? Let us assume ... and I do know it to be a fact that the Minister for Planning is indeed a wonderful chap, but that is not the issue. The issue is the concentration of power and the constant reference to "my plan, my plan, my plan" has really worried me as this debate has proceeded. There is a certain element that applies to this particular situation because it is quite obvious, according to the record, and I have got no problem with it, but the fact that it is entrenched in the record worries me. There was apparently a sudden change of heart after the Minister for Planning

and Environment had had a meeting with interested parties. Now all good stuff, that he should have meetings, he said yesterday; wonderful. But it struck me, a whole mass of evidence had been built up, a whole complex discussion had started to take place and then all of a sudden the meeting took place. There is an immense reliance on a BNP Paribas report on property light industry needs in the Island based, it should be said, on anecdotal evidence and of course we have all got that evidence in another direction. We have all seen the congestion at Rue des Pres, as the Constable of St. Peter said. We have all seen the congestion and the inappropriateness, as I think Deputy Power said of how some of these light industries are being shoe-horned into farming sheds. Of course farmers are under immense pressure to prove they have advertised to industry and we find these industries being put in obscure locations down the end of difficult to get at lanes, et cetera. So that is the other anecdotal evidence, so if you are going to say on anecdotal evidence that certain conclusions were reached we are entitled to say on our anecdotal evidence we reached other conclusions. I find this immensely worrying that the whole thing has got far too much of a personalised aspect to it. Much as I admire, and I would like to say again what a wonderful chap the Minister for Planning and Environment is, in case we have that debate yet again. The other thing is where I would totally agree with Senator Shenton, I went to look at the site in order that I could sit on the many fences at the Fencing Centre. I do not know what the Deputy of St. John was inferring when he said all these sheds and conservatories that appeared, as if they were some kind of asylum seekers' village had appeared all of a sudden in the midst of St. Lawrence. It did not worry me to the extent it did, but I was staggered that under our planning law this is classified as agricultural land, because it certainly did not have that appearance and while I totally accept, because we have seen this, the Deputy of St. John's view of the mobile chicken sheds, we have seen the shed issue in the countryside as sheds become bigger and sheds are left behind, which all of a sudden get put forward for housing development. There is a whole process you can see occurring. Like Senator Le Gresley, I was just amazed at the site, and to think that under our planning law this is agricultural land, because what it does, it begs the question and it will come up under the Samarés greenhouse debate, and under the greenhouse sites for which I often get lobbied, there is this slow battle of attrition goes on between the owners of these sites and planning. But, at no point it appears, other than that example that is always quoted at Maufant where a site reverted to agriculture, at no point are definite steps taken to issue orders to return these sites to agriculture. So we are left with owners in a state of complete uncertainty and in a state of hopefulness that there will eventually be housing permission granted to some of them. But we are left with sites that never move on. So why are we pretending we have a policy of return to agriculture or confirming retention in agriculture, which as I said is really stretching the meaning of words in regard to Thistlegrove, when it appears we are not prepared to press the button and to say: "Yes, they will go to agriculture. Greenhouses will be dismantled, et cetera." We have really got to make up our mind in which direction we are going because people are being given very, very mixed messages.

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

I am going to try and bring people back to the proposition and also the speech by the proposer. I think people should go back and just look. To get the report we always know it is what is in the proposition and the proposer talked about I.T. (information technology) and data centres, which is all good stuff. Now he did explain why he could not do it, but could anyone please identify to me on either pages 2 or 3 of the proposition where it says anything about I.T. Now there is absolutely no issue with the use of the land that is presently up there in the case, especially part of it which is already zoned as an industrial site. There are local businesses up there and certainly I do, and I think we should all try to support them where we can, and that is people like the organic farm that is up there and the Fencing Centre. But the point about all this is that the amendment, especially if one looks at the back of the proposition, and on that map it is not entirely clear there, but the non-shaded box is what we are rezoning. That is more than double the size of what is up there at the moment. I am sorry, but if one goes back to the Island Plan on page 202, so the amendment, as we know, is about zoning it as light industrial and if one looks at pages 200 and 202 in the Island Plan

one will see that the existing much smaller rezoning of Thistlegrove is lumped in with Jersey Steel, Rue des Pres, La Collette, et cetera. We have got no issues whatsoever of the existing zoning and I cannot support something that doubles the existing zoning of light industrial and potentially to deliver something like Rue des Pres to this, which is a rural location. That is actually, I think, one of the bases that I understand concerns were raised by parishioners to the Connétable. We are talking about the Island Plan. Let us not try and go off at however many different tangents or whatever it is, but as I said, if you go through the proposition there is not one mention of anything remotely like I.T. It is specifically about light industrial and warehouse use. The only thing excluded is retail, unless it is ancillary. Equally and telling, and that is going back to the inspectors' report, if this was a new application it would not be recommended. It is identified as being a rural location, and therefore why make it any worse? The Deputy of St. Mary, in my view, has put his finger on one of the major issues, and that is traffic impact. He commented in certain places along that part of the main road one takes one's life into one's hands, and that is absolutely true. The inspectors do comment, interestingly enough, that the traffic impact assessments, so one has obviously already been done, does show an increase in vehicles; both light and heavy goods vehicles. So why would that be the case for a simple technical part, an I.T., a data centre, a disaster recovery centre? Why is there going to be an increase sufficient to be noted in the inspectors' report of heavy goods vehicles? Why is that the case for data centres and technology centres? Just to remind people because maybe people just drive up there, if they do, and do not think about it too much, but it is not just about the impact on the vicinity of the site, which has that sort of chicane infraction, as it were, and an absolutely lethal blind corner just before that site, but equally further down by Glencoe, for the sake of argument, where the roads narrow. Again, the point has been made, if you get 2 lorries coming down there at the moment, in 2 different directions, as it were, it is a nightmare, if you try going round there during the auctions or the rush hour. But the impact then goes much further down, all the way down that main road outside the Parish school and even Mont Felard where the record of accidents and collisions just seems to get longer all the time. So it is not about N.I.M.B.Y.ism. It is about possibly having a local understanding. I am about as far away as you can get from the site without going into St. Aubin's Bay, yet I would have concerns. The proposer, I think, has made great play of being consulted in respect of the planning brief but I have to say I remember the Minister commenting years ago, it feels like, it certainly was not this week, but a significant time ago that he was not a great fan of such briefs because he did not necessarily feel they were that effective. I am sorry, I am not convinced by that argument. We can all sort it out at the brief stage. We have had those arguments before in the 2002 Plan. Deputy Higgins talked about a small increase. As I said, this is more than doubling in size. It is not just about sticking things in St. Helier. I will just point out to Senator Le Gresley, I am fully aware of the existence of La Providence and its location next to the Jersey Steel, as is the Constable, as is the Deputy of St. Peter, among a whole variety of other people who are in this Assembly starting from 6 years ago, at least, because that was one of the main concerns expressed when the estate itself was constructed, that he was referring to. Was the possible impact on Jersey Steel due to possibly noise complaints, and it is not called La Preference? But I go back to what I think was a very good speech by the Deputy of St. Peter where he utterly endorsed the principles of using the airport areas for such construction. That is not about N.I.M.B.Y.ism. That is a logical location because it has got better road links and it has probably got the, or one of the, biggest substations certainly in the west of the Island. One thing that data centres need is power, and reliable power. Just go and speak to Foreshore about that and who I would have thought were also a top notch provider and funny enough they were overlooked by the proposer in his speech, as Deputy Lewis noted, that some other providers were as well. I have to say I think the Deputy of St. John made a very clear case for leaving it well alone. What does happen to the Fencing Centre, which was basically the top right hand side of that photograph? Where would they relocate to or are we saying we are going to close them down? What happens to ... they certainly call themselves an organic farm, it is mixed, they have chickens and things as well, it is their sheds and their shop, et cetera, that are being rezoned here. Are we telling them to close down or do they have to move elsewhere? There

is a need for those type of sites of business and this type of rezoning, I think, will just squeeze them out. Again, and I am certainly not a farmer, but one thing I have realised is agriculture is not just about green fields. They have to have locations to operate from. That is one of the locations. As I have said, this proposal doubles the site of the existing zoning, which these days would be an anomaly. It will have additional traffic impacts on some quite dangerous roads, and let us be very clear, and most importantly, this proposition, as it is worded, I understand the issues that the proposer had, is not about rezoning it as a data centre. It is categorically not. There may be mention in the report, the proposition is specifically about light industrial and warehousing; I.T. is not mentioned at all. Yet an inspectors' report does talk about an increase in heavy goods vehicles. I am sorry, as far as I am concerned, this amendment does not do what the proposer presumably very well intended holds out to do, and that is why I cannot support it.

1.1.3 Senator B.I. Le Marquand:

I did not initially intend to speak on this matter but having heard the debate and the direction which it has gone, I feel it necessary to do so. I have great concern that in this Assembly we are very good at standing up for principles, in this particular case the principle would be the principle in general terms of not allowing further development into the countryside on greenfields, and so on. Then when we come up to the first individual case, in which our principles are tested, we have a habit of keeling over and suddenly finding that there is an exception for some reason or another. I do not find that a very healthy trend in the debates generally which take place in this Assembly. I understand the concern of Deputies in St. Helier in relation to potential future overcrowding of St. Helier with much of the building going there, and so on. I understand those concerns, but with great respect for those who have talked about these issues in this context, this is not what this is about. This is about whether a particular site, which is slap bang in the middle of the countryside of St. Lawrence, should be singled out for special treatment as compared with a whole host of other sites, which have come to my mind, which I will try to recall during this speech. I have a real problem with that. I really cannot see the rationale behind singling out this particular site. There are other sites around which have this sort of mixture of things already.

[10:00]

There are 2 I can think of in Trinity. One I can think of in St. John's and others all over the place, so why are we singling out this site? Why are we going to put into the Island Plan something which treats this site quite differently to other sites of a similar nature? I do not think, with respect, that that is a rational approach at all. I cannot see any particular reasons why we should do that. Some have expressed concerns about the availability of development sites for commercial enterprise and so on and so forth. But we know that there is going to be a development up at the airport. It is not worked out in full detail yet. We know there is going to be expansion in those sort of areas. We know there is going to be provision made there, which incidentally is not in the Parish of St. Helier. So I simply cannot see the rationale. I am going to stick to the principle of not extending into the countryside unless it is absolutely necessary, there is a very strong reason and, frankly, this is going to convert what is an existing site into a much more industrial type site and I cannot support it.

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

Just very briefly, the reference made by the Senator to data storage in his opening speech, could he please in his summing up let us know whether he considered the remote backup and off-Island disaster recovery storage of data?

Senator J.L. Perchard:

Sorry, Sir, I did not hear the question.

Deputy A.E. Jeune:

I will repeat it, if I may. Did the Senator consider remote backup and off-Island disaster recovery storage of data, et cetera?

1.1.5 Deputy E.J. Noel of St. Lawrence:

I was one of the Members who visited the site along with Senator Perchard and an independent planning consultant whose firm's logo is on the map in the report. If I may quote Senator Shenton from his opening speech, he referred to this as not being a greenfield. I agree with him, it is not a greenfield, but it could well be. Senator Shenton has also referred to that it is covered in concrete. The glasshouses on the bottom left-hand side are not covered in concrete. The Fencing Centre on the top left-hand side is not covered in concrete. The organic farm with its chicken sheds is not covered in concrete. So from my view there is not a lot of concrete on this particular site. Senator Perchard is putting the cart before the horse. He is asking us to rezone this site for data centre use and, in his words to me last week, only for data centre/I.T. uses. But what we are being asked to do is to rezone this for general commercial. Well, he cannot guarantee that only data centres and I.T. firms will locate into this site. There is already existing capacity for commercial activity on the existing site there that has permission that far greater density can be extracted from that. There is one main building contractor there that has good density, but the rest of the existing commercial zone can be redeveloped and substantial increase in capacity generated without changing the footprint. As Deputy Le Fondré has already said, in fact, if you look at the very back page of the amendment it is not doubling the size, the area to be rezoned is twice the size of the current zone. So we will end up with an industrial site 3 times the current size of what is already there. That is in the middle of the Island. Not in the middle of St. Lawrence; it is in the middle of the Island. The site may have a fibre optic connection - Jersey Telecom have a unit on the site - but it lacks the most important thing for a data centre and that is power. There are no adequate power facilities in that area and major cable would have to be run from something like Five Oaks or La Collette up to this site. That would be difficult to do. It would be disruptive and it would be expensive. Senator Perchard claims that Rue des Pres is not suitable for data centres, and that was in his speech. In fact, there are several there already and I believe that J.T.'s (Jersey Telecom) new data centre down there has spare capacity in it. It is not full yet. So I do not know where the massive demand for these acres and acres of data centres are going to come from. In my private business I have a number of I.T. consultants and I have been discussing this issue with them over the last week or so. They inform me that within 5 to 10 years data centres could quite easily be outmoded. Technology is moving away so you do not necessarily even need a big physical infrastructure. By example, Microsoft has 2 data centres in Europe, one in Ireland and one in Holland. These data centres are built inside purpose-built containers. They can be moved within an hour. That is the future of data centres, not acres and acres of concrete and warehousing. Senator Perchard says that there is a demand in the marketplace. Only last week for the second week in a row on Wednesday night's *J.E.P. (Jersey Evening Post)*, which is the commercial night for property, there was a warehouse at Rue des Pres, quite a substantial warehouse at Rue des Pres, vacant, asking for tenants. So where is this massive demand? As the Minister for Planning and Environment has already said, the demand from local businesses will be fulfilled by his relaxation of current planning regulations whereby existing industrial sites can expand by 5 per cent without planning permission. It will come from reconfiguration of our fulfilment industry that is going to happen, regardless of whether or not we continue to have the exemptions from the U.K. (United Kingdom) for V.A.T. (value-added tax) because the type of goods that people will buy in fulfilment are moving away from D.V.D.s (digital versatile discs) and C.D.s (compact discs) just to electronic bits of information. You do not need the physical article anymore. Naturally, regardless of whether or not we have our V.C.R. (video cassette recorder) in place or not, the fulfilment industry is going to contract and that is going to provide extra capacity. But I would like to go back to this particular site. On that site are serviceable glasshouses I believe that are cultivated currently, and a poultry farm, a very successful poultry farm, I believe. Where would these activities go to? They would have to go to other greenfield sites, and I refer to this as a greenfield site because with a JCB or maybe 2 and a few

tipper lorries, the hard core that is down there at the moment, because it is not concrete, could easily be removed and those could easily become greenfields again. This is not N.I.M.B.Y.ism, if there is such a word. Like the Constable of St. Lawrence and my fellow Deputy, we live about as far away from this site as we possibly could. Deputy Higgins made a comment that we would say this because we live in St. Lawrence. You can make a similar argument about the St. Clement Deputies and the sites that are coming up for discussion later on in this debate about the St. Clement site. This is an Island site. It is smack in the middle of the Island. It is not smack in the middle of St. Lawrence; it is smack in the middle of the Island. We should be protecting it. We should be going along and agreeing with Senator Le Marquand. We should be looking at the principles first. The principle is that we will not be building on greenfield sites. In my mind, this site could quite easily become a greenfield site.

1.1.6 Senator A.J.H. Maclean:

I was not going to speak on this particular topic. I did mention at the beginning of the debate - Sir, I think you were in the Chair - that I felt there was a potential conflict of interest for myself because I live relatively close. It was the comments of Senator Shenton that made me decide that I ought to just make a few observations. Just to be clear, I live about a quarter of a mile or so, a little bit more, to the southeast of this particular site, which is off the map. In fact, I live fairly close to the Deputy of St. John, perhaps closer than I might choose necessarily or perhaps he might choose. **[Laughter]** I do, like some other Members have mentioned, like chickens and, indeed, eggs. But what Members might not be aware and certainly I do not think Senators Shenton or perhaps Perchard are is that chickens attract flies and vermin, rats in particular, and there are rats in all sorts of areas. **[Laughter]**

Senator S.C. Ferguson:

Even this House.

Senator A.J.H. Maclean:

In fact, I employ a pest man to control the vermin in the countryside. I would also point out to Members, though I am not sure whether all Members can see clearly the map on the wall behind us, there is, in fact, below the blue section at the bottom right-hand corner you might be able to pick out a swimming pool. It is a neighbour who obviously is immediately adjacent to this particular industrial site. The lady of the house happens to be a teacher at my son's nursery school. She did approach me at one stage pointing out the difficulties they have had with flies since the chicken farm has expanded in recent years. They have to put nets up. They cannot open the windows in summer. Health protection are very well aware of this site. The point I am making is that chickens are a problem. They do present certain issues for close neighbours. So it is clearly obvious that the development of this site as a new light industrial development would greatly improve the position of that neighbour. It would certainly greatly improve the position, I suspect, from my own personal point of view if I want to take a personal position on this. You might, therefore, draw the conclusion it is rather strange that I am standing suggesting that this is not the best thing to do in terms of moving to light industrial. From a personal point of view it may well be. I pulled out yesterday, in fact, or the day before an old aerial photograph of the site and I found that aerial photograph and I have it here. Members can have a look at it afterwards. It will be too late obviously but I have it all the same. It is an aerial photograph which shows that the red area that we can see on the map behind us, about 80 per cent of it in the 1980s was greenfields. In fact, about half of the strip which is now the chicken area was greenfields as recently as 7 or 8 years ago. There has been significant development on the site and I guess that is just the way these things go. But we do need to bear in mind that the chicken production that occurs on the site is nevertheless important from an agricultural point of view and another responsibility I have as part of Economic Development is agriculture. This particular farm is one of the top 3 producers of chickens in the Island. All I would say is that that business is going to have to be relocated, I would assume,

somewhere otherwise we are going to lose quite a percentage of our chicken and local egg production. I think that would be a shame. I think it was Deputy Le Fondré who also pointed out the fact that there is a farm shop there, an organic farm shop. That indeed would also need to be relocated. I think what we need to bear in mind, if there is going to be relocation of this particular business, it is going to take other agricultural land in the Island which at the current time is greatly needed for sectors within agriculture such as potato. There is not enough land for the current demand and development of the potato industry, another important area that we need to bear in mind. I was invited by the Minister for Planning and Environment to attend a meeting in January and I know that Senator Perchard has mentioned the meeting in January. I was asked to attend the meeting in my capacity at Economic Development because there was a demand survey done in 2008-2009 on light industrial demand in the Island.

[10:15]

That particular report showed at that stage there was 1.5 million square feet of unmet capacity for light industrial in 2008-2009. What the Minister for Planning and Environment was keen to see was what the latest demand was. The point has been made, yes, there is a recession, but notwithstanding that what is the current demand? We asked BNP to look at that position and it has been pointed out I know by Deputy Le Hérisier and others that it is anecdotal evidence, but nevertheless it comes from industry, industry who are at the frontline and have a good feel as to what the demand is. What that review has shown or that report shows is the demand has fallen by around about 95 per cent in the last couple of years. It is down to about 50,000 to 75,000 square feet of demand for light industrial space. Now, that has clearly been affected by the recession, I have no doubt. It has also been impacted by changes that we are seeing in the low value consignment relief area. I am aware that as we move forward we will need more space for light industrial. I have absolutely no doubt about that. This is where curiously I both agree and disagree with Senator Shenton behind me, because I think we should be looking at utilising available space, available States space, at the airport, at the harbour and other buildings that the States have. Not for one moment because I think the States should start running businesses or trying to capitalise on a particular market, but I think if we have the land we should go into partnership with the private sector, allow them access to the land, allow them the opportunity to commercialise an opportunity for the benefit of the taxpayer of Jersey. Surely that is what we should do first. It seems to me the obvious thing to do, particularly when that space exists. As others have said, and clearly I would say that from my position as Minister for Economic Development, diversification of the economy is key. As I have said, I have no doubt in the future the demand may well have fallen dramatically. It may well only be 50,000 to 75,000 square feet. I believe we should work on utilising States-owned assets with the private sector to develop the opportunities that exist in developing our e-commerce sector, which has significant opportunity as we move forward, data centres, I.T. and so on. I have no doubt that we will continue to work with businesses who are looking to capitalise on those particular opportunities. I would also say I would like to just raise a point on some of the comments, quite extraordinary comments, that Senator Le Main made yesterday. I was disappointed because I was rather nice about him the other week and nevertheless he made some rather disparaging comments about what we were doing to support small and medium-size businesses. He was saying there is no space available and small businesses are having to work out of inappropriate sheds in the countryside. Well, yes, he is right, some are, and I think that just demonstrates the innovation of the local business community. They will work and develop opportunities in all sorts of strange places and grow as companies like Play.com have done. They started in a very small inauspicious arrangement when they started out, working from home and developed into one of the largest companies in their field in the world. But what we have done is we have invested something close to £2 million from the Economic Development budget into supporting small and medium-size businesses. We have opened up, which the Senator may not be

aware, an incubator facility in town which provides office space specifically for small businesses wishing to get a start in life that do not have to commit to long leases and expensive costs.

The Bailiff:

Senator ...

Senator A.J.H. Maclean:

I am coming rapidly back to the conclusion, but I just thought I would make that point because clearly there was some misinformation from the Senator and I am sure he is not aware of these developments. In summary on this particular proposition, it is my view that however compelling this site may appear and however seductive at face value it happens to be, the reality is despite what some Members may have said it is largely greenfield site that has been developed in recent times, could quite easily go back to that if we so wish, and the demand for light industrial has reduced dramatically. That could be soaked up with States assets. It could be done quickly. I know Deputy Fox raised the point this site is ready to go. Well, I am not so certain it is ready to go from a practical perspective for the simple reason there are at least 3 owners involved in the site. How the arrangement would be met in terms of putting that together into a business package, a planning application and so on, and how the site would be split up and commercialised I do not think is absolutely clear at the moment. I would suggest that indeed the site of the airport, where the master planning has already been undertaken, where we desperately need additional revenue sources, is as equally ready to go as this particular site that we see behind us. So I am not convinced that it would fill a gap in the short term or medium term. That is all I wish to say on this subject, but I would urge Members at this stage, one final point, I think it was the Attorney General yesterday said that changes can be made through the life of this plan and if indeed it was thought that this or any further site needed to be reconsidered, that is something the Minister for Planning and Environment could do in the future. I think that may be perfectly appropriate.

Deputy M.R. Higgins of St. Helier:

Can I get a point of clarification? The Minister was talking about data centres and the need for them and so on. It seemed to contradict. What he seemed to be saying about the I.T. industry and the requirements of it seemed to contradict what Deputy Noel said. Are they talking from the same hymn sheet? Are we moving forward with data centres, I.T. and so on? He seemed to indicate that there was a need for it; he seemed to indicate that it was not.

The Bailiff:

I cannot see that that is a point of clarification, Deputy, at all. That is a point saying that one speech does not agree with another, which is a point of comment.

Deputy G.P. Southern of St. Helier:

I believe I heard the Minister say that demand for this type of space was 1.5 million square feet. Is that what the Minister intended? Because 1.5 million square feet in the report refers to existing floor space.

Senator A.J.H. Maclean:

I did make that comment and if I have misread it then I have made a mistake. But as far as I was aware the available space had reduced dramatically from that level to around about 50,000 to 75,000 square feet, but I stand to be corrected on that.

Deputy G.P. Southern:

No, the true figure is demand has reduced from 270,000 square feet to 75,000 or thereabouts square feet, not from 1.5 million.

Senator A.J.H. Maclean:

Sorry, the Deputy is absolutely correct. My mistake.

Senator B.E. Shenton:

Could I just ask the Minister to clarify? He mentioned that the chicken farm would have to move elsewhere. Is the Minister not aware that we have overproduction of eggs on the Island largely due to his own department giving out grants to new entrants into the industry?

Senator A.J.H. Maclean:

It will not come as a surprise to Members that that is simply not true. We import, and that is why Marks & Spencer imports; that is why the Co-op sell both local eggs and import. We do not produce enough to satisfy local demand.

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

On a point of order, is it not correct to say that that is incorrect rather than that that is not true? Because when one says that is not true, that implies one is lying.

The Bailiff:

I do not think in context the Minister was saying it was a lie. He was saying it was incorrect. Very well, does any other Member wish to speak? Then I call upon Senator Perchard to reply.

1.1.7 Senator J.L. Perchard:

Senator Routier on Tuesday said it was the longest day. Well, with the debate not concluding last night, I pondered most of the night on how to deal with my summing up, whether to be brief [**Approbation**] and I suspect had the debate concluded last night I would have been brief. I made notes and I would have answered the points raised. I have considered some of the more material issues raised by Members and I will address them, as is my right to do. The Constable of St. Lawrence and the 2 Parish Deputies spoke against this amendment and understandably so. They have been consistent in their objection and Members will, I am sure, not be surprised by their objection. Deputy Kevin Lewis rightly pointed out and sought clarification about my assertion that the fibre optic capacity at Thistlegrove was far greater than that at the airport and Rue des Pres. I have sought out information overnight and I understand and I will quote from an email I had this morning: "It is correct since Jersey Telecom has installed a 144 rack system (which is substantial) but is mainly available for their own use to support their backup and existing network." So Telecom has high capacity down there but as I am advised it is a 144 rack system, which I know Members will find very interesting ... [**Interruption**] [**Laughter**] No, not rats, rack. Senator Cohen, my friendly Minister, confirmed that it was his plan. Sir, like you, it is his plan and that despite the clear recommendation of the inspectors that Thistlegrove should be rezoned for light industrial that their recommendation was not binding on the Minister and his plan. He said that the planning inspectors had simply arrived at a different conclusion to him over the site. The Minister rightly reminded us of his newly approved 5 per cent expansion policy for which it simply means for businesses expansion can take place without planning permission. It could take place before, of course, with planning permission but now it can take place without. He said it could be a solution to accommodate the pent-up existing demand and the requirements for new emerging tech-com businesses. I know he did not mean that in all seriousness. This is no solution. The 5 per cent policy is no solution to solve this requirement for emerging businesses. Deputy Higgins accused the Connétable of St. Lawrence of N.I.M.B.Y.ism. He recognised the need for more light industrial space and demanded some relief for St. Helier and its residents. Deputy Tadier asked a series of questions which I wrote down as fast as I could. The first one was a very important question which I want to clear up. I have no financial interest or any interest other than Jersey's interest in the rezoning of Thistlegrove. Having lived in the Island all my life, Members will not be surprised that I know the 3 owners of the property that sits within the red lines of the boundary. They are not personal friends of mine. I am polite to them when I see them and they to me. I can categorically say I have not been encouraged by them and I am not doing it for them. The Deputy asked about

how the owners would handle their internal affairs, as did Senator Maclean just a moment ago. He asked a little bit tongue in cheek, I believe, would they adopt a socialist model. I think this is a tricky question and I am afraid I have no answer to it, except to say that the 3 owners agreed to the Planning Department's suggestion that their property be included in the Minister's 2009 draft Island Plan. I will repeat: the 3 owners unanimously agreed to the Planning Department's suggestion that their properties be included in the Minister's 2009 draft Island Plan. Senator Le Main said that the States for many years had failed in their duty to provide sites and that we had failed to encourage small businesses. How right he is. He was frustrated that there was no policy in support of the development of premises for light industry and asked the Council of Ministers to urgently address this matter. I say to the good Senator that today is the chance for the States to do just that. He spoke about the lack of supply which has the effect of driving up rental prices. He is absolutely right again. High rents mean high costs. High costs mean high consumer prices. There is no doubt that Jersey's terribly expensive commercial rental prices are simply passed down to the ordinary men and women in the street. Like me, Senator Le Main questioned the idea that the airport and the S.o.J.D.C. (States of Jersey Development Company) would ever deliver viable, useful sites that make a real difference to the economy and the cost of doing business on the Island. Deputy Southern, my new best friend **[Laughter]**, spoke in favour of my amendment. He with a clinical precision dissected and analysed the inspector's remarks. He explored the options available to provide suitable sites and just like the inspectors, just like me, arrived at the same conclusion, that Thistlegrove should be retained in the plan. Senator Ozouf, strangely, indicated his opposition to this, our opportunity to provide sites for bespoke new buildings, for high quality businesses that will help stimulate a diversified economy and create much needed new jobs.

[10:30]

Remarkably, he went on to say that redundant agricultural buildings provided an important source of supply. The notion of a leading economy like ours relying on old agricultural sheds to provide for emerging industries is, frankly, laughable and simply not tenable. I say to the Minister for Treasury and Resources take a look at Guernsey, who are moving into this market by providing buildings for these emerging businesses, before you advise tech-com businesses to move into unused cow sheds. He then also insisted that La Collette would, contrary to the clear advice of the inspectors and many professionals, provide light industry land. Again, I say - and the inspectors confirmed - that La Collette, like the airport, is not going to deliver at any time in the future. But in the case of La Collette, because of Buncefield, the site will not deliver during the 10-year lifetime of this plan. I am not really sure what is driving the Minister for Treasury and Resources' opposition. Senator Shenton hinted at it, but there may be an ulterior motive. Is it the recently constituted States of Jersey Development Company who want to monopolise the market for new industrial land, just as they seem to want to do for housing? Is he saying that the supply of land for these uses should only be provided on States-owned land? Is the Minister trying to create and capture a restricted market and is this really the way for the States to behave? Deputy De Sousa and Deputy Trevor Pitman spoke enthusiastically in support of my amendment, for which I thank them. **[Interruption] [Laughter]** Oh, I beg your pardon, Deputy. Probably I was confused by the thought of the Body Shop and my pencil went wayward for a while. My good friend the Deputy of St. John, who lives just about 150 metres from North End Vineries, to the northwest of North End Vineries, knows the area terribly well. He spoke genuinely, though, as did some other Members, about his concern over the loss of greenfields to agricultural development, then which sometimes lead on to commercial development or housing development and that any rezoning in this case may simply result in an application for another chicken farm on another field. I have here a copy of a letter because I too share the Deputy's concern. I spoke to the chicken farmer recently and asked him this very question. I asked him to put his intentions in writing. I will cut out the first paragraph; he writes: "In the event that our site is rezoned to form part of a larger business park enterprise, we confirm that we would NOT intend to move our present business to another site

as we would in the event cease trading.” Signed, the director of La Bienvenue Farm. I know about this. It is tough, as Senator Shenton said this morning, being an egg producer at this moment in time in Jersey. Along with ever rising cost of animal food and the availability of cheap imported factory farmed eggs in the U.K. means that the economics of egg production on the Island simply do not stack up. They do not stack up. The Deputy also suggested that the Fencing Centre might be returned to agriculture. I remind Members that the Fencing Centre comprises a large area of buildings surrounded by gravel and concrete yards. It has on it established planning permits to manufacture and retail on that site. It has on it established planning permits to manufacture and retail. This plan proposes that it is returned to Green Zone. The Deputy also suggested that the tomato production unit at North End Vineries could be renewed and crops grown. Well, I suggest that this is highly unlikely to happen because even with modern energy efficient glass, due to high energy prices, Jersey is no longer viable for tomato production. The tomato industry, Members, has gone. Some modern glass buildings are still desirable for specialist plant production if they are of sufficient size and well located. North End Vineries is neither. This glasshouse site is old, inefficient and no longer viable. Finally, I remind the Deputy that, despite his local knowledge, mains water supplies finishes on Route de St. Laurent on the S bends just about 150 metres before the entrance to La Bienvenue Farm. Senator Le Gresley pointed at the site map behind us and reminded Members that this is not a greenfield site. He spoke of his concerns over the levels of unemployment and the need for Government to do all it can in an effort to provide jobs. He asked me if the owners were in agreement and I can confirm that I have sought their formal views on that to help Members in their decision-making. I have a letter from the 3 owners jointly signed by them which basically says: “We have been discussing the future of these sites with the D.O.E. (Environment Department), Planning/Economic Development, various States departments and many others since 2005-2006. This process started when Thistlegrove and North End Vineries made a pair of separate applications to demolish, to replace some existing redundant buildings upon the site, and we were advised by Economic Development and Planning to withdraw these until the new Island Plan debate.” I will hand this letter to Senator Le Gresley because he did ask the question. The Assistant Minister for the Environment, the Deputy of St. Peter, is quite rightly as Assistant Minister supportive of any proposal to use the airport for betterment and to better manage the airport facilities. He knows deep down the airport is limited in what it can deliver and he knows that it will be a long time before it can deliver. Connétable Butcher indicated that he would not support the amendment because ...

The Bailiff:

The Connétable of St. John.

Senator J.L. Perchard:

Yes, that is right, I should have written that. It was getting late by then. The Connétable of St. John indicated that he would not support the amendment because it would result in a displaced chicken farmer reapplying for a new chicken farm. I think I have covered that and I hope he is satisfied. But in the event with this new plan, if it is approved, it is within the gift of the Minister to refuse an application on a Green Zone. The plan states there will be a strong presumption against proposals for agricultural buildings unless the proposal is essential to the proper function of a farm holding. I suggest because the existing farm holding will have been erased, the owner simply would therefore not be able to comply with this policy. I hope the Constable’s fears are allayed and he will consider supporting me. Deputy Wimberley unfortunately is not in the Chamber, but he asked me ...

The Bailiff:

The Deputy of St. Mary.

Senator J.L. Perchard:

I was getting very tired. The Deputy of St. Mary, who unfortunately is not in the Chamber, asked me a series of questions and he repeated them by email last night. I felt I needed to address them.

Deputy M. Tadier:

Just for clarification, Deputy Wimberley has an appointment. He did apologise that he could not make it.

The Bailiff:

The Deputy of St. Mary has an appointment.

Deputy M. Tadier:

Sorry, yes, the Deputy of St. Mary has an appointment, so he did want to be here but he has asked me to be vigilant for the answers. **[Laughter]**

Senator J.L. Perchard:

I invite all Members to be vigilant to what I am about to say. As to be expected, the Deputy of St. Mary made some very relevant points and has asked some very pertinent probing questions. He asked why, if the existing uses are largely retail and manufacturing already, would we need to rezone this land. The answer is clear. The answer is the Minister, instead of rezoning this land for light industrial purposes as he proposed in his White Paper, now intends to rezone this site - this site - Green Zone. This site. The Minister intends to rezone Green Zone. We already know that there is retail and manufacturing permission granted up here, so I am not quite sure how we are going to be able to rezone this Green Zone. Not surprisingly, the Deputy then asked a series of questions about the uplift in land value, whether the public ought to have a share in this and what if the site was later developed for housing, whether the public should share in this uplift in value. In my opinion, the rezoning by itself would not result in an increase in land value. This increase in land value would only occur once planning permission had been granted and because of the types of uses. **[Laughter]** Let me explain. **[Interruption]** **[Laughter]** I think the zoning itself will not increase the land value. Only planning permission will increase the land value. Members must be under no illusion. This site already has a significant value. However, we need to acknowledge that the existing land uses do currently have, particularly the Fencing Centre, a significant value. Not wishing to mislead the House, there is no doubt that planning consent will raise the value significantly. Presently there is no mechanism for the public taking a share in the uplift of land values as a result of rezoning. This is very much an ideological issue which the Deputy of St. Mary intends to promote. I agree it needs consideration. This does need serious consideration. This windfall of a zoning fortune is an opportunity that the Minister for Treasury and Resources and this House need to consider. But we need to provide employment opportunities. This is about zoning a site to provide employment opportunities. While the Deputy concurred with the view that we do need purpose-built buildings, he made a very good point over the transport issues relating to the site. It is true that the site is relatively remote and we were advised yesterday that the bus route to service the area is poor. However, the site is central in the Island and could, therefore, be regarded as a good location to travel to. Also, if the site were to be rezoned the developer would be obliged to prepare a travel plan, which would include requirements to improve the bus service for this route, including a new bus stop and shelter together with a package of other highway improvements. The Minister would almost certainly make this conditional on any subsequent permit. The provision of cycle racks at the expense of staff car parking spaces would be encouraged. Cycling and the travel plan would identify safer routes for cyclists to use. Employers would also be encouraged to promote car share among its employees and incentives would be given accordingly. The Deputy also rightly predicted that warehouse distribution uses would cause increased heavy goods traffic on the road network. However, as I explained yesterday, the Minister through the development framework is able to specify the uses that this site can or cannot be developed for and will, therefore, determine the type of level of traffic generated by the site.

Clearly, for the reasons the Deputy has given, warehouse and distribution would be inappropriate uses of this site. Deputy Martin questioned again the 5 per cent policy and she questioned whether it would be able to provide any useful additional sites and offered her support.

[10:45]

Deputy Le Claire reminded us of his school days and the first computer at his school and the changing face of global connectivity and access to fibre optics throughout the world and how the industry is changing rapidly. He said that those days when he was a schoolboy just a simple computer was something to behold. Well, I say to the Deputy the pace of change is accelerating and the opportunities for Jersey to get on board are here and now. Deputy Power spoke about inefficient and inappropriate buildings being incompatible with modern business. He is quite right. Not only are they damp, dark, dirty buildings, inefficient when operating a business, they are unpleasant places in which to work, often cold and without decent facilities for staff, decidedly unpleasant. This is Jersey. We can and must do better for our businesses and their staff. Improving standards and increasing the supply of modern eco-friendly buildings will ensure that unsightly, impractical buildings will fall out from the bottom of the chain and, therefore, be ripe for investment and redevelopment. Deputy Fox, interestingly, referred to his first years in the States when he served on the Planning and Environment Committee, when he said proposals for using the airport for industry were being mooted. Yet he said 12 years later on we have advanced no further, we are still talking about it. The inspectors said that they had not seen even a preliminary layout and were sceptical about how much the plan could provide at the airport. The Deputy did, however, express a repeated concern made by Members that the rezoning would be a stepping stone to obtain housing on the site. I can assure the Deputy that policy EIW1 would protect against this. Clearly, within the boundaries of these sites the introduction of non-industrial uses will not be permitted unless related to and ancillary to the industrial use. Basically, policy EIW1 will not allow housing on these sites unless they are related to the sites. The Constable of St. Peter, who is taking the party line, said he would support me if I could prove demand. I intend to address this matter shortly. I hope the Constable will be patient. The Connétable of St. Brelade said that he was concerned that any redevelopment on the site would force out existing businesses as they would have to relocate elsewhere. I remind the Connétable that there are only 3 businesses on the site that I propose for rezoning and they are all owner occupier businesses. I understand that the proprietors, if they cease trading on their premises, will retire. One has written to me saying that that is his intention, the other is of retirement age, the glasshouse grower, and has no intention of continuing, and the third business said he will either retire or take up one of the buildings should they ever be built. I think after the Constable of St. Brelade I want to just speak about those who contributed this morning.

Connétable M.K. Jackson of St. Brelade:

If the Senator would be kind enough to give way, would he just confirm that applies to the subtenants of the owners?

Senator J.L. Perchard:

There are no subtenants of the owners on the 3 sites that are proposed for rezoning within the red boundaries of this rezoning plan. The Minister may be confused with the subtenants of the owners on the existing industrial site. There are no subtenants of the owners within the red lines.

Deputy E.J. Noel:

I was under the impression that the owner of the glasshouses sublets those glasshouses out to another grower.

Senator J.L. Perchard:

Deputy Le Hérisier ... **[Laughter]** The Deputy of St. Lawrence, Deputy Noel, is under the impression about a lot of things this morning, he indicated. Sometimes the Deputy would be better to ensure that he is fully aware of the facts. **[Members: Oh!]** Deputy Le Hérisier - and I thank him for visiting the site, as I do many other Members - was very interested in the fences when we went up there. He confirmed to Members that this is already a quasi industrial site. This is not a greenfield. Senator Le Marquand took the party line and spoke on the importance of being principled. He spoke on the importance of being principled. I agree wholeheartedly with Senator Le Marquand. He said he could think of many other sites, some in Trinity, some in St. John. It is a shame he did not name them, and it is a shame he did not inform the inspectors of these sites because they do not know about them, nor do the Planning Department. If he is referring to Mont Mado or Springside, they are full. They are full, full and bursting, waiting lists included. Deputy Jeune asked did I consider remote backup and off-Island data backup. Well, the point is no. The point is Jersey wants to host these businesses. Jersey should be hosting these businesses and not considering offloading these businesses. This is exactly one of the areas we are trying to develop. Senator Maclean, despite saying he was only inspired to speak when Senator Shenton spoke, managed to produce a hastily prepared speech from which he read, so he writes quicker than I did last night. I simply am unable to comprehend as to why our Minister, responsible for the Island's economic development, should oppose this amendment. I just cannot understand it. This is seriously worrying. If rezoned, the worst case scenario would be that this site is not developed. If the site was not developed, presumably it would be because of economic reasons. I suggest the threat that it could at some time be developed would help drive down rental prices on other sites. So, even if it was not developed, the threat that it could be developed would help drive down rental prices on other sites, assisting our Jersey businesses to be more profitable and viable. Alternatively, I consider the best case scenario is that the site is developed and becomes a vibrant, successful hub for our new emerging fourth pillar of our economy. Senator Maclean said that demand had fallen by 95 per cent. I cannot argue that figure, but it certainly is not a message supported by officers of his department. I would like to quote from the number 2 at Economic Development, who wrote in the *Jersey Business Brief* last month: "Future growth could come from administering global businesses, particularly in the oil and mineral sector, which has already shown interest in the Island. The administration of intellectual property rights could also produce opportunities and the prospects for e-gaming and the technology involved are so strong that 70 companies attended a recent meeting on the subject." This is Economic Development. While I am quoting, I am going to quote from Mr. Michael Boarer, who wrote about the fulfilment industry in the same magazine in June, this month. I just quote a paragraph: "Paradoxically, setting up a business outside of the Island is a demonstration of loyalty to the Island. These companies continue to prosper, continue to offer employment to the Island residents, and by retaining a head office function in Jersey, the tax revenues return home to the Jersey Comptroller." This is Mr. Boarer writing about fulfilment, very bullish. I am concerned; it was the Minister for Economic Development who put the cards on the table. He said - and I cannot quote him exactly - the obvious thing to do is to utilise States-owned assets first. So far as Senator Maclean is concerned, planning principles go out of the window; they get thrown out of the window; we develop States-owned assets regardless of planning considerations.

Senator A.J.H. Maclean:

I am sorry, I did not say that.

Senator J.L. Perchard:

I remind the Senator that this is the Island Plan debate, not a debate on fiscal strategy. I am going to finish now **[Approbation]** and help Constable Refault, who asked me to persuade him of the requirement. He looked me in the eye and said if I can persuade him that there is a genuine requirement he would support me. A genuine demand does exist and I will qualify this by referring to the Minister's draft plan that we are debating today, which states there is a demand for 20 acres

of rezoned light industrial land in today's draft plan. The evidence of the Economic Development Department's second Examination in Public agreeing – the Enterprise and Business Development Manager again, sorry, but I must quote him - that the demand for light industrial space was still significant. Evidenced; happened only 3 weeks ago. The findings of the BNP Paribas report, which Minister Maclean hastily arranged in January this year in order to support the assertion that S.o.J.D.C. should take over the world, disappointed him. I quote: "We believe there remains a lack of good quality light industrial accommodation on the Island and because there would still appear to be a desire to diversify the Island's economy, the supply of suitable premises would, therefore, seem to be fundamental to this." BNP Paribas coming to the rescue of the Minister. Finally, in terms of demand, the international land agent CBRE, which has offices all over the world including Jersey, states the following: "If there is a serious objective to diversify the economy in Jersey we need new light industrial and flexible units to provide high-tech options." They also said: "There is no sign of weak demand. Where are the empty units?" These are land professionals. They go on to say: "The supply will fall if nothing new is built as existing commercial sites in town will be redeveloped for residential purposes" and which as the Minister keeps on telling us is at the core of his strategy of his plan. Point 4 that they make: "There is no evidence of anything going to be built at the airport. As demand has existed for such a long time, why has this not been done before?" Point 5: "Guernsey and the Isle of Man think differently and have stolen a march on us, and yet we are still sticking our heads in the sand and doing nothing. We are rapidly being left behind and it would be another 10 years before this plan is reviewed again before we can really address this." Point 6 that they make, and I hope that Constable Refault is listening because this is powerful ...

The Bailiff:

The Constable of St. Peter is listening.

Senator J.L. Perchard:

The Constable of St. Peter. These are powerful recommendations from industry professionals: "The existing industrial sites are at full capacity and there is very little scope to increase units by 5 per cent, now permitted by the Minister for Planning and Environment. How can we promote new, high-tech, quality businesses by our only approach being to allow marginal increase in existing substandard buildings?" Point 7 that they make: "The jobs provided by these units are for lower skilled part-manual labour. It, therefore, supports a sector not wholly suited to the finance sector." Point 8: "It is dangerous to under-supply simply because of the credit crunch. The Strategic Plan promotes economic growth and diversification. This can only be achieved by providing opportunities, not by creating additional constraints."

[11:00]

If after all this qualified expert evidence Members are still not convinced and the Constable of St. Peter is still not convinced, then I am afraid he will never be. I fail to understand why the Minister for Treasury and Resources and the Minister for Economic Development are not supporting this. I just simply cannot understand it, even though the Economic Development Department agreed in the last E.i.P. (Examination in Public) that this demand exists. Finally, I urge Members to think of those 270 unemployed teenagers today seeking work and those coming out of education next month; and those leaving Highlands with a good education and expectations for employment. Think of them before you push your button.

Senator A.J.H. Maclean:

Could I clarify a point please which I think is important. I unintentionally misled the House earlier on and I would just like to put the record straight, if I may. It was in relation to my comments about light industrial and warehousing space and how demand had fallen. I indicated that demand had fallen by 95 per cent, that was incorrect; I was looking at the wrong figure. Demand has fallen

by 50 per cent approximately and I just want to make that absolutely clear to Members. There has been a significant drop in demand but it is not what I had said originally.

Deputy M. Tadier:

I have some questions of clarification, if I may.

The Bailiff:

Well let us see.

Deputy M. Tadier:

All right, I will defer to your judgment. The first one is that in his summing up speech the Senator seemed to say that there would be an obligation on the owners to provide upgraded bus services, including a bus stop. Can the Senator explain, seeing as they do not own the bus service but the States does, how they would be implored to provide an upgrade in the bus service?

Senator J.L. Perchard:

The Deputy, as will many Members, know the planning powers have been increased and are often used to their full extent with regards to successful applicants having to put back into the community some, whether it be a percentage for art or some games in return for planning permission. This is a good initiative and it is at the suggestion or the instance probably, rather than suggestion, of the Minister for Planning as to what would happen in order to increase travel and access opportunities to the site; as well as the whole of the supplementary planning guidance that would go along with an approval for the site.

Deputy M. Tadier:

It is unfortunate the A.G. (Attorney General) is not here but I appreciate, because I do not know that if we are passing this today, we are not passing it with an obligation to provide increase in bus ...

The Bailiff:

Can we have a final point of clarification please, Deputy.

Deputy M. Tadier:

The second one is to do with the chicken farm. The Senator intimated that the chicken farm would remain but if the site is rezoned for industrial how can it be that the chicken farm, which is inherently agricultural, would be allowed to remain on an industrial zone?

Senator J.L. Perchard:

I do not think the Deputy really does need an explanation here. We are discussing the rezoning of the site, not the removal of a chicken farm.

Connétable L. Norman of St. Clement:

Can I just raise a point of order with you? It is just that during his summing up the Senator mentioned by name a senior civil servant in the Economic Development Department and quoted him as supporting his argument. I thought it was against Standing Orders, or certainly against guidelines, to use the name of a civil servant.

The Bailiff:

I am sorry I did not pick that up but, yes, it is customary to refer to civil servants by their title.

Senator J.L. Perchard:

I apologise for that, it is just that the Minister has a different view to that of his officers and I ...

The Bailiff:

Yes, but the point is you should refer to the officer by his title, not by his name.

Senator J.L. Perchard:

I did not know his title, I know he is the number 2.

Deputy G.P. Southern:

I believe he was named in the Minister's response in here.

The Bailiff:

Very well. Now, the appel has been called for, I think, in relation to the amendment of Senator Perchard. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 13		CONTRE: 37		ABSTAIN: 1
Senator T.J. Le Main		Senator T.A. Le Sueur		Deputy of St. Ouen
Senator B.E. Shenton		Senator P.F. Routier		
Senator J.L. Perchard		Senator P.F.C. Ozouf		
Senator A. Breckon		Senator F.E. Cohen		
Senator F.du H. Le Gresley		Senator S.C. Ferguson		
Deputy J.B. Fox (H)		Senator A.J.H. Maclean		
Deputy J.A. Martin (H)		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy P.V.F. Le Claire (H)		Connétable of St. Helier		
Deputy S.S.P.A. Power (B)		Connétable of Grouville		
Deputy S. Pitman (H)		Connétable of St. Brelade		
Deputy T.M. Pitman (H)		Connétable of St. Martin		
Deputy M.R. Higgins (H)		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 of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (B)		
		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)		

1.2 Island Plan 2011: approval (P.48/2011): fifty-third amendment (P.48/2011 Amd.(53))

The Bailiff:

So we come next to the 53rd amendment lodged by the Minister. It is set out in the programme and, therefore, I do not think it needs to be read out so I invite the Minister to propose it.

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

At Planning we are sympathetic to the intent behind the Deputy of St. Mary's subsequent amendment to ensure that applications for enabling development are appropriately advertised. Similarly, we are concerned to ensure that all planning applications are appropriate advertised and that applications of particular significance are brought to the attention of Islanders in the most efficient and effective way possible. This is not, however, a matter for the Island Plan but is something that is appropriately addressed through the Planning and Building (Application Publication) (Jersey) Order, which was last reviewed in 2006. On the basis of the above we propose to review the relevant legislation concerning the advertising of applications to address the concerns raised by the Deputy of St. Mary. While not an issue for the Island Plan, my intent to address the issue by changing the law can be set out in the plan through the addition of a specific proposal. I urge Members to accept my amendment to the Deputy of St. Mary's amendment.

The Bailiff:

Is that seconded? [**Seconded**] Particularly if I may, Minister, it was not an amendment to his amendment, it is a new amendment on your part.

Senator F.E. Cohen:

Sorry, Sir, I was incorrect.

The Bailiff:

Does any Member wish to speak on the Minister’s amendment? Very well, all those in favour of adopting it kindly show. Those against. The amendment is adopted. Now, the next amendment is paragraph 2 of the 20th amendment lodged by the Deputy of St. Mary who is not here. As the Deputy is not here it falls away anyway, but in any event I think the Deputy had made it clear to the Greffier that if the Minister’s amendment were passed then he agreed his became redundant and he would be withdrawing it in any event. So it is deemed to be withdrawn.

1.3 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 15

The Bailiff:

Very well, then we come to the 38th amendment, paragraph 15, lodged by the Connétable of St. Helier and I will ask the Greffier to read that amendment.

The Greffier of the States:

The 38th amendment, paragraph 15, after the words “the revised draft Island Plan 2011” insert the words “except that in policy EVE2 - tourist destination areas (on page 220) at the end of the third bullet point, after the words ‘public transport users’ insert the words ‘and associated signage’”.

Senator F.E. Cohen:

Yes, as with the Constable’s other amendments, I am accepting this.

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

I so propose.

The Bailiff:

Is it seconded? [**Seconded**] Does any Member wish to speak? All Members in favour of adopting the amendment kindly show. The appel is called for in relation to the amendment of the Connétable of St. Helier.

POUR: 32		CONTRE: 0		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				
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. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.4 Island Plan 2011: approval (P.48/2011): forty-third amendment (P.48/2011 Amd.(43))

The Bailiff:

We come to the 43rd amendment lodged by the Minister. I will not ask the Greffier to read it so, Minister, would you like to propose the 43rd amendment.

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

The Jersey Homebuyer's Scheme Mark 1 was introduced into the Island with good intent and was targeted at those who were most in need of discounted house purchases who would otherwise have been unable to afford to buy a first time buyer home in the open market. The scheme was implemented through a combination of the Planning Department and the Housing Department and I must pay credit to Deputy Power in relation to all his efforts to deliver Homebuy Mark 1. He has come in for much criticism but I am absolutely satisfied that he did an excellent job and did his very best and the result of it was that he delivered 46 homes to 46 very happy Island families who would otherwise not have been able to acquire those homes. The scheme, however, has been subject to review involving the Comptroller and Auditor General together with the departments of Housing and Environment and also P.A.C. (Public Accounts Committee). The outcome of the reviews are pending and we will work with the others to ensure that a scheme which delivers the objectives of promoting access to home ownership to those in most need is developed. The form and mechanisms behind any emergent scheme are not material to the Island Plan. The Island Plan is simply the tool that seeks to deliver homes relative to need. This view is acknowledged and endorsed by the independent planning inspectors. It is important, however, that the plan makes accurate reference to the different forms of housing that might be provided within the various categories of affordable housing referred to in the plan. I am, therefore, minded to accept Senator Breckon's amendment on this basis, subject to further amendment as proposed in order that the terminology used is suitably flexible to accommodate the outcome of the review. This form of wording has been developed and agreed by the departments of Housing and Environment and is endorsed by the independent planning inspectors. I would urge Members to support this amendment.

The Bailiff:

Just for Members' assistance, Assistant Minister, can I just clarify, therefore, that if the Assembly passes yours you are still expecting Senator Breckon to propose his and will be inviting the Senator to adopt his as well, is that right? In other words, you are not seeking to replace his, they are to go together?

Senator F.E. Cohen:

That is correct.

Deputy S. Power of St. Brelade:

Very briefly, Homebuy was ...

Senator F.E. Cohen:

Could I just say, Sir, I have made an error. I accept Senator Breckon's in principle, but reject it in the current form. So mine would effectively replace his. I am sorry.

1.4.2 Deputy S. Power:

Just a few words on my experience of Homebuy. As Members will remember this was a Planning Department report and proposition which was then dropped on the desk of the then Assistant Minister for Housing in the early part of 2009; where the Housing Department had to deliver 46 houses to 46 owners in the middle of a financial meltdown in the global financial markets.

[11:15]

My eternal respect for the officers of the Housing Department who managed to sell a Homebuy concept which had no template, no track record, no previous model in which to copy; and the officers of the Housing Department managed to explain the concept to the mortgage lenders and by June 2009 the associated banks in Jersey - through the Jersey Bankers' Association and exhaustive presentations - came up with 46 mortgages for the 46 families that qualified to the eligibility at the time. Just to remind Members what that was: it was to have a mean salary of about £40,000 to

£60,000, 5 times that being the multiplier, which gave us a mean average price of about £250,000 to £260,000 for the properties at La Providence. There were some variations as there was no template. Some people had a salary of less than £30,000 and had more of a deposit, but by and large the vast majority were between salaries of £40,000 to £60,000. I think knowing now what I did not know then, it was an extremely difficult summer. Members will remember that this was the summer that Lehman Brothers went into liquidation and so the banks were being propped up in the U.K. and Ireland and half way across the world. I have to say that I must credit the Jersey Bankers' Association and the associated banks, particularly the 2 banks that took the lead on that, which I think was Lloyds TSB and Barclays, and took up the majority of the mortgages. So it was the summer of discontent for a lot of the officers at Housing but they did it and they did it in an exemplary manner. While I thank Senator Cohen for his praise for me, it was really down to the Housing Department.

1.4.3 Senator A. Breckon:

I will try and do this without touching on my own amendment, but I am not sure that will be entirely possible but there is ...

The Bailiff:

I understand, Senator, it is perfectly reasonable that you want to argue that yours is better than ... because having just had a further look at it, it does seem to me they are inconsistent, in other words, if the Minister's is passed you will not be able to propose yours.

Senator A. Breckon:

Yes, thank you for that. The reason for this is that my involvement goes back to when this issue was debated before the States and at the time I was chairman of the Health, Housing and Social Security Scrutiny Panel; and, as such, I had some involvement in looking at this from the Scrutiny perspective. Also, most recently, I am vice-chairman of the Public Accounts Committee who produced a report looking in retrospect at the Jersey Homebuy Scheme; and also the Comptroller and Auditor General - as the Minister mentioned - produced a report. My concern is based on the fact that the Homebuy Scheme has very little legal standing and this view is expressed by the evidence that we found. There are 2 recommendations, if I may quote from the report that was produced on 21st April this year from the Public Accounts Committee, and one of the recommendations is this: "If further transactions under the Homebuy Scheme are envisaged new primary legislation needs to be introduced to establish the framework for a true shared equity scheme. This would mean that the public would have increased control over its interests in the equity of a property." It goes on to say not only does this echo the opinion of our leading developer's legal representative - who I must say is eminently well qualified - it is also in line with the Solicitor General's original advice in December 2007. Another recommendation, the report says: "A comprehensive homebuy or shared equity scheme should be put to the States Assembly for approval (set within the proper context of legal advice) before the scheme is extended to any other properties." That is the reason for my amendment, but what the Minister's amendment does not do, it does not mention the legal status of any homebuyer scheme; it just talks about substituting the words and that is where I have a problem. So if he could give me some sort of assurance when he is summing up that that will happen; because the inference that the Public Accounts Committee got was that Planning and others would proceed and come up with other schemes when perhaps this was only fit for one particular development. That view was expressed by legal professional advice given to the Public Accounts Committee. Now, the original idea was if we had a homebuy scheme then whether it was a one-bedroom flat development, 2, 3, 4, 5 whatever it was; everybody knew the rules, and these were the discounts, this was the payment method, that was the resale situation. But that structure - I would tell the House - is not in place and there are some issues if somebody has to transact one of these properties not only is there negative equity but they can not necessarily pass the title to a relative who might have owned a property previously because they are not a first

time buyer. So there are some issues, and I know what Deputy Power said and there were some, I must say, valiant efforts by people in different departments to make this happen. The other thing is the House at the time were told things about ... we have this group of people who are waiting for that but it was not envisaged, for example, that somebody would come up with £110,000 deposit on a house that was going to cost £260,000. Now, that happened, not in one instance but more than one, and some deposits were in excess of £50,000. That, although that is going into detail, are the reasons for this scheme having some sort of legal status. I know the Minister for Treasury and Resources, going back many years, the shared equity scheme has been one of his pet projects, if you like, it is something that he said we need to do, people cannot afford it, things need to happen. He also raised issues about this scheme as Minister for Treasury and Resources, he expressed some concerns about where we are but, again, like all involved, did not want to frustrate the process because people's expectations had been raised that they would be able to buy a property with a 35 per cent discount and this would be it. But the discounts were up to 42 per cent and the reason the discount was increased was because people could not afford it, so rather than drop the price the discount was increased. If that is not a contradiction, that is what happened which is not what this House were led to believe. So those are my general reasons of concern of just proceeding and putting in Jersey Homebuy and thinking all is well because, as I say, there were valiant attempts made to do this and at the time there was evidence from the statistics unit that property prices had come off the top and were going down. This was not reflected in some of these sales and, again, the evidence proves that. So for that reason, if the Minister can give some assurances to me when he sums up then I will be minded to withdraw that. But if that does not happen, so it is on the record, then we might be having another debate.

1.4.4 Deputy D.J. De Sousa:

I just want to reiterate the opening words of Senator Breckon's speech on this. The Minister's amendment does not state the words "legislation in law". If he will reassure then I will support it; otherwise I would urge Members to go with Senator Breckon.

1.4.5 Senator P.F.C. Ozouf:

I am very grateful that Senator Breckon mentioned me in the context of shared equity because I have been a longstanding - since I was privileged to be elected to this Assembly - supporter of shared equity and it was the subject of some fairly difficult discussions with my friend the former President of the Housing Committee, as it was, about shared equity schemes. I have always supported them because I believe it is the way that you do deliver home ownership to Islanders that cannot afford in the general market; and I was always of the view that shared ownership, or a variant thereof, was going to be far better than the first time buyer schemes. Now, there has been a number of comments about the Treasury position in relation to Homebuy and I want to say that on the whole issue I am absolutely, have always been, supportive of the concept of shared ownership, or a variant thereof, and we can argue about the differences between shared ownership or deferred payment, we are talking about a similar type of scheme. My comments and the issue that I had in relation to the Homebuy Scheme ... which I share the delight of others that we have delivered shared ownership and I congratulate those that were involved in the delivery of the dream of ownership to those people. My only scepticism was whether or not the planning obligation was tough enough because I am a hawk. I am not normally described as the sort of hawkish side of taxation; but I believe that the uplift in land value must to a great extent be captured by a really tough planning obligation and I have always believed that if we had have been tougher we would have delivered the dream of home ownership for more people by capturing more of the uplift in land value. That is the only difference in opinion between Deputy Power and myself. I apologise for being a hawk but I am going to return to the concept and to the theme of hawkishness about planning obligations later on in this debate. The difference between the Senator Breckon amendment and the Minister's amendment is whether or not you need to deliver a shared equity scheme on a statutory primary law basis. In fact I think that ideally one would have a primary law

and a statute setting out shared equity and in time I am sure that we can. But we have to be realistic that if we are going to have a primary law and put it into a statutory basis it is probably going to take 3 or 4 years and I do not want to stop the delivery of shared ownership schemes by waiting for a statutory law; I think that can follow. But I think that we can absolutely - as the Minister is proposing and I am sure that he will confirm this in his summing up - we can have a legally robust scheme which is dependable, which works without a statutory law with a legal scheme honour basis. It has worked in other places and we can do it here and we should deliver Homebuy or shared ownership or deferred payment on a legal basis, on a legally robust scheme; and it is important that we do that and we put the right governance structures in place in order to achieve those checks and balances and to ensure that scheme works. I stand ready for as long as I will be, or however long at Treasury, I stand ready to be part of any subgroup, together with the Minister for Housing who has got his light on, and Planning in order to work up a scheme which is legally robust and works. I believe that we should be supporting the Minister for Planning and Environment's amendment. I think that we can give comfort to Senator Breckon that stopping short of statute we can deliver something which is as good as, but we can work on a statute in the longer and we should support the Minister's amendment. We will return to this theme of just how hawkish we should be on the actual planning obligations when we come to the H1 and the H3 debate later on.

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

Much of what I would have covered has been said by the Minister for Treasury and Resources so I will not repeat it, but I would just like to pull out one point. As I said in my comments, removing Jersey Homebuy from the draft Island Plan now without a replacement is - as the Minister for Treasury and Resources said - would possibly leave us 3 or 4 years before we could introduce Homebuy or something similar now. We have got people that need homes now. We need to get on with it, we need to learn the lessons of Homebuy, which was very successful, but there are lessons to be learned; we need to learn those lessons, we need to move on. It is quite likely that in 3 or 4 years time we may have primary legislation, but let us not throw the baby out with the water.

1.4.7 Senator B.E. Shenton:

I stand after Senator Ozouf's speech which rather confused me. The Homebuy Scheme was described by the Law Officers, as one of the people that gave evidence, as half baked. Certainly the P.A.C. applauded the Homebuy Scheme and what was trying to be achieved and to be honest with you we did feel a little sorry for Deputy Power - although we did not put it in the report - because he had been tasked to implement something that had been passed by the Assembly in a rather wishy-washy way. I am a little bit confused because Senator Breckon says that he will accept the amendment if the Minister gives his verbal assurance that it will be a shared equity scheme established by law; but the Minister will not accept his amendment which puts it in writing that it has to be established by law.

[11:30]

So I just wonder whether we are just playing politics again. If the Minister is willing to give that assurance then surely he should just accept Senator Breckon's amendment.

1.4.8 Deputy G.P. Southern:

I have got concerns about the issue that we are debating here, about getting a shared equity scheme into law. It seems to me that there are questions to be asked and I would like the presence of the Attorney General or the Solicitor General to clarify what the position of the Homebuy scheme is, as currently drafted as a scheme, and the necessity or otherwise of putting it in statutory law. I think that is a critical issue that we need clarification on.

The Bailiff:

Very well, I will ask the Attorney to come. Greffier, would you arrange that?

Deputy S. Power:

May I be allowed to make a point of clarification. I think you will find it is clarification. I will take a chance on this. My understanding is - and you may be able to confirm - that the Environment Department has not come out with a supplementary planning guidance on Homebuy and as a result of that any attempt or procedure to move it into law or regulation has to wait for this to come out. I think that is the case, we are still waiting for a supplementary planning guidance.

The Bailiff:

Very well, the Attorney General has been asked to come over. Does any other Member wish to speak in the meantime? Very well, I will call upon the Minister to reply and then we will ask the Attorney to come.

1.4.9 Senator F.E. Cohen:

I would begin by saying that Homebuy has been hugely successful. Those who have issues with it are really picking and, yes, it could be better but it was always made clear that the first one was going to be an experiment only. Members should remember that the result was through Deputy Power and others efforts, 46 families are living in fabulous houses that they otherwise would not have been able to acquire. Yes, I accept that someone with a deposit of £100,000 may not be ideal. I did not know that was the case. I think clearly there were flaws in the process but the reality is that 46 families are now delightfully happy in houses that are identical to the neighbours and their neighbours' houses were virtually twice the price. Senator Breckon's comments ... firstly I will deal with his position. He was on the Scrutiny Sub-Panel that was involved in approving the principles of Homebuy Mark 1. Then he and others chose to rather distance themselves from poor old Deputy Power who was left stuck carrying the can. He was accused of not having had the support of his Scrutiny members in the conclusions he came to. I do not think that was the case and I think that the Scrutiny group did agree generally to the principles of Homebuy 1 and were largely supportive of it. I am perfectly happy to give a commitment that if primary legislation is necessary that we will deliver it, but I do not want to see that meaning that in the interim we cannot proceed to deliver the dream of home ownership to many Islanders who otherwise will not be able to afford to buy their own homes. There are even Members' friends who will be able to benefit from this. We all know people who would potentially be able to benefit from this and can you imagine the joy that is delivered to a family who never thought they would be able to afford to own their own home and are able to buy a home thanks to a policy that strips out value from developers effectively and puts that value into delivering homes for those who otherwise would not be able to afford to own a home. So I am more than happy to give the commitment to the Deputy that if primary legislation is required we or the Housing Department or a combination will deliver it. I am more than happy to give a commitment that we will work with P.A.C. and that we will work with the Comptroller and Auditor General to ensure that Homebuy 2 is much better than Homebuy 1. But it is a dream to assume that Homebuy 2 would be perfect either. With every States policy there are always combinations of factors that we are unable to consider at the time of approval and implementation and one is always adapting and varying policies to make them better and better and better. So he has my assurance but, please, in the meantime let us not crush Islanders aspirations and cause unnecessary delay, and there are Homebuy houses available today. There are Homebuy houses that are completed that, if we can develop an interim policy, quickly can put needy Island families into their own home literally tomorrow. It simply needs the support of the groups that I have previously mentioned. So I do not agree to the principle of orchestrating a delay that will prevent Homebuy houses being delivered but I do give an absolute undertaking that if the summary of all the advice is that we need primary legislation then we will bring it and we will bring it quickly. So I hope that satisfies Senator Breckon and Deputy De Sousa. In the comments made by Senator Ozouf shared equity was his idea. He was the first person who introduced me to the concept of shared equity and

he has pushed and pushed and pushed to deliver shared equity and it is of great credit to him. I think we all owe him a debt of gratitude for having pushed shared equity so diligently and forcefully over so many years. I came in at the tail end of this and was fortunate to be able to participate in the delivery. So, in summary, and it relates to Senator Shenton's comments, he rather rubbished the Homebuy 1 by saying that comments had been made by the law officers that the scheme was half baked. They were not made by the law officers, they were made by a conveyancing clerk. I do not believe that the combined view of the law officers expertise is that the policy were half baked, in fact the Law Officers were involved in providing advice throughout. I would urge that Senator Shenton takes a positive attitude towards the participation that he has through P.A.C. in relation to delivering Homebuy 2 as a better version than Homebuy 1 and I urge Members to support his amendment.

Senator S.C. Ferguson:

Can I just ask for a point of clarification? The Minister referred to the approval of Scrutiny and would he not confirm that one of the lessons learned is that Scrutiny does not approve policy, it is for the States to approve?

The Bailiff:

That is not a point of clarification, that is a point you wish to make, Senator. This is what Members do, Members stand up all the time after a debate is over saying: "I have got a point of clarification" in fact all they are doing is trying to make a debating point. **[Approbation]**

Senator S.C. Ferguson:

Sir, the Minister ...

The Bailiff:

No, I am sorry, Senator, you have made the point, regrettably, and now it is over. Does anyone still wish a question from the Attorney General or has the Minister dealt with the position?

Deputy G.P. Southern:

Yes, Sir, the question is what is the legal status of the current Homebuy scheme, and in developing Homebuy 2 is it advisable that it is put into statutory law in terms of the position of shared equity on the Island?

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

As I understand the current Homebuy scheme, which I believe now is currently not operational because it has reached the end of its trial period. It is not in reality a shared scheme, it is a deferred payment scheme. So that I think is the status of it. The interest of the State is held by way of judicial mortgages over the property in question and the right to reimbursement is crystallised on certain events. In terms of any shared equity scheme, there are difficulties in Jersey law, in my view, with applying a shared equity concept to the current land law. Those difficulties derive in the way that a property is held in Jersey, either as a joint owner or as an owner in common and the ability to secure mortgages, depending on how the property is held. In my view, if there is to be a true shared equity scheme it will be best achieved by a legislative amendment.

Senator B.E. Shenton:

Can I just ask the A.G. to confirm that you cannot have a shared equity scheme currently under Jersey law and therefore references to shared equity scheme that the Minister's amendment has made is not possible at the moment.

The Attorney General:

In my view it is the case that there would need to be a legislative change to create a truly shared equity scheme.

Senator P.F.C. Ozouf:

May I make a point of clarification because I think this is ... for my remarks the Attorney General was not here, I collectively used the word “shared equity” to mean a deferred payment scheme or a shared equity scheme. It achieves the same in substance even though the legal form is different. Would the Attorney confirm that in his view a deferred payment scheme, which is not shared equity but achieved the same objective, is able to be delivered without a statute and that we could deliver more deferred payment scheme properties without a statute being in place and that the amendment that the Minister is proposing which says: “Be that Jersey Homebuy or another alternative” and the words “another alternative form of shared equity” would cover the position that the Minister is trying to achieve, which is a form of entry level homes which is not shared equity but deferred payment. I am sorry to go on but I hope my question is clear.

The Attorney General:

I think the position... if one is referring to shared equity I would take that expression to mean a situation in which the equity in a property is shared between the State or someone operating on behalf of the State and the purchaser, or the person who is intended to benefit from the scheme. As to whether a deferred payment system is possible without a legislative amendment, I cannot be absolutely categorical but we have operated Jersey Homebuy in the past and I think there is a very reasonable prospect that one would be able to operate a variant of it in the future without a primary legislative change, but I am sure the Minister will understand that I cannot be categorical about that at this point.

Deputy M.R. Higgins:

Can I just follow through with the Attorney General? Again, deferred payment is not the same as ... does not mean you have an equitable share. So the 2 terms are not mutually compatible, are they?

The Attorney General:

The 2 terms are not mutually exclusive but one does not suggest the other.

Deputy A.K.F. Green:

Yes, a question as well. Just a quick one. If we were to bring forward primary legislation for shared equity, could the Attorney General give us an indication of how long he thought that would take?

The Attorney General:

That is obviously an extremely difficult indication to give. Some legislation can be prepared, drafted and brought on to the statute books very quickly, others take rather longer. My best estimate would be this would be an intermediate form of legislation, it is not an extremely quick one but it is not one of those highly complicated matters that is going to take a great deal of time. But I am sorry I really cannot give any kind of indication as to how long that might be.

Deputy S. Power:

I have a question for the Attorney General. Would the Attorney General agree with me that it would be helpful now having been through the deferred payment La Providence scheme that the Supplementary Planning Guidance that is due to come out of the Planning Department would be helpful to set the foundations, as it were, for any future move towards legitimising and legislating for deferred payment or, as you say, a shared equity scheme.

Senator F.E. Cohen:

Can I just interject and say that the S.P.G. (Supplementary Planning Guidance) to which the Deputy refers is, as I think he knows, is currently with the Comptroller and Auditor General for discussion and consideration.

The Bailiff:

Right, can we just have the answer to the question then, Mr. Attorney?

The Attorney General:

Like all of these things, it always depends upon what the guidance will say but, yes, of course it must be of use to have guidance or clearer indication from those who are intending to operate the system how they would wish the system to be operated.

The Bailiff:

Very well, so the Minister has replied. Is the appel called in relation to this? The appel is called for in relation to the 43rd amendment lodged by the Minister for Planning and Environment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 38		CONTRE: 5		ABSTAIN: 2
Senator T.A. Le Sueur		Deputy G.P. Southern (H)		Senator B.E. Shenton
Senator P.F. Routier		Deputy T.M. Pitman (H)		Senator A. Breckon
Senator P.F.C. Ozouf		Deputy M.R. Higgins (H)		
Senator T.J. Le Main		Deputy D.J. De Sousa (H)		
Senator F.E. Cohen		Deputy J.M. Maçon (S)		
Senator J.L. Perchard				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
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. Mary				

Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				

[11:45]

Senator B.E. Shenton:

Could you just confirm that we have just passed that we have allowed shared equity schemes in the Island Plan, but we have not allowed deferred payment schemes?

The Bailiff:

No, I am not going to comment at all. The States has passed whatever it has passed. Senator Breckon, I think that in the light of that you cannot now propose yours because it is inconsistent with what the States have just done.

Senator A. Breckon:

Yes, Sir, indeed. If I may just make a comment on that. The Minister for Planning and Environment again has just said something in his summing up and the reason I abstained is I have got 2 roles, one I looked at before as a member of the Public Accounts Committee, if they express an opinion, I am still looking at them. Perhaps Senator Shenton has maybe agreed it is conflicted. But the other thing that I think is important is the Minister for Planning and Environment, when we

went back to the original debate has said the same thing again, that we have people waiting. I have just checked the figures ...

The Bailiff:

Senator, I am sorry, we cannot just have people making a speech.

Senator A. Breckon:

But this is so I can withdraw it but the other thing I am going to say is, hopefully, that I may well bring a proposition back to the States because I think this is too important to come under the radar in a substantial debate on planning because there is some substantial issue. It is the most money people will ever spend and it is wrong that it is based on perhaps “we will make it up as we go along.” So that is really where I am coming from. But the other thing I have just found is that some people paid deposits of £150,000 and the Minister for Planning has just said again: “We have needy people waiting” and I am not sure that we have. That is why I have some concerns about this. I will withdraw the amendment but I will be back to this House with something that will put in place something where the people and we can be confident that it is what it says it is.

Senator F.E. Cohen:

Can I comment? For the Senator to suggest that there are not needy people in the Island in relation to intermediate housing or shared equity housing or Homebuy Mark 1, or Homebuy Mark 2 is utter nonsense.

1.5 Island Plan 2011: approval (P.48/2011): twenty-fourth amendment (P.48/2011 (Amd.24)) - paragraph 2

The Bailiff:

Very well, I think we have had enough debate outside a debate. Let us then come to the 24th amendment, paragraph 2, also lodged by Senator Breckon. If Members are content to take it as read I invite Senator Breckon to propose it, but before that can we just establish from the Minister whether he will be accepting this or not?

Senator F.E. Cohen:

No, Sir, I am rejecting it.

1.5.1 Senator A. Breckon:

A couple of weeks ago there was a photograph in the *Jersey Evening Post* of 4 residents of Stuart House and they were all 100 or more. This debate is whether we should have some facility for housing for people 55 years and more. Quite recently we discussed how we are all going to live longer so we have had to increase the pension age. Following some discussion and debate we have had on this before, I wrote to the Connétables. The Constable of Trinity, I was up there a couple of times and also I should declare I am a member of the Management Committee of Maison St. Brelade and I am also aware that there are a number of residents in Maison St. Brelade who are 100 or more. So that is really some of the background, perhaps how long are people living for? How long are we going to live for, and what does the future hold? Where, if anywhere, are we drawing lines, because I feel this 55 when it was done was an insult to the developers. It had nothing to do with sheltered housing or whatever you want to call it, it was to enable developments that perhaps would not have taken place to take place and things have been added to it. I am aware of other Parishes and the excellent work that is going on and also I am aware that there is some funding issues that the Connétables are having some difficulty and having to go to private finance where before the States would have assisted on these schemes and put up pound for pound at 4 per cent over a long period, whatever it may be. The other thing that has been touched on and is something we are coming to later in the debate is housing about affordability and how we qualify for that. But if we refer to the earlier debate about the provision of land for lifelong dwellings, that is for people over 55 and first time buyers, which was an amendment to the Island Plan in 2002, and this was

lodged on 22nd May 2008. Some Members may remember that debate. I remember prior to it Deputy Hilton, who was then Assistant Minister for Housing and the Deputy of Trinity, who was Assistant Minister for Planning and Environment, had had long discussions, there was meetings certainly in St. Helier and St. Saviour and other places about what we needed to do and why. Within that proposition was re certain sites to be zoned for category A housing and it was to agree that lifelong homes for people over 55 would be included on that and there was some fairly emotive language in there saying things like: "In seeking to facilitate the provision of lifelong homes for people over 55 a proportion will need to be accessible to those who cannot afford to occupy homes provided by the development on the open market and will need social rent." "Facilitate in the provision of other lifelong homes for people over 55 available to those who can afford to purchase on the open market to enable downsizing." I will come to that in a minute but in answer to questions the other day, there is quite a lot of property that has been approved by Planning, housing and flats, that has not even been started yet. So I am not sure where we are with some of the issues about affordability and eligibility. It also says in here: "The States is committed to supporting the parochial sense of community and the provision of homes for older people to remain in and contribute to their Parish. This is considered to be important to the social fabric and identity of the place. Ensuring that there is an opportunity to provide lifelong homes throughout the Island's Parishes can help support and sustain mixed communities in a vibrant Parish life. It also mentions enabling people to stay in their homes." But in the same report it does not say anything ... Deputy Le Hérisier will remember this, the New Directions strategy was going to support people in the community and, of course, it was New Directions that became not very new and then old, but it talked about: "Without adequate accommodation specifically designed to enable older people to retain their independence, they will be unnecessarily consigned in growing numbers to expensive institutional care." This report in 2008 also said: "A capacity model identifying future requirements for sheltered housing and institutional care accommodation is being developed." This was being developed in 2008 by Health and Social Services. The question for me is: where is it? I went to the presentation at Health when they were identifying future needs and requirements and I said: "Where is the Minister for Planning? If we are going to support people, if we are going to have sheltered housing and schemes attached to the Parishes, where is the support system, the Parish Constables are doing some sterling work in developments and in the work that they are doing, they know the community and they also know, I would contend - and the Constable of Trinity is not here - the average age of their sheltered housing scheme is probably closer to 80 than 55, and I have mentioned the age of other residents. I do not know where this 55 came into it and that is my contention of why it should move to 65. I should declare an interest, I am between the 2, so if you like, I am going to disqualify myself from qualifying, not that I am ready to be tethered in field in St. Saviour, where is where a lot of this hinged. The other thing I have done is I have looked and what was promised in here was some criteria of what this is all going to be about. This was all singing and dancing ... I remember when the Minister for Planning and the Assistant Minister came to a hearing once, we had to discuss this at Scrutiny, when the Minister was asked: "Well, what exactly is going to be the standard of this?" because I am aware of scheme that was mocked up in a garage years ago and said: "This is what it is going to be" and it was supported by a group who were promoting care for the elderly in the community. When the apartments were developed it was not that at all. What was said in this projet that was before us in 2008 was, it talked about the minimum floor space, about one and half bedrooms, lifelong social rented and they talked about: "All social rented dwellings are to have wheelchair accessible shower wet rooms." In the latest planning applications for the same site, that is not there. Again, that is why I am saying this was a softer development, this is the 55. "Bedrooms should be located with easy access to the bathroom and with adequate wheelchair circulation around the bed. Provision should also be made in the ceiling to enable a hoist to be fitted which can connect the bedroom with the bathroom." None of this in the planning obligations are being done. This was attached to the report, page 32 of that project, the projet in 2008. Part of this was to get development permission where perhaps it may not have been granted. There was the sort of emotive side of that. It also said in here, lovely

stuff this: “In larger schemes an area of land should be set aside for an allotment garden for use by the residents.” Now the practicality is when this comes in and goes further down the line, they have obviously said: “Oh, I am not sure about this, you know, this is valuable land. I paid so much for this, I can get 8 apartments on there, you can forget about this stuff.” That is about, I think, where we are now. Again it talked about community facilities, residents contact, the staff, nursing and homecare purposes. Some of this stuff has literally gone out of the window, and that is why I want to put back the thing about 65 as opposed to 55. Downsizing is a different issue altogether. I have looked at the development proposals that went in, I think it was May this year, and as I say, it does not reflect what the House were told would happen at that time. The other thing the other day in written questions to the Minister for Planning and Environment from Deputy Le Fondré, this was on Monday, 20th June, this was to do with a number of units of residential accommodation that had been given permission for but not started and in reply the Minister said: “Provisional figures from the department’s records showed at the start of 2011 that there were outstanding permissions for some 1,550 plus new homes [these are net figures] on sites where development has yet to commence.” Those were 368 houses and 1,183 flats. So the question is, if you add that to what I believe the census figures will show, there is over 1,000 properties empty then we have to really question why we are not doing something I said we should have done years ago, that is doing a full Island housing survey, look what the properties are, who is occupying and what the real needs are and really plan for the future instead of having what we had then, we had an amendment to the 2002 Island Plan very late in the day saying we need to do all these things, and a lot of it was based on this 55 years of age, which I think was fundamentally flawed. Now, if we come back to this just for a minute, where was the Minister for Planning when the Minister for Health and Social Services was discussing the future Island needs? He was not there. Where is the joined up government then? Where is the joined up government between the Island’s future housing needs linked to associated health, ageing problems and supporting people in the community. It is not there. It is just not there. Allowing developers to develop blocks of flats in fields for over 55s will do nothing at all to assist that in my opinion and we need the infrastructure to help and support people in the community with some light touch support but heavier things. The 2 Assistant Ministers, Deputy Hilton and the Deputy of Trinity, will remember they looked - I remember the discussion - at schemes like Rowntree which are exemplary.

[12:00]

They are top notch. That is the sort of thing - and I think Deputy Le Hérisier might have looked at that as well - we should be looking to achieve not caving in to developers and I am afraid Guernsey are ahead of us here. They have an elderly housing officer who is not linked to a department, who is looking after the needs of the elderly as opposed to the developer or any department concerns. They are bringing this together. So I think that is the reason for this and I hope Members will see it is not just about a number but it is about drawing a line and saying: “Hang on, enough was enough.” The scheme has not been started, the big one in St. Saviour that was going to cure a lot of problems. Of course there was then a discussion about there was going to be, I think, an 80-bed dementia unit. Then that went down to 40. The scheme has changed. It has gone up in height. There was a donation to the Parish which was then withdrawn and it has been given back. So there are some real issues with this and, for me, the 55 thing is not appropriate. It is not appropriate and if we are looking at that, people are living longer. Downsizing: there are issues. There is property if people want to downsize. There is an issue with downsizing and the reason is - and I know people have spoken about it - it is too expensive. If you have got a couple who are struggling a bit to manage a bigger house and then they look at what it costs them to buy an apartment and they look what is left and then their belongings do not fit so they have to virtually throw their lifetime away and they say: “We will stay where we are. We will get somebody in to give us a hand with a few bits and pieces. If need be we will change the house round a bit. We will put a lift in and things like that.” So there are alternatives that people have rather than doing this. This 55 really

concerns me. When this came in, in 2008, I had similar concerns, but it concerns me that if it stays there then it will not do anything really to help that because if people have a need and they want to move and they want to downsize they can do that now. They do not need this to do it. So, with that, I make the amendment.

The Bailiff:

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

Deputy T.M. Pitman of St. Helier:

Could I seek clarification? I may want to speak. The Senator said that Guernsey had an elderly housing officer. Did he mean that they employ a very old housing officer or a specific officer for the elderly?

Deputy D.J. De Sousa:

No, she is quite young.

Senator A. Breckon:

The person concerned is not that old, but their responsibility is for elderly homes.

1.5.2 Deputy A.E. Jeune:

I have said in this Assembly in the past I have a problem with the over-55s and I will say it again. People are living longer. Many start their families later. Children are staying with their parents longer and we are raising the pension age. I have valued the schedule that we all received giving the comments of the independent inspector and the Minister but on this occasion I believe it would be hypocritical of me not to support this part of Senator Breckon's amendment.

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

Just a couple of points. I think a lot of what Senator Beckon has said is correct but there are one or 2 items I might like to take him up on. Firstly, I do not believe the homes that were being given to the Parish of St. Saviour were ever rejected. That has carried through from one owner to the next. The other point I would query is that he talks about the lowering of standards of the proposed homes and I am talking principally about the ones in St. Saviour because the scheme there does take well over half of the Island's proposed and rezoned lifelong homes. He says that there is a downgrading of standards because of the developers and he used the words "Rowntree Trust" as the standard that he would like. As far as I am aware the homes that are being built there are to the Rowntree standard. Now, a lot of these homes that are provided by the Parishes - and we will do the same - are, as he says, occupied by people over 70. I suspect this will continue to be the case. But the fact remains that there are people who do have problems, do have needs, and they can have those needs at the age of 45, 55, 65, 75. While it is lovely to have the facilities and be able to put the elderly in there when they need them - and I am starting to think that I qualify - the fact remains we do have, on occasions, younger people that require these very same facilities, this very same support, and to deny them this, because we will be denying them if this amendment goes through, is, I think, wrong. I think we need to be providing this facility and using common sense when the people that are put in there is applied.

1.5.4 Deputy A.K.F. Green:

I am pleased to follow the Constable of St. Saviour because I think people are getting muddled up between lifelong homes and sheltered housing. There is a distinct difference. Lifelong homes allow people to get themselves into suitable accommodation which does what it says on the tin. They can stay there for life. Sheltered housing is entirely different. I think there is an argument for lowering from 55, not increasing it, because I know some very lively 70 year-olds that you would think were about 50. Equally, I know some very poorly 50 year-olds that need accommodating. I am looking at a very lively older person, Senator Le Main, over there. **[Members: Oh!]** Fifty-five,

you could argue, is too low. There is no need to move this; no need at all. This is about the standards of accommodation and about the facilities within that accommodation. It allows people choice to position their lives in such a way that they know they can stay there, perhaps with a little bit of support later, for as long as they need it; that they do not need to move if they find themselves in need of a wheelchair or a frame. Some people do need to make that choice earlier in life. If you raise that age limit you reduce that opportunity for people to make that choice at the time when they really need to take it and I would urge people to leave this alone. Leave it at 55. I think there is a good argument for lowering it, not raising it.

1.5.5 Senator S.C. Ferguson:

With the best will in the world there does seem to be a tendency in this Assembly to put all our old people into a separate estate; a geriatric ghetto perhaps. It is a bit like putting all your unwanted oldies into store to await disposal. This is not consistent with making more use of our older citizens. I agree, though, with Senator Breckon because there is a particular estate where they originally applied for planning permission for 65s and over. Eventually they could not sell the properties and a request was brought to amend the planning consent to greater than 55 years old, which really supports this proposition that you cannot sell the houses at 65-plus. You have to bring it down to 55 in order to get the market. I think we do need to sort of step back and just look at our housing requirements for that part of the population, as Senator Breckon has said, because the whole thing is, really, should we be putting an age limit in at all. I do not know.

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

I think Senator Breckon has brought this with all very good intentions and certainly he is very correct in saying that within nursing home/sheltered home accommodations the occupancy tends to be of the higher age groups. That is because they can no longer live in the ordinary houses that they were living in before they went into this type of accommodation. There is certainly a great movement now towards more sustainable long-term homes for people at a younger age. Within my own extended family, a member of the family had to find ground-floor accommodation, or single-floor accommodation, because they could not manage stairs at quite a young age and they are now down at L'Hermitage, down at Beaumont. There are many more like them that are currently sub-60 year-olds in that same sort of situation. With regard to my own development in St. Peter, or St. Peter's development for lifelong homes, I have an applicant now who has been wheelchair-bound for 20-plus years who is just over 60. Now, we would deny him the opportunity of taking up residency in one of these types of units. I would further just like to comment on the design criteria. Senator Breckon mentioned there were concerns about the standards of the properties being built by developers. Well, as a developer for St. Peter's lifelong homes, I am delighted with the standard that we have and, in fact, got somewhat irritated with the Minister for Planning and Environment in enforcing Rowntree home-type standards on us. But, having said that, I am now delighted that he did because we have very high-quality offerings: 2 bedrooms, 2 bathrooms, under-floor heating, carports, all ground-floor bungalows. I hope that people also that need this accommodation, they have possibly a medical need, at 55 will be accommodated within them as well. My thoughts were slightly confused and Senator Breckon made the very good clear point that downsizing is not sheltered housing. But it can be because if they do need sheltered housing and they are currently empty, and they are sitting in a 3-bedroom family house, then they are contributing to the housing stock by moving into lifelong homes to suit their own benefit, while at the same time assisting a young family to get into a 3-bedroom house. So I think my position with regard to this one is to recognise the well-intentioned words of Senator Breckon but I feel that, from my experience and looking more closely at lifelong homes, worrying about the occupancies and making sure we get the right people in them, I cannot support him because I know there are people quite a lot younger than he is proposing that would be denied the opportunity to live in them if I was to agree with this amendment.

1.5.7 Deputy T.M. Pitman:

I think a lot of this emanates from the fact that we do not value elderly people enough, or older people, and that is something that is very true in the West generally. I think Senator Breckon is spot on with this. I have to say that I think 55 was definitely just done as a boon to developers. You are not elderly at 55. Sixty-five makes a lot of sense to me. While I do understand where people like the Constable of St. Saviour are coming from, I think it is important not to mix up 2 different issues. I think it is totally wrong that people would assume that just because someone might have mobility problems or other issues at 30 or 40 they are going to wish to be automatically in a community surrounded by people who are much older. That just leads to problems; problems for the younger people there and problems for the older, which I think we have to have a bit of foresight and avoid. Deputy Jeune tells us about how young people are staying with their parents much longer and, of course, that is true. But the reason they are doing that is because, due to free market policies, they cannot afford to go and live anywhere else. That is what needs to be tackled. I think, again, we are going to risk - dare I say it - voting against this because it is someone like Senator Breckon. It is not something that is contentious to me. What Senator Breckon is advocating is common sense and it has already been bypassed by decisions in this House. He should probably have said 67 now and probably by the time we get this into legislation it will be 70. So we had better act quickly, I would suggest, and support the Senator now.

1.5.8 Connétable K.P. Vibert of St. Ouen:

I think the problem that we have with this amendment is that in the past the States have never identified what the policy was. Many Parishes - and St. Ouen and St. John were the 2 that started the idea of sheltered housing - have had housing with the intention of helping people who had come to retirement and I have to say that probably retirement of yesterday was considerably older than retirement of today. I think that when the concept of lifelong homes was brought up I, for one, although I voted for it, quite quickly realised that I had probably confused myself when I voted for it.

[12:15]

I think, yes, the lifelong home concept should continue as 55-plus, although that may give a bit of a mixed message to the public when, at the same time, 2 weeks ago we were raising the retirement age to 67. But I think that we need to identify the difference between lifelong homes and sheltered housing and I do not think in the past we have managed to do that. The needs of people at 55 to have a lifelong home are very different to the needs of people of 65-plus who want sheltered housing. I think what we need to do, rather than put in an age, which this amendment is trying to get us to do, is we should be scrapping the age altogether; have no age criteria for either policy, but clearly identify the difference between the 2 policies.

1.5.9 Deputy A.E. Pryke of Trinity:

I think it was 3 or 4 years when I bought the rezoning proposition - and I still believe passionately in sheltered housing and also the age - Deputy Hilton and I did a lot of work in consultation around the Parishes looking at the age: was it 55 or 65? With the Housing Needs Survey that was there at the time it was overwhelmingly supported that people would prefer to move ... have the choice, and I emphasise it is the choice, because they do not have to. It is having the choice; that some people would wish to move at 55. As we all know, moving house is, I think, the second most stressful thing that anyone can do in their life, with bereavement as number one. If you lose a partner or perhaps have slight disabilities it is easier to move at 55 when you are that bit younger and a bit fitter than leaving it until later. But it is having that choice. Deputy Hilton and I went up to York to see the Joseph Rowntree, this is at Hartrigg Oaks, and one of the issues that we raised up there was the age limit. They have that age limit of 55 and over. Again, I emphasise it is the choice. Deputy Breckon went on about wheelchair access and not following the Joseph Rowntree. I think

(I stand to be corrected) all new properties now do follow that. They do have one and a half bedrooms. They have wheelchair access and now enable a wheelchair to get round a bed. If someone is confined in their bed for one reason or another, for wheelchairs to be able to get round it is essential. I harp on my bandwagon of wet rooms. They are the best thing since sliced bread and all these properties do have the availability of a wet room. It is something as simple as that that can keep somebody in their own home. I had this opportunity to look at the Green Paper. We are an ageing population and I value everyone's, whatever age ... over-65, with the ageing population, that group have got a specific contribution that they need to pay in our community and they should not be put into a ghetto, as Senator Ferguson would like. They have a valuable asset to play and will have a valuable asset to play. It is allowing the choice and, as the Minister for Housing said, some people who know that they are going to have problems in later life with their mobility ... if you have the beginnings of osteoarthritis you know that in 5, 10, 15 years' time it is going to be more of a problem; that you are going to have difficulty walking up stairs or getting in and out of the bath. It is good forward planning if they think: "Right, I am going to have that difficulty. If I can downsize, perhaps I am 55, 56, 58 or 60 even, I can do it now." That is the most important thing because, within the Green Paper, it allows you to make that choice to be able to cope in the future. That is where the Green Paper is important: keeping people in the community. I really urge Members to reject this proposition; not to say that everyone will have to move at 55 but it enables the choice of people who have perhaps special needs or just feel that they are fitter and healthier to be able to move into somewhere like this at an earlier age. Our sheltered housing at Trinity has been an absolute success and, along with the Constable, I am extremely proud of them and anyone is welcome to come and see them and I urge Members to keep that because it is important as we go forward with this problem of the ageing population.

Senator S.C. Ferguson:

Can I make a correction, Sir? I did not say that I liked putting people into ghettos.

The Deputy of Trinity:

If I misheard I do apologise.

1.5.10 Senator F.E. Cohen:

As I approach 55 this seems to be a jolly good policy to me. **[Aside]** **[Laughter]** Senator, that is most unkind and a matter of opinion. **[Laughter]** This policy, the origins of the delivery of these homes, is one of the best policies that I have had the privilege to participate in. **[Approbation]** However, I only participated because the lead was taken by the Deputy of Trinity and it is entirely to her credit that she delivered this policy and got it so successfully through the States. She did not just deliver the Rowntree standard homes. She delivered the Pryke Rules. We call them the Pryke Rules in the department and they are the very best rules in relation to this type of housing, I believe, anywhere and anyone who has any doubt I suggest goes to see the development at Trinity because it is extraordinarily impressive and an enormous credit to the Deputy and the Connétable of that Parish. What have we delivered? Well, we have delivered the successful development at Trinity, and more to come. We have commenced developments at St. Brelade, St. Mary and St. John and planning permission has been granted for Grouville and St. Clement and I am shortly to be determining the application in relation to the St. Saviour site. These are fabulous homes of which we should all be proud and should all be delighted to live in. The question we are asked here today is should we increase the limit to 65. It does sound, at first blush, as a sensible suggestion, particularly as we live longer and the population ages. But the evidence is to the contrary and the evidence is that Islanders are only likely to move if they are allowed to move at around the age of 55. By the time Islanders get to 65 it is too late for them; they are settled. Now, Deputy Fox suggested to me a little earlier that this may be because we do not offer a mechanism to assist older people in moving. I must say, that is not something that I had considered before and he may very well be right. It may very well be that, if we are to extend the age limit to 65, we would incorporate

some mechanism to assist those participating in the programme to move and to take away the stress of such a move, because we all know that moving home is one of the most stressful periods of anyone's life. However, the recommendation of my department is that we retain the limit at 55. I will not be supporting this amendment.

1.5.11 Deputy C.F. Labey of Grouville:

I think we are getting very hung up here with ages and I know that is because the amendment is suggesting an age. Like the Minister who spoke before me, it would mean I will be following him shortly for a move; otherwise I would not be able to contemplate this at any other time because I would be too old. I just think this whole concept is very badly flawed and, as for those who have argued that 65 is not the right age because there might be a need for those under 65, I am sorry; they are blowing their own argument out of the water. What about those who are 54 or 50? They might have a need to move. So if we are going to have an age limit which is meant accommodate the elderly then I think Senator Breckon's suggestion of 65 seems a little more realistic. I may be wrong but the sheltered housing in Trinity, I believe the age limit there was set for 75 originally. I seem to remember the Constable of Trinity once telling me that. I may be wrong, but anyway I think we need to start focusing on need rather than an age. I am very sympathetic with Senator Breckon's views about the standards having dropped. I think we have seen this recently in St. Saviour when the community facilities that we all approved were falling by the wayside as the development progressed. So I think we have really got to be vigilant and that is why I will probably be supporting him, even though I do not altogether agree with the difference in age limit as I have already alluded to. We have got to look at this for need. The Constable of St. Ouen said that he had a problem at the time in approving this whole scheme because the criteria was not identified, which is exactly what I brought forward in April 2008 in my proposition, which was approved by this Assembly, whereby I asked the Comité des Connétables to come forward with the criteria ... and this was before any land was rezoned. I asked them to come forward with the criteria as to who would be eligible for these homes; what it meant to "over 55", otherwise we will all be queuing up when we get to our 55th birthday. That still has not been forthcoming. Also in that proposition, I cannot stand here and not mention the fact that I did ask for this whole rezoning ... all very well for those that have already come on stream like Trinity. Grouville: the development has not even started yet. At that time I asked that all the rezoning wait until the Island Plan debate and I stand here today and I really wonder if we would have rezoned that agricultural field in Grouville. It is still an agricultural field. It is still being farmed. The De La Mare florist site has been identified in the Island Plan, rightly, for first-time buyer but why could that not be a mix? Why could that not be a mix of first-time buyer and some sheltered housing with the provision from the planning gain? I still feel very strongly about that. People should, I believe, live in communities with a mix of people; maybe an area of the estate for the elderly, for sheltered housing, in a mix along with first-time buyer. First-time buyers are usually people that are struggling financially at the start of their married lives, who have children, and I am sure they would welcome a sort of Adopt-A-Granny in the sheltered housing or whatever. We should mix our communities far more and I have a certain sympathy with what Senator Ferguson was trying to say. We should not be building these God's waiting room ghettos. We should have a mix in our community, albeit certain areas quieter areas for the elderly.

[12:30]

1.5.12 Connétable J. Gallichan of St. Mary:

I am particularly glad to follow the last speaker because, of course, the development of St. Mary is exactly that, a mix, and I tend to share that view. I would just like to say, very briefly because in fact the Minister for Planning and Environment said much of what I wanted to say, before I was Constable, when I learned that the lifelong homes that were thought of for St. Mary would be over 55s not over 65s I was personally aghast because, after all, 65 was a lifetime away and 55 was just

round the corner. Now, I am not of the same mind at all; not because I am not that much nearer to both those ages but because I have had experience of dealing with the people who were on the waiting lists for the homes that we had hoped for in St. Mary. I have found that, sadly, a couple of the people who were hoping to be in those homes have passed away before they have got off the ground - they have taken longer to get through than we had hoped - but also because of the number of people who have said: "I really wanted to move there but now I really feel it is too late for me to move. I have made the adjustments to living in the home that I am in. It was my family home and, okay, we want to pass it on to another generation but really we are set in our ways now and we are going to stay here." I am sad because in one particular case I know that, although the home they have is lovely, it is not really the home that a person wants to grow much older in because it needs a lot of work doing to it and it is probably not what they would have hoped for. It is not compulsory to move at 55 but many people have found by that age that that is the right time. Their children have possibly left and maybe they are hoping that their children, if they have made their first inroads into business or into a work environment, might be the people who want to come up and buy that family home, to carry on that family living there. But there is not room for everybody and it might make more economic sense for that family for the parents to move out into a downsized house - we have not got any sheltered housing, but we do have downsized - and quite often 55 is a good age. Just to say, one thing that the previous speaker said about perhaps 54, perhaps 53, it is a basis of need and the Constable of St. Ouen said that. I think ultimately we do need to look at need as being the defining characteristic, but just to reassure people that I did look at that. I did have someone who was not the right age but who fitted every other characteristic and had a desperate need. I was assured by liaising with the Minister for Housing of the time that when the houses were built there would be power in exceptional cases to accommodate that person. There was the flexibility built into the scheme and that was very important. But I think now that 55 should be the benchmark on the options that we have available to us and so I will not be able to support the amendment.

1.5.13 Deputy A.T. Dupre of St. Clement:

As somebody who had a new lease of life when she was 60 and came into the States, I feel that 55 is far too young. People are having children much later. A lot of people at 55 have still got children at university. They do not feel that they are old. I think 65 is a much better age. I think perhaps by the time I am 65 I might be happy to move, but at the present moment I have got no intention of doing so. I think 55 is far too young and I will be with the proposition.

1.5.14 Senator T.J. Le Main:

I totally disagree with the last speaker. I have years of experience, with 2 very highly experienced Assistant Ministers who served with me, in dealing with people and housing problems. I can only concur with the Connétables of St. Saviour and St. Peter and the excellent speech made by the Minister for Housing. It is quite clear that there are many, many people who have children fairly young. They go away and many of these people, particularly in the St. Brelade area, are living in homes that were originally first-time buyer homes and when they come in their mid-50s are sitting in 3 and 4-bedroom homes wanting to downsize. For a number of years I had housing surgeries, political surgeries, with my 2 Assistant Ministers in St. Brelade and there is a huge demand for people now sitting in 2, 3 and 4-bedroom homes on their own wishing that Lesquende, for instance, would come online and relieve some of the pressures that they face in maintaining, on fixed pensions, large properties; living there on their own and heating these properties and maintaining them. It is quite clear that even when my Assistant Minister, Deputy Hilton, and the Minister for Health and Social Services, who also I congratulate on an excellent speech on this subject ... we consulted with Health. We very much consulted with Age Concern and other agencies and, in particular, with the Connétables when P.75 was taken to this Assembly. The Connétables were told in no uncertain terms that they were entitled to be flexible and commonsensical with the people that they were dealing with in their Parishes to placing people into lifelong homes. It is quite clear there

are many, many people also that suffer medical, social and other problems when they become over 50 and in their 50s and onwards. It is right that the Connétables have this flexibility and the Housing Department, similarly, with the age of 24 for teenagers but the flexibility is there. If the case warrants they can bypass that policy. The policy of under-60: they can bypass that as well on grounds. This is absolutely common sense. As I say, there are so many people in this Island who are waiting for places like Lesquende to come on; St. Clement to come on, La Lourderie; the Constable of St. Saviour, behind the Parish Hall; where properties are going to become available, where the housing situation will release 3 and 4-bedroom homes and many of those people, as I say, are sitting in those homes that were originally affordable first-time buyer homes and, in many cases, are still affordable in today's market. I believe that to be a States Member, to be a caring Connétable or Deputy or Senator, you need to have a commonsense approach. To fix this against all the odds at 65 is quite mad, quite honestly. It is ridiculous. As I say, extensive consultation has taken place in the past with the agencies that know and are concerned and involved with elderly people: Connétables, Age Concern, the Senior Citizens Association. I cannot recollect many of them, Health in particular, who were very concerned about having a policy when it was mooted at the time the policy should be at 65. This will go against everything that we stand for in assisting people. You cannot have a figure of 65 when there should be a flexible amount. Fifty-five is the right age. It is the right age of everyone now in other agencies, including the U.K. and other areas; councils are seeing as an opportunity to house people for the remainder of their life on an ongoing period. I do not support this amendment of Senator Breckon and I will be supporting the Minister for Planning and Environment who I think is absolutely right that we should defend the current situation.

1.5.15 Senator P.F.C. Ozouf:

I probably am going to need some more time than just 5 minutes in order to deal with my remark but I think I will start if I may because I have got some questions for the Attorney General. This debate is of really quite major significance and importance depending on the answer to the first question I have to the Attorney General and that is: does it apply to applications of the yet to be approved sites that were the subject of P.75/2008? I say that because if it does not then this is somewhat of an academic debate because we have not got any over-55 rezonings. If it does then there is certainly a debate to be had and, if I may say, while Members are absolutely enthusiastic in their support of the parochial schemes - I have seen the Trinity scheme - they are confusing the 2 issues of the over-55 for social rent, which there is widespread and absolute approval of, versus the other issue of the 55 per cent which is the purchase element. I mentioned earlier in the debate that I would return to the issue of hawkishness. It is my contention - and maybe this is the purpose that Senator Breckon is trying to achieve - that the value of a site of a house that can only be bought by somebody over the age of 65 is less than the site of over 55. Now, I do not know whether the Attorney General can assist because Members are wanting to try and attack some of the uplift in value, which is a common theme of the whole of the Island Plan debate: green zoning propositions mean absolutely huge, massive capital value increases. The whole debate that this Assembly has wrestled with is how one captures some of that uplift in value and takes that value and directs it towards the elements of the market that cannot afford in the general housing market. Members are being attracted into a debate that over 65 is going to mean less profit and some of that value attached, where probably there is, if I may say, a third way which may be possible; that what you really need is you need an over-55 policy but with a gateway. The problem is just the fact that you are 55 does not mean to say that you should be entitled to purchase one of these properties and I cite in evidence L'Hermitage at St. Peter of which there is no difference in the market price of the unit just because you are over the age of 55. What you need is a gateway, which is the argument that I have been also talking for years about in terms of first-time buyers. It is not just because you are a first-time buyer that we should be assisting on rezoned sites. It is a first-time buyer with a gateway. The solution for that has been deferred payment or shared equity. We will not revisit that. But what the Assembly really wants is over 55 with a gateway. Now, I am midway through.

I need the answer, if I may, from the Attorney General who may want to consider this over lunchtime. But if he can give an indication then I will continue and conclude my remarks.

Deputy P.V.F. Le Claire:

Prior to the Attorney General giving his response, may I indicate that there was some comment from the Attorney General requested during the 2008 debate. I have just been reviewing what people said in 2008, very interesting as it is. There was some advice as it related to people being able to access in terms of their age during that debate on 15th and 16th July 2008 and I think it might be prudent if the Attorney General has lunch to review the advice he gave then just to make sure that it dovetails with the advice he is about to give us now.

The Bailiff:

It sounds as if he may not be going to have any lunch. Mr. Attorney, are you clear in your mind as to the question which has been posed to you?

The Attorney General:

My understanding of the question is what effect, if this amendment is adopted, will that have on current applications in connection with people wishing to make developments for people over 55, housing? I am grateful to the Deputy for referring me to my predecessor's comments on an earlier occasion.

The Bailiff:

Do you wish to revert after the adjournment then?

The Attorney General:

I would be most grateful if I could revert after the adjournment, Sir.

Deputy P.V.F. Le Claire:

Sir, may I just caveat that warning? Obviously I do not necessarily understand the answer he is about to give. I do not know if it is relevant to the answer he gave then.

The Bailiff:

That seems a very fair point, Deputy. Yes.

Senator P.F.C. Ozouf:

If I may, then the Attorney can consider; my question is: can it affect current applications and if this amendment is rejected is there any other way that this Assembly can consider a planning obligation on yet to be approved sites which are over 55 but has a gateway? If the Assembly cannot change the designation and the decision 2008 then there is no point in this debate at all because the horse has bolted and everything has gone. But if there is an opportunity then there is a real debate to be had. On saying that, if the Attorney has understood my question, if I may, may I propose the adjournment and continue after lunch?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the adjournment is proposed. The Assembly will adjourn and reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

I believe we are not quorate. Usher, could you call Members, please. Very well, I think we are now quorate. Now, Senator Ozouf, you were on your feet. Do you wish to hear from the Attorney first?

Senator P.F.C. Ozouf:

If I may, Sir. If I may ask the Attorney and then I will continue my observations.

The Bailiff:

Yes. Mr. Attorney, can you deal with the queries asked?

The Attorney General:

I hope so, Sir. I think I have been asked 2 principal questions at least. The first question is what will happen to applications that are in the course of process but have not yet been decided in the event that the amendment is adopted. My answer is the same as it was yesterday. The Minister's obligation is to take into account the Island Plan as it is for the time being and if the States changes the Island Plan provisions today it is the new Island Plan that the Minister will have to take into account in reaching any decision that he makes. That observation, of course, is qualified by the other caveats that I attached to the advice that I gave to the Assembly yesterday because obviously the Minister has to take many material considerations into account. But it seems to me that it is quite clear that he must take the Island Plan as it currently is at the time he makes the decision. The second question from Senator Ozouf, I believe, was whether or not it was possible, in Planning Obligation Agreements, to give some sort of threshold requirement to ensure that individuals had to meet a particular threshold before they could purchase the property in question. That is what I understood the question to be. Provided the threshold is tailored in the direction of affordability, it seems to me that it falls within the varies of Article 44 of the law and it is possible for a Planning Obligation Agreement - which, of course, runs with the land - to provide that people meeting a certain financial threshold are the ones and only the ones that can purchase it. Whether that threshold is also tied to age, I think, is a different question, but it clearly must be a financial threshold in my view.

Senator P.F.C. Ozouf:

I am grateful for the Attorney's advice. This puts this debate on a really important footing because I am advised that there are certainly 3, that I am aware, of the P.75/2008 sites which, therefore, this debate will potentially affect. It is advice that I welcome because it fulfils the political objective that it is possible to make changes to the planning obligations as are required by the demands of the market and indeed the housing market. I am about, apparently, as free market as it gets in this Assembly in terms of economics. I do not understand and recognise – it is a shame; he is probably delivering economic value somewhere else – the observations of Senator Shenton when he says that I am in favour of big government. I believe in intervention when there is market failure and I believe that it is right that the States intervene when there is the opportunity of, for example, capturing the uplift in value as a result of rezoning and that is what this proposition is about. What I have heard from the Attorney General indicates to me that it would be possible for Planning to work up a planning obligation that would provide a possible gateway which is over and above just simply the requirement of being over 55 to purchase one of these units. Being absolutely clear, this is not anti-developer. This is not anti any large developer. These are observations which have the consequence of capturing land value and the uplift in land value and I believe, from what I have heard from the Attorney General, that Members should be rejecting this proposition. I understand the spirit of what Senator Breckon is trying to achieve. I think he is wanting to try and find a way of capturing and directing these units towards those that are required. I believe the better way of approaching this is to keep the over-55 designation but to put some sort of gateway and to get housing to work up some sort of gateway - I cannot say it is definitely possible - in order to achieve it. It may well be too late for some of these sites. It may well be. But it is jolly well worth having

a try. What is not sensible, I would represent, is to try and achieve that objective by setting the over-65 number. That is not sensible. I do not believe that that fulfils the requirement. I am 41. I understand that 40 is the new 30. I understand that 70 is the new 60 and all of those issues. But that is not the point in terms of age. We are trying to provide a supply of homes that are going to for people's lifetimes; that they are going to be able to stay in their homes in their later years with their Deputy Pryke wet rooms and the community facilities and all the rest of it. But, in my view, those homes that are created on these rezoned sites, because these should be the sites that we are directing towards people that are in housing need as opposed to the general market ... my view is that we should be putting some additional conditionality on that over-55 in some sort of affordable gateway. I do not think it is the solution for over-65. I do think there is more work on the over-55s and I hope these observations have been of some use to Members but also may fortify my own credentials as being not simply a free market liberal but somebody that wants to intervene in the market where there is a general public interest, where there is a market failure and to direct policies towards delivering homes that otherwise might not be affordable to a certain class of people.

1.5.16 Connétable D.J. Murphy of Grouville:

There have been some very good speeches with regard to this proposition and I have heard some excellent ones in favour of keeping the age 55 grouping. However, arbitrarily now, the States assess an age of 65 or 67 for pensions and retirement. That is sort of in the dream world. The reality is, of course, that people are now being driven out of jobs at 55 and they are also wishing to retire at 55. So I think the whole idea of putting housing on to the same agenda as pensions or retirement, I think, is absolutely unrealistic. I think we must be real about the whole thing now. I am sorry that our Deputy seems to think that we have been dragging our heels on the field in Grouville. That is not the case. We have an arrangement with the Parish of St. John with the developer who dragged his heels and ours at the same time. We have only just got over the problems. It is all ready to go now and hopefully we will go forging ahead in the very near future. It is all over and done with now. Let us get real and get on with it.

1.5.17 Deputy R.G. Le Hérisier:

Much has been spoken. I appreciate Senator Breckon's interest. He has been a formidable campaigner and we did some very good work on Scrutiny. Just 2 points. I do not believe in ageism and I think by defining an arbitrary line we are now engaging in that. Secondly, I think there is a ghost at the feast and the ghost is the unqualified sector. A lot of this talk around this particular issue centres on property owners moving up and down the system, so to speak. But there is a vast number of people here who are in the unqualified sector because we delay their entry into the property buying market. By dint of being in that sector it creates all sorts of issues which are building up. I am not sure their role, their problems or their issues have animated and affected much of this debate; so I throw that in. The second thing is I would heartily agree with what the Deputy of Grouville said about the over-55s development pioneered by Deputies Pryke and Hilton. I totally agreed with what they did with one major caveat. Sadly it was to take away some of the glory which, as the Minister said, they rightly deserved. It was based on a raid on greenfields and I think the reaction to what happened is what we are seeing throughout these stays at the moment; this aversion to using greenfields almost to the point of doctrinal purity so to speak. That was very unfortunate, but otherwise I am not sure I could support this. I think people do want variety. As the Deputy of Trinity quite rightly said, they want choice and I am not sure, if we were to have a discrimination law, the idea of putting a line would stand up.

1.5.18 Deputy P.V.F. Le Claire:

I was a great supporter of bringing in Hansard and I know Members do not want long speeches because they have got homes to go to, in some cases. But, given the very topical BBC Radio announcement today that there are 80 homeless people in St. Helier and the announcement of the shelter we are opening in St. Mark's Road, the new shelter, I think it is behoving of us to take some

time. I want Members, if they do not believe me, to focus on the words of Senator Ozouf in 2008. Sometimes I read my speeches back and they are not so easy to understand but I must give credit where credit is due. Senator Ozouf is a very articulate politician and his speeches read back very clearly and his message then, as it is today, is nearly verbatim: the need to introduce a land tax, the need to do something about the uprated values, et cetera. But he starts off his speech and it is quite funny so I will just ... to reflect on this, these are the opening sentences: "This Assembly cherishes its traditions. One tradition is very clearly now long debates in the last sitting before the summer break." He got a lot more laughter than I did. **[Laughter]** It is the way I tell them: "However it is important that this debate is a detailed and a searching one and that we do have a debate on all of the issues in a proper way." I could not disagree with those sentiments in the slightest. I concur 100 per cent with what he is saying then and what I am saying now. He spoke then about the delight to see the Constable of St. Peter yesterday on television leading his community in finding a solution those homeless people in St. Peter. He got approbation; I did not get anything. I am just using the same words but this demonstrates what I am saying: "The Constables are at the heart of our community. They understand what they need to do to strengthen their communities and what we have in this proposition. We have a proposition and an opportunity to strengthen our Parish system and our Parish communities. A lot has been done in some Parishes in terms of delivering senior citizen accommodation. Poor old St. Saviour and St. Clement and St. Helier could not afford to invest in senior citizen accommodation like Trinity did. Trinity ratepayers did not have a free lunch in terms of the non-existent welfare burden. They invested in senior citizens housing just as St. Ouen did. I am going to miss out a few Constables, but they are responding now to their community needs. St. Saviour does not have their own senior citizens accommodation. This proposition will give them that and it will give the other Parishes that", et cetera. He goes on to talk about the failings of St. Helier and the need to do more. This is in 2008, July 2008. The desperate need outlined by the Deputy of Trinity at the time; the desperate urgent need to rezone these fields at that time; 11 fields in 8 Parishes: desperate need. Senator Cohen talks about inviting Members up to Trinity to look at the model of a development in Trinity and how wonderful it is. Just as well he is talking about that one because the others are nowhere in sight. Perhaps St. Mary is next, being delivered at the end of the year. If we look at the information that is currently coming from the department, this is the status I had 2 weeks ago or less from the planning officers who are sitting in the back there writing the speeches.

[14:30]

This is what the status of those sites was 2 weeks ago. P.72/2008: sites approved by the States of Jersey on 16th July 2008. On 16th July 2008 the States of Jersey approved P.75/2008 which rezoned 8 sites through the Island for category A housing. Category A housing, I will remind Members, are first-time home buyers, sheltered accommodation for the elderly and lifelong homes. On 25 February 2009 the Minister approved the Planning briefs and interested parties were invited to submit applications. The Planning Department has held discussions on all of the sites which are being progressed and are at different stages of advancement. Let us look at the different stages of advancement therein in July, nearly July 2011. This plan is a year and a half late, let us not forget. These were brought in as an interim measure to deal with the urgent necessity. "Fields 818 and part of Field 873, Trinity. An application was received from the Parish of Trinity on 25th November 2008 for 14 lifelong dwellings. The application was approved on 18th February 2009, development completed August 2010." Congratulations to Trinity. "Land North East of Maison St. Brelade. An application was received from the Parish of St. Brelade on 19th September 2008 for a 21-bedroom extension to Maison St. Brelade. The application was approved on 18th February 2009. Project started on site January 2011 as warned at the time by the Assistant Minister for Housing who said there was a desperate need and it would take 2 years to get these sites up and running, if not 3, before they got the keys in the door." Exactly the same thing was repeated by the current Minister for Housing last week. The lead-in time. "Fields 561 and 562, St. Mary." Now, St. Mary is near

completion. I spoke to the Constable this afternoon and she says they are lovely houses, first-time homebuyers and sheltered housing, although admittedly lovely, also admittedly expensive. "An application was received from a private developer on 21st August 2009 for 33 dwellings providing a mix of first-time buyers, open market lifelong dwellings for the over-55s and lifelong dwellings for social rental. The application was approved on 15th December 2009. Project started on site June 2010", and if my memory serves me correctly, I believe the Constable came back and insisted - good for her - that what she wanted, she got and she did that. "Field 274, Le Lourderie, St. Clement. Following the issue of the development brief in February 2009, an initial design meeting took place on 12th June 2009 between the developer's architect and the planning officer to provide a mix of approximately 42 lifelong dwellings for older people over 55. Planning application was approved in June 2010." Next site: "Field 605, St. John. An application for 14 lifelong homes was approved December 2010. Field 148, Rue des Maltières Grouville."

Senator F.E. Cohen:

The Deputy missed out that the previous site in St. John is under construction.

Deputy P.V.F. Le Claire:

I am sorry if the Minister for Planning and Environment does not think my information is very good. I got it from his department and his officers 2 weeks ago.

Senator F.E. Cohen:

I will send him over a current list.

Deputy P.V.F. Le Claire:

I am going to update that when I complete my speech but I am giving ...

The Bailiff:

Deputy, just before you complete your speech, can I just say that this is an amendment about whether the age of 55 should be substituted by 65, so I am not entirely clear as to what an update on the current buildings has got to do with that.

Deputy P.V.F. Le Claire:

The reason why I am going through the stages of where these sites are, just as Senator Ozouf did when he called in the Attorney General, is to see whether or not there are any projects that are ongoing or whether or not they are completed and to understand what flexibility we have in terms of the numbers that we have been experiencing and where we can put them and what the implications will be if we increase that age. If I am allowed to continue to develop my argument, what the implications will be on society in terms of building and this Island Plan in general if we increase, which I am not in favour of, this level from 55 to 65 because I think there is an urgent need now and messing around with this instead of getting on with it is going to further compound it. I am trying to highlight ...

The Bailiff:

Is it not sufficient simply to say that a number of the applications are as yet unbuilt?

Deputy P.V.F. Le Claire:

No, Sir.

The Bailiff:

Therefore, they will be affected by the decision?

Deputy P.V.F. Le Claire:

I know Members do not want me to speak at length and, in fact, they do not want me to talk at all but I would rather have this on Hansard for future debates like I have got the information I have got from this debate, and I would like to be able to make my point if possible.

The Bailiff:

Well, provided it is relevant.

Deputy P.V.F. Le Claire:

I think it is relevant, Sir. We are talking about access to accommodation for people over 55 years of age in an Island Plan debate. These sites were rezoned in 2008 in an interim period for those very people. I am bringing people up-to-date as to what stage they are at. [Aside] I am not giving way unless I am being brought up by the Chair. “An application for 14 lifelong homes was approved in December 2010. Field 148 Rue des Maltières Grouville. An application for 20 lifelong homes was approved December 2010. Note, Field 605 St. John and Field 148 Grouville will be tied together with a planning obligation agreement which will deliver 45 per cent open market lifelong homes on Field 605 and 55 per cent social rental homes on Field 148. In Fields 516, 516A, 517” ... and I do not care if the media wants to write whatever it wants to write about these speeches either. I got stopped by a woman on the way in who said: “Well done for speaking out the way you did, Sir.” It may make light-hearted out of context copy for the media and it may not be going down very well with the people in this Assembly who all have got homes to go to but it goes down very well with the people in St. Helier who have not. “Discussions have been underway with the developer to develop a mixed tenure retirement village of approximately 98 number open market and 80 number social rent lifelong dwellings for people over 55. The developer has also reached an agreement with the Parish of St. Saviour to provide with them 30 social rent lifelong dwellings free of charge. This proposal also includes a residential care and dementia home, guardian accommodation ancillary facilities, a public car park to relieve potential on-street parking in Chasse Brunet and amenity open space will also be provided as part of the development.” These were the very things that Senator Ozouf was talking about in 2008, delivering planning gains as a form of tax for the benefit of the community and he was absolutely right and he recognised then, as was put forward then by the Minister who brought this proposal and the Assistant Minister for Housing then, backed up by the Minister for Planning and Environment, the urgent need in 2008. We are in 2011. “Since the release of the planning briefs in February 2009, the developer and his architect held an initial design meeting with planning officers on 4th March and several more meetings have taken place since to resolve the design issues and a planning application is expected shortly. Field 578 Trinity. The site could accommodate approximately 36 number category A homes providing a mix of 30 number first-time buyer homes and 6 number one-bedroom lifelong dwellings. A planning application is expected shortly.” Information I had given to me by the officers who have been doing a sterling job at Planning under enormous pressure. We give them titles, we give them titles of directors. We do not give them any more money. We take people out of Planning on C.S.R. (Comprehensive Spending Review) cuts and then they tell us: “Oh, I do not know, I will get those figures to you soon but we have not got time. We will do it when we can”. An update of status I received this afternoon on a piece of paper. It is addressed to me, it is a yellow piece of paper. I think it is from the planning officers. I believe this is the updated position so this is newer than my 2 weeks ago information or 10 days ago information, I believe. On 16th July 2008, the States agreed to amend the Island Plan to zone 8 sites for category A housing but only for the development of lifelong homes but with provision for first-time buyer homes for Trinity and St. Mary to meet the respective Parish requirements. Development briefs were subsequently approved by the Minister. Initial development was in February 2009. The Parish of Trinity have now completed the first phase of development and preparing plans for Phase 2.

The Bailiff:

Deputy, I am sorry, but you are going on at great length about the exact details of the current situation. This is a debate about whether the age should be 55 or 65 and I cannot for the life of me quite see the relevance to the debate of what you are saying.

Deputy P.V.F. Le Claire:

Sir, I am 3 sentences away from getting to my last paragraph, which is going to be about the numbers of expected people we are going to experience in the community according to the statistics.

The Bailiff:

Well, that clearly is relevant.

Deputy P.V.F. Le Claire:

Yes, Sir. I am trying to show that there is going to be a serious problem in a very short period of time because of our inability to recognise the issues. I am trying to explain them very thoroughly to people so in a year and a half's time, when we have got a new Assembly, they can review those or I can send them to people so they can understand the issues, and I have been asked to work on this with the Senator and other people that are concerned about housing. I am trying to raise the profile of these issues because, having done the research for the last several weeks, we are heading into an absolute mess.

The Bailiff:

Of course, those are points that you can make, Deputy. Perhaps you can just ...

Deputy P.V.F. Le Claire:

I do appreciate that, Sir. The last person I wish to make cross today is you, Sir. I do not mind about everybody else. **[Laughter]** While I do not mind my debating style, I do mind my manners. The Parish of Trinity have now completed the first phase of development and are preparing plans for Phase 2. Developments for St. Brelade, St. Mary and St. John have been approved and are currently under construction. Planning permission has also been granted for schemes in Grouville and St. Clement and proposals for a retirement village on the St. Saviour's site are currently at the pre-application stage. So, in a nutshell, what I am saying is the hugely overbearing urgent need that we had to rezone these fields without any idea as to what the numbers were in 2008 which are currently agricultural fields but not in this debate at all today, most of them have not got a stone on top of another stone and this is by fluke of environmental law. Then what I did, just in summation because everybody has had enough, I have got more for later in case they want to leave now, they can go, we looked at the impact that was coming up in relation to ...

The Connétable of Grouville:

Sir, may I take advantage of this to ask the Deputy if he would just give way for a moment. He was saying that Field 148 in Grouville is an agricultural field. It was a very poor agricultural field and, quite frankly, in the last few years, the only thing that has grown has been the list of people waiting to move into homes there. **[Laughter]**

Deputy P.V.F. Le Claire:

In a report I prepared for Members, which they will not read, never mind. Recently published indicators from the States Statistics Department show that Jersey is at a crossroads in terms of social provision for the elderly, and this is what the KPMG report statistics based their data upon. At the same time, we are rushing through this plan, which is a year and a half late, and we are focusing on the needs of 55 year-olds and above. We have got a silver tsunami coming. Recognise those phrases? Silver tsunami, increased demographic changes, need to increase our pensions, taking cognisance of people's ages in relation to their accommodation, a gateway system which is being worked on by Housing in the future and the trajectories say this: "The Housing Department

have no role to play in the lives of single people or couples without children under the age of 55.” So if we look at the current numbers of people who are over 55 years of age in our community, at the end of the Island Plan period of 10 years, we will see what is the likely number of people who are migrating to this territory. If we take that forward until the housing is available, 3 to 5 years from 2021, we can examine the demographic shift or, as the transition is currently being labelled, “the silver tsunami”. This is a period where we will not only see a shift in mortality but also in the decreasing size of households because more and more people are living longer, divorcing or not getting married at all. House sizes are getting smaller, identified in 2008 in the speech of Senator Ozouf. He said the same thing then in 2008. This is the last few sentences, Sir, so Members can get ready to turn their ears back on. The current projections of those above 55 years of age by age groups 2005 was given to me by the States Statistics Unit. “Independent, impartial and professional” were the words the Chief Minister used in response to a question I asked him of the Statistics Unit. I said to him and I copied all States Members: “Do you believe the Statistics Unit is independent?” He responded: “Not only independent; impartial and professional.” In their independent, impartial and professional statistics that they supplied KPMG, by the end of this Island Plan, we will have an additional 10,300 people who are above the age of 55. We have a significant problem.

Deputy A.E. Jeune:

Excuse me, Sir. The Deputy, when he was speaking, said he was doing it for the benefit of Hansard and I would just like to say that what the Deputy was saying was not necessarily comparable because he quoted Maison St. Brelade.

The Bailiff:

It sounds to me as if you are making a point, are you not, Deputy Jeune? Are you suggesting that ...

Deputy A.E. Jeune:

It was not necessarily the information that he was giving because Maison St. Brelade is a residential and nursing home extension.

Deputy P.V.F. Le Claire:

Could I respond very briefly, Sir? If the Deputy had listened to my speech and if she reviews it on Hansard, she will hear that I was given this information from the Planning Department as to the stages and progressions of the fields that were rezoned in 2008. I was reading out verbatim the information they gave me. I was not making comparisons with other things.

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

We appear to be making very heavy weather of something which is ostensibly very simple. I was one of those Members in 2008 who did not vote for the majority of the rezoned sites for lifelong dwellings for the over-55s.

[14:45]

This was on the basis that I thought it was the reason being brought for the release of the sites, i.e., for lifelong homes only for those above a particular age I thought was an excuse to open the doors to allow those sites to be rezoned in a way that otherwise would not have happened. If one does a bit of basic research on lifelong homes and the ideas that have come from the U.K. and elsewhere, as supported by the Housing Trust bodies and the Government, lifelong homes was an attempt by the Government and other authorities as mentioned to improve on the quality and the build standard of the buildings that were being built to allow them to be used in more flexible ways to accommodate people with a wider range of lifestyles and disabilities or abilities and to ostensibly keep people in the communities that they grew up in rather than to adopt a policy which encouraged

the placing of persons above a particular age all in one place. As has been referred to by a number of Members today, in particular the Minister for Housing and a number of others, I think the threadbare nature of this particular policy is beginning to sink in. Lifelong homes as a standard makes absolute sense. We want to improve the overall quality of the units that are going to be built, wherever they are going to be built, for whoever is going to live in them, not to give special preference to those who fall into particular categories above a particular age. So, in keeping with those Members who have spoken before, I think there is possibly a need at some stage in the future to perhaps review the age limit and to reduce it rather than to increase it, and that would bring it in line with the quality standard intention which is what this policy should be all about. So, on that basis, I would urge Members to resist and reject the call to raise the age, which I think will only seek to further complicate the system of home provision that we have got in the Island in ways that we do not really need to follow. I shall be rejecting. I hope others will do the same.

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

Just very briefly. I wanted to touch on a point that Deputy Le Claire did speak about but I was very concerned that Senator Breckon brought up the application on the fields behind St. Saviour's Parish Hall, and I was concerned because I believe he said that the application had changed or what was going to be approved was changed from what the States agreed when we debated this in 2008. That does concern me. I know that when we agree a proposition, we are agreeing what is worded in the front but I suppose my appeal to the Minister for Planning and Environment, or if it is the Planning Applications Panel, when they come to consider this application, that they do hold some weight by what was written in the report because I know for the Deputy of Trinity and myself when we did the consultation and visited the Parish Halls that this was a very, very important part of it. This matter was raised at a public meeting that was held at St. Saviour's Parish Hall just a few weeks ago and it was brought to my attention then. So I am glad Senator Breckon has brought that up and I would like that point clarified by the Minister if that is at all possible.

The Bailiff:

The Minister has already spoken. Does any other Member wish to speak?

1.5.21 Deputy S. Power:

Yes, you will be pleased to know that I will be very brief. I just want to pick up on the point that Senator Le Main made, which is very valid in that the number of people that have approached me in the past 5 and a half years that I have had a surgery community care to do with wanting to downsize from a 4-bedroom house to a 3-bedroom house and that the prospect of anything happening under Lesquende is nothing short of a States embarrassment. I think it is on the 27th planning scheme to get anything done on Lesquende, something that was brought by the States and cost legal fees something in the region of £8.5 million, so it is an embarrassment to be a Parish Deputy and to have to respond to what Senator Le Main said, something I agree with completely. On Senator Breckon's amendment, I will not be supporting it and I urge Members to reject this amendment for the following reasons that I am going to outline. There are 2 and they are pretty short. Number one is for the largest part, it is the Constables of the Parishes that are plugged in to what happens in their Parishes. Now, if anyone in this Chamber is going to tell me that the Constables do not have common sense, then I will obviously very strongly disagree with that. So we have a provision. The aspiration is to have a provision in every Parish, not all Parishes, most Parishes, but ideally every Parish, where there will be lifelong homes and they will be administered by not just the Parish Constable and the Parishes themselves but also by the competent authorities like the Housing Department and it is the Housing Department and the Parishes that can make effective decisions on the eligibility and the candidacy for people to go into these homes and I really think that sometimes the States misses a trick. The trick is common sense and logic and I think that is underwritten in this case here so I would like Members to really seriously consider this and oppose Senator Breckon's desire to increase the age.

Deputy A.E. Jeune:

May I ask a point of clarification of the last speaker? Did I hear correctly that he said that £8.5 million had been spent on legal fees on Lesquende and if he did, could he explain that, please?

The Bailiff:

I am not sure that that is very relevant to this debate, is it Deputy? It is a matter you could take up with the Member afterwards but it does not seem to be relevant to this particular amendment. Does any other Member wish to speak?

1.5.22 The Connétable of St. Brelade:

I am not unsympathetic to the Senator's proposals, principally because I have never been comfortable with the 55 designation and I think the points that have been made in earlier speeches, particularly the Connétable of St. Ouen, Deputy Labey and others who refer to the fact that there should not be an age is the most relevant point, which I do hope we will pick up out of this debate. While I think Members can go either way on this, I think the important thing is for the Minister for Planning and Environment and the Minister for Housing to pick this up, take the age out of it and get compulsory focus on need rather than age.

The Bailiff:

Does any other Member wish to speak? Then I call upon Senator Breckon to reply.

1.5.23 Senator A. Breckon:

What I propose to do rather than to address Members' particular questions is do the generality of the issues that have been raised. A number of Members have mentioned downsizing. When you think about the practicality of downsizing, what it is about generally is the kids have left home, they might have gone to college, university, in relationships of their own. Now, one of the tricks of downsizing, if you move down it means that they cannot come back and it means that the fridge does not get emptied, you get your peace and quiet, you do not have to do the washing so there is a tactical thing in downsizing but the question is, is it the function of this House to make special concessions on rezoning on the Island Plan so people can tactically move to distance their kids? Probably the answer to that is no. So there is downsizing. Another question was raised by the Constable of St. Mary. She said: "There is somebody in the Parish who this is useful for because they cannot manage their house and this is going to fit in nicely with that" but the question is, should we be doing that or should the market do that? Probably the answer is the market should do that. We should not be rezoning land in St. Mary because somebody needs to downsize and that, in effect, is what we have done. The other thing that a number of Members mentioned was the age. Well, if you do this, you bar people but do not forget that we have and we are going to have hopefully a care scheme that will give care to people who need it of whatever age and hopefully we will follow the Guernsey model. The other thing is Social Security have a fund that can assist people to remain where they are and to make adaptations to their home. That is there now so there are now things, and I am not suggesting for a minute that there should not be some discretion anywhere and whether it is 64 or whatever, we need to have some flexibility but, in my mind, 55 was the wrong place to put it because - and I ask Members to remember this - the reason the rezoning was given was because of this very special need that we had for lifelong homes for people of a certain age and after it went: "Well, we cannot do this without first-time buyers." First-time buyers came after and said: "Well, developers will not swallow this because they are not going to have social rented bungalows taking up the land. They want something that is a bit more intensive to make a few more bob than that." So that is where this is encompassed. The other thing is there is a significant difference between the Parish schemes ... and I have been to Trinity a couple of times, I have been round with the Constable, I have had a cup of tea with people. It is a brilliant scheme but it is Parish-led, not developer-led. That is the difference and the Parish schemes, all of them, the Constables have had trouble with finance. I know, I have spoken to a few of them. Now

not that many years ago, we from the Treasury would have given them pound for pound at 4 per cent and I know the Constable of St. Brelade and the Constable of St. Peter have been acting with their procurers to get financial deals to get schemes together. Now, have we got the elderly and their care at the centre of it or is it peripheral to the finance? That is a real question. Now, that is something and there are issues that have been raised today that go beyond this and terms have been used, the lifelong homes, sheltered housing. The other thing that the Minister for Health never touched on: where is the support in the community? Where is it? We are talking about people living at home for longer. Deputy Le Claire mentioned ageing population as others did but where does it fit into this and where I have some discomfort, and the same as Deputy Duhamel, we were uncomfortable with these schemes coming forward because it was a rezoning of the 2002 Island Plan, we must do it now, and we are still having this debate in the next Island Plan. So what have we gained and if we have gained anything, who has gained that? There are just a number of other points I want to make and really it is about the different view, the different standards, the different motives, the different values and Trinity, those Members who have not seen it must go and have a look because this is ... I would call it a centre of excellence. It is absolutely ... the standards are superb without a doubt, but that is not the case in other places, and Deputy Hilton has picked that up. Sometimes what we will get with a developer-led scheme ... and that is why Guernsey, I am sorry to say, got it better than us because they have got somebody designated who has got the elderly at the centre of it and it is not States-led, it is not departmental-led, it is not developer-led, it is what is required and some of it is utilising States land and property, and that is where there is some tension. I think Senator Ozouf mentioned excellent points and he knows exactly where I am coming from because what we have done in rezoning, we have enhanced land values and we have not, as Deputy Le Claire demonstrated, yet got any results for it or many and that is where my problem is. We have moved on 3 years from that so we are heading towards the 10-year difference anyway. But it is, coming back to the rezoning debate, and if this does not succeed today, then I will come back with another proposition that makes the various people, Housing, Health, Planning, get together and come forward with the Parishes with a joined-up policy that serves the ageing population of the Island not in a developer-led way but in a community-led way and involves the agencies, non-government organisations, family nursing and others, the many Alzheimer's, people like that who can contribute. What is happening at the moment we have a silo thing here: "No, that will not fit, that will not do it." It is not about drawing the lines round the Parishes and I feel at times ... and it is a shame that some of the Parish Constables - and I am thinking here of St. Peter and St. Brelade - must have felt a bit isolated when they thought: "Hang on, we have to be a finance manager here. We cannot sign up to this. We have to have Parish Assemblies. We have to agree with the procurers. We have to go back. The banks wanted comfort with stuff. Where do we get this from?" There are all sorts of issues. Now, we have a reserve fund. We could have helped and moved in and done that so I think we really need to get serious and if we are going to have, which we know we are, an ageing population, then we must be serious about how we address their issues and their needs, and it is not money at the centre of it, it is the needs of the population. Now, some people and Deputy Hilton and the Deputy of Trinity went to look at the Rowntree model and with the Rowntree model, you would not know who is in there receiving benefit or who is working. It just does not show and people can live independently, they can use the facilities or they can have total dependence. That is the way it works so we are not there yet and we are missing the opportunities because we had a greenfield agricultural site that we could have done that and what is happening now, I am sorry to say, which I knew would happen, the developer is leading it away. It is becoming more a block of flats and why 55, because we would not have given permission to build a block of flats in these fields without this prettying of over-55s.

[15:00]

It has been dressed up for development purposes and it is not serving the purpose we need now and it will not serve the purpose in future, and that is why I believe we should move the bar up to 65. It

will make them think and if that is the case, then it will come back, Health will come back, Housing will come back, Planning will come back. The Constables are working in this area already, I do know that, so it is not an issue for the Parishes. In fact, the Parishes will enhance the outcome, I believe, and as somebody else said earlier, they know what is required by the population of people and the people are in touch with them. For that reason, I maintain the amendment and I ask for the appel.

The Bailiff:

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

POUR: 13		CONTRE: 33		ABSTAIN: 1
Senator J.L. Perchard		Senator P.F. Routier		Deputy T.A. Vallois (S)
Senator A. Breckon		Senator P.F.C. Ozouf		
Senator F. du H. Le Gresley		Senator T.J. Le Main		
Connétable of St. Ouen		Senator F.E. Cohen		
Connétable of St. Brelade		Senator S.C. Ferguson		
Connétable of St. John		Senator A.J.H. Maclean		
Deputy of Grouville		Senator B.I. Le Marquand		
Deputy S. Pitman (H)		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of Grouville		
Deputy A.E. Jeune (B)		Connétable of St. Martin		
Deputy T.M. Pitman (H)		Connétable of St. Saviour		
Deputy A.T. Dupré (C)		Connétable of St. Clement		
Deputy D.J. De Sousa (H)		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 Hérissier (S)		
		Deputy J.B. Fox (H)		
		Deputy G.P. Southern (H)		
		Deputy of St. Ouen		

		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy E.J. Noel (L)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

The Connétable of St. Mary:

I wonder if this might be a convenient moment for me to just mention that current calculations of the estimated time, we are looking at, I would say, 4 days for the completion of the Island Plan itself, including the debate on the whole plan at the end; then, as I said yesterday, half to one day for the other business. Just to advise Members who have been asking, we are, of course, sitting tomorrow. We are not currently scheduled to sit on Monday next week. It is not anticipated that we would sit on Monday of next week. Members have asked if that is possible. There of course are the usual school assemblies on a Monday. It would, I am advised, be possible if we made a decision this afternoon to start on Monday afternoon. We would have to give the schools sufficient time to allow them to bring their sittings forward which is why I raise it now, Sir. Failing that, it looks like we will be sitting on Tuesday and Wednesday and then back again on Thursday after the special sitting for His Excellency's departure.

The Bailiff:

So are you proposing, Chairman, that the Assembly now decides to sit on Monday afternoon, Tuesday, Wednesday and as long as necessary?

The Connétable of St. Mary:

At this stage, I thought it was just prudent to say that we are not scheduled to sit on Monday afternoon and to advise Members that if they were wanting to consider that, they would have to make the decision almost immediately so that we could go forward.

The Bailiff:

So you are not proposing at the moment but you want Members to make an immediate decision?
[Laughter]

The Connétable of St. Mary:

I want them to give reflection to it because they need, I think, a little time to think about what it means.

The Bailiff:

That is fine, Deputy. Perhaps at the end of this afternoon, the matter could be raised.

The Connétable of St. Mary:

Yes, Sir.

Deputy M. Tadier:

Can I ask, while I appreciate that school assemblies are very important, it might be useful while the schools still have notice that we suggest because States business is of vital importance to the whole of the Island that the school assembly be cancelled and we consider meeting at 9.30 a.m. on Monday. Therefore, that would give us more time and the school could come in and watch perhaps. I am sure there are less interesting things they could do.

The Connétable of St. Mary:

I just think that maybe the Deputy does not realise, the schools work for some considerable time towards each of their sittings. It is a very important part of their curriculum and we are very close to the end of term. They are already filling in gaps that were lost when there was snow, et cetera, earlier on. There really is no more give in the school calendar I am afraid.

1.6 Island Plan 2011: approval (P.48/2011): fourth amendment (P.48/2011 Amd.(4))

The Bailiff:

Very well. Then we come next to the 4th Amendment lodged by Senator Perchard.

Deputy J.A.N. Le Fondré:

Sorry, just before we start, I declare a sort of interest and I will be withdrawing. As Members know, I am an honorary member of a Housing Trust and I know that on one of the 2 sites that are coming forward, either by Senator Perchard or Deputy Le Claire, in the past we have had discussions with one of those landowners, and I cannot remember which one it was. So I think it is better that I withdraw from those 2 just to make sure that there is no element of conflict whatsoever, even though it is not a pecuniary interest.

The Bailiff:

So we move to the 4th amendment. I will not ask the Greffier to read it out. This is one, Minister, which you will be accepting or opposing?

Senator F.E. Cohen:

I am certainly not accepting this one, Sir.

The Bailiff:

You are opposing this one? Very well. Then I invite Senator Perchard to propose his amendment.

1.6.1 Senator J.L. Perchard:

It is a shame I have not got 3 amendments. Perhaps the Minister might have accepted the third one but ... I thank the usher for putting up the map and thank the officers of the Department of Environment for supplying me with the map that shows clearly the site as outlined in the first draft of the Island Plan, the draft that the Minister proposed to include Longueville Nurseries as a site for the delivery of category A housing. One can easily understand why the officers of the department and the Minister thought this site suitable for housing at that time. Longueville Nurseries is a genuine brownfield site and one that could not effectively be brought back to agricultural use. It has been used for glasshouse growing since the 19th century and modified since subsequently. There is a substantial area of hard standing where the topsoil has been removed and replaced with hardcore and concrete and I am sure even Members will know that is not a very good medium for the growing of crops. The site is relatively close to town and is conveniently located for bus routes,

shops, the bank, the doctor's surgery, Rue des Pres trading estate and the Plat Douet Primary School. The sales building on the site was approved as a retail unit by Planning and a retail unit without restriction. There is nothing technically that the Planning Department could do to prevent it being taken over by a corner shop or a D.I.Y. (Do It Yourself) sales outfit or a small supermarket or any sort of retail use. The retail permit on this site was formally granted and has been implemented and cannot technically be revoked. As I say, this is not a greenfield any more. I do not believe that we want to see retail use extended or different retail use on the site and it would be sensible to use part of the site, as is proposed in the first draft of the plan, for housing. The one acre site, as I say, comprises of the car park, the retail building and the lower growing area could accommodate 15 homes. I did mention in my report, because there was some confusion when I saw the size of the site and the yield is 10 to 15 homes per acre and if you will permit me, the site was originally proposed to include all that, all this area to the north of the red line. To the north of the red line, the site starts to go uphill and obviously the impact visually would be much greater. So despite the request at the Examination in Public from the representative of the owners to include the whole site, the planning inspectors and, indeed, the Minister at the time, thought just the lower part would be more appropriate. So this is what I am proposing. Members will be aware that the site was subject to the full rigour of the E.i.P. and the U.K. inspectors say clearly and I quote: "Taking a holistic view of the overall strategy of the Island Plan, the need for affordable housing and the alternatives which are available, we strongly believe that those 2 sites [referring to Longueville and the Samarès Nurseries] were correctly included in the Island Plan and must be retained if the housing aims of the plan are to be achieved." I share the concerns of other Members and the E.i.P. inspectors that there is a widely accepted affordable homes crisis and that the draft Island Plan may not be able to deliver sufficient affordable homes, at least in the short term. I have got to say I am a little bit disappointed that the Minister has removed this site from the latest draft of the plan on basically of the opposition of the Constable of St. Saviour. The Connétable gave evidence at the E.i.P. and has been consistent, in fairness to him. He argued that the Parish had met its fair share of development and he said that this was another example of creep with pieces of land being gradually infilled and there were traffic problems, especially at the nearby junction. I have looked carefully at the nearby existing junction of Newark Lane on to the Longueville Road. It is here. This junction has served the lane and the garden centre for many years without real problems but Members can be reassured that if planning consent were to be granted, the turning circle and visibility to the west could be easily improved should it be felt necessary. The inspectors weighed up all the evidence, including the supportive document from the Highway Authority, the T.T.S. (Transport and Technical Services) Department and presumably arrived at the conclusion that 15 homes would generate far less traffic movement than the existing or any other commercial activity and clearly recommended that the sites be retained in the plan for the provision of category A housing. I say I was disappointed with the Minister and the fact that he had removed the site is perhaps just a bit of an understatement because the Minister, against all reasonable advice, and the clear recommendation of the Inspectors and the background of the mounting crisis for the delivery of affordable homes, decided on his own for the now well-rehearsed reasons to pull this brown-field nursery site from the draft plan. Despite the few localised objections, it is important to reiterate that the E.i.P. inspectors made an unequivocal recommendation to the Minister and the States in their report that the Minister should not delete the allocation of this site for category housing from the plan. Importantly, and this will interest Members I know, the owner has advised me that he has engaged a developer with a long track record of developing first-time buyer houses at affordable prices. I am also advised that the developer has a necessary funding ready to invest and has stated that he would build 3-bedroom family homes for £300,000 on the Longueville site, given the opportunity. I maintain that the price that a local purchaser is required to pay for a home or a developer required to pay for a site is dependent on the availability of supply. Market forces do exist in these areas. Availability will bring down prices. This development proposal is a modest one, a small development of up to 15 desperately needed category A homes. I wish to inform Members that, given planning permission, these homes could be completed within a year of the

commencement of the groundworks. I ask Members to support my amendment to include Longueville Nurseries as outlined on this plan and on page 12 of my report in the 2011 Plan.

The Bailiff:

Is the amendment seconded? [**Seconded**] The Minister for Planning and Environment?

1.6.2 Senator F.E. Cohen:

This proposition from Senator Perchard is designed to deliver 15 houses. Quite what houses would be delivered I will go on to shortly, but the simple facts are that we do not need this site. It is true that initially I had devised with officers and, upon officer advice, a plan that was around the rezoning of sites in order to provide affordable housing. There is a difference between affordable housing and category A housing, which I will go on to in a moment. However, I realised, as the plan developed, that there was an opportunity to instead of leaving the delivery of much of the housing to the vagaries of the private development market, that we would be better off to take up the slack and deliver them on States-owned land. What better use could we make of some of our States-owned land than providing homes for Islanders who are in need? We are the custodians after all of land for the people of Jersey and therefore I changed positions with advice from officers and, as a department, we changed to a plan that bases the delivery of 150 affordable houses on States-owned land. The remainder of the affordable houses will come from the affordable housing policy which Members are well aware of and the rezoning I propose of 3 sites, Field 1219, De La Mare Nurseries and Field 785.

[15:15]

In each case, there are special reasons for suggesting these sites but they will provide some slack for us to take up. There is a key question. What do we mean by “affordable housing”? Under policy H1, effectively there are many types of affordable housing but 3 that relate to this. The first is first-time buyer housing. The second is Homebuy Mark 2, you can call it “shared equity”, you can call it “deferred payment” but we all know what we mean, and the third is social rented houses. We have no absolute guarantee of what mix would be provided on any of these sites and it relates to this site in particular. Were an applicant to come forward with an application for category A first-time buyer houses, we will be talking about the provision of houses into the market at a current market average price, I understand, of around £425,000. That is not what I have been talking about at all. I have been talking about trying to drive houses forward into the marketplace for either social rented at modest rental levels or alternatively through Homebuy Mark 2 at around the £250,000 mark, which is exactly what Deputy Power delivered and I give him credit again for the fourth time today at La Providence for 46 delightfully happy families. Whether delivering houses into the marketplace at £425,000 is something that Members think is what we should be driving forward as a prime policy, that is up to Members to decide but I would like to point it out. Remember that each of those houses that we deliver at £425,000 delivers a gross profit, including land value, of approximately £225,000 so it is certainly well worth fighting for. However, let me be clear. There are policies that are in the plan to enable us to effect some control over the mix but there is nothing to stop any applicant coming forward on an H1 site for a mix involving first-time buyer houses as I have just described. That may not happen in this case but I do wish to point it out to States Members. The key issue here is that our plan is an elegant plan. It has balanced supply with demand. Not only has it balanced supply with demand but we have adopted a policy of belt and braces. We have introduced a trigger upon the recommendation of the inspectors and that trigger will mean that if, for any reason, the States cannot get its act together and deliver affordable housing on States-owned sites within 2 years, that automatically we will bring back the privately-owned sites to the States for consideration. So there is no urgency, a later Minister will be forced if we adopt the policies that we are proposing presently to bring back the privately-owned sites if, for some reason through dithering or delay, the States has been unable to bring forward its sites which I

do not believe will be the case because there is now an imperative and an effective mechanism for the States to bring forward sites. So my summary is, and here we get to the issue of the addendum which there has been much talk about. The simple fact is that the reason for the addendum was because it was made clear in the S.o.J.D.C. debate that there was a specific commitment to deliver some affordable housing on States-owned sites and that has always been the position of the Council of Ministers. The Council of Ministers recognises the primary obligation of the States of Jersey as custodian of land to provide not just maximum value but value in terms of value for our community and that means the delivery on part of the States-owned land of affordable housing at prices that Islanders can afford. So that is why we changed our policy as the plan developed when it emerged that there was this not just possibility but certainty of using States-owned land. So I will be applying the same argument in relation to all of the rezoned applications. We do not need them. We have adequately provided for affordable housing. There are risks that we will not get the right sort of affordable housing, and I think there are serious risks because there is a great deal of profit at play for getting one mix rather than another mix and I would urge Members to reject all the rezoning propositions and to support the fact that if the States are unable to deliver in the 2-year period, that they will be brought back anyway to this Assembly by a future Minister.

The Deputy of St. Mary:

Can I ask the Minister for a point of clarification? I think it is quite important because he only gets to speak once. The Minister mentioned and I just could not catch it as he said it. He said something to the effect that the alternatives were Field 1219, La Mare Nurseries and one other which I did not even catch. Could he first of all confirm those 3 and what the third one was and, secondly, say in what sense they are an alternative? What are we weighing against what, please?

Senator F.E. Cohen:

I am happy to answer the question. The sites are 1219 and there is a special reason for this site. It will deliver between 28 and 42 units but it has a planning gain of delivering playing fields, so that is a special case, and De La Mare Nurseries and Field 785 in St. Ouen will deliver respectively 25 to 37 units and 15 to 22 units, and they are regarded as sites in decline and they are adjustments to the built-up area, and they have the support of the Parish.

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

Mine is as much of a question for Senator Perchard. I always worry with these sites when they come forward in this manner. I do not know how many Members have been lobbied on this particular site. I know that I have, and I have had a conversation with the landowner. Various figures have been mentioned, £280,000, £300,000, to get some support. My question to the Senator is if this was to go forward, what guarantees could be offered? I do not think any can. From my point of view, I would rather see it come back in a different vein. I am unlikely to support this.

1.6.4 Senator S.C. Ferguson:

I think it was Deputy Le Hérisier who has already mentioned glasshouses. There are some glasshouses on this site and I think on some of the other sites and there is a demand for these, but the owners of the sites are holding out for a higher price which a planning consent would provide. There are growers trying to rent or buy glasshouses and they have been totally frustrated. We are trying to support agriculture and here we are letting it go. In the past, there was an implication that glasshouses should be returned to agriculture, and I really think it is definitely time that the Minister sorts out a policy for glasshouses. Now, the Senator with the proposition implies that digging up concrete is an insurmountable problem and I would maintain that this is perhaps something of an exaggeration. I am very sympathetic to the affordable housing necessity. I have a son who will not be able to afford a house but where do we stop?

1.6.5 Deputy D.J. De Sousa:

It is a shame the Minister is not in the House. I have to take umbrage with his speech. I have been and will be consistent throughout this debate. I am a St. Helier representative but I also realise the value of all greenfields. For the Minister to say that we do not need this brownfield site but we can rezone a greenfield in St. Helier to provide housing really does gall me. I will be consistent. I will support this and I hope other Members will too. We must stick to brownfield sites to States-owned sites and leave what little greenfields we have left in St. Helier and the greenfields we have in other Parishes. We must leave them alone. We are the custodians of the Island for the future. If we constantly decide to rezone fields, what is going to be left for the youngsters of the Island? I will be supporting this.

1.6.6 Deputy A.K.F. Green:

When I first read the Island Plan, I have to say I was minded to hold the site in reserve and, in fact, I think Senator Le Main asked me the other day if I was going to climb down off the fence. I was not on the fence. I was doing my research. When you look at what the inspectors have said about the urgent need for housing, together with the advice that I have had from my officers, and I am not going to make a long speech because I am going to save that, not a long speech but I will say more when we debate Samarès. When you look at the advice from the inspectors, this is a brownfield site not a greenfield site. This is not a site that could go to agriculture. One might have been able to argue it could go to a different commercial use but you could not argue that it is going to be returned to agriculture. We know we have a desperate housing need at the moment and we know that it will take us 2 years to develop anything on States-owned sites. This could be developed in a year.

The Bailiff:

Sorry, Deputy, I think we have just gone inquorate. Very well, we are now quorate.

Deputy A.K.F. Green:

This site could be developed in a year and I know that we are on an element of trust here in terms of the price but if the owner keeps to his word, and I have not spoken to him he has spoken to Senator Perchard and to others, but it is on record that he is going to provide homes between £280,000 and £300,000. If he does that and does that within a year, then we are on our way. We are on our way to meet that need identified not only by my officers and by others in this House but, more importantly, by the independent inspectors and for that reason, I would ask people to support this site.

1.6.7 Senator T.J. Le Main:

I have been in this Assembly now, as I say, for over 30 years. I am not going to pull any punches. I think that the housing section of this plan presented by the Minister is the worst in my time in this Assembly. It is absolutely incredible with the demand we have got for young people for affordable homes, for the demand we have got from the Housing Department and all the Trusts who wish to increase their stock because of the demand for elderly people and lifelong owners, that we end up with a site like this that has a planning permission for retail use. It has got glasshouses on it. Not the normal type of glasshouses. They were the special type of glasshouses or covers that were put on for the keeping cool, et cetera, of plums. It was not for the growing of plums as perhaps highlighted or considered by Senator Ferguson. If we do not build on homes like this, then we might as well give up and go home. I only read last week or the week before - I have got in the paper there - that the Education Department are going to make another study on graduates and the reasons why they do not all return to the Island to take up employment after graduating. I can tell you that I do not need a survey to tell me that. I know that around 60 per cent of graduates that graduate out of university all go out in the workplace in the U.K. for 2 or 3 years and come back. The remainder do not come back for various reasons. But every graduate that has been spoken to in

the past and surveyed in the past, the top of their list, the reasons why they cannot come back to Jersey, do not want to come back to Jersey, is the cost of housing.

[15:30]

Every graduate has an aspiration to be able to come back to Jersey to raise a family and to own and to purchase an affordable home, and I have seen that for years and years and years. I do not need a survey to tell me that. I am not sure what the present Minister for Housing is going to do with it but certainly when I was the Minister for Housing, I was in discussions with the Minister for Health because the Health Department have a difficulty with essential employees like nurses and what have you and one of the difficulties of recruitment, for people like nurses and teachers is the affordability of homes, and there should be affordable homes in that market as well. I really am disappointed with the Minister because the Minister talks about field 1219. Well, I will tell you what has happened there, there has been a deal done with the Constable of St. Helier on that site: "We will give you a few garden plots, a few vegetable plots for your Parishioners", Constable? Yes, that is correct if we can ...

The Connétable of St. Helier:

Sorry, I do not want to interrupt the Senator but no deal has been done with the current Constable.

Senator T.J. Le Main:

Well, okay, no deal has been done but the Parish will, obviously, be having some of the land for offering to parishioners for garden work. It is a pure open agricultural field in St. Helier, nothing else. I think it is quite disgraceful that we are getting opposition to this brownfield site. I know that the Connétable of St. Saviour is going to stand up and talk about the traffic and how he does not want another building in the ... I sat opposite him in front of Mr. Shepley. The Constable is going to oppose it on traffic movements and what have you but only weeks ago he was supporting a development in a field opposite St. Saviour School for a car park for 150 cars for a community project. Yet this site, for 15 units of accommodation, would not produce even as much traffic as is existing now from the use of the site. Remember that there are hundreds and hundreds and hundreds of young people who would aspire, if they could afford it, to buy a home. They want their homes and not all of them are going to aspire because, certainly some years ago, when we, at housing, asked for expressions of interest from young people in the Island, we had 2,000 names put forward, all aspiring first-time buyers. But by the time they had been looked at you had to discount nearly 50 per cent of them because some of them, most of them, could not afford it anyway at the prices that were being determined. This site is a brownfield site, it has planning permission, planning permission for retail use, and so a Waitrose or a Morrisons or a Lidl could come along and quite legally apply to develop that site for retail use. The advice I have had from Planning is that they would find it very difficult to resist. I think that we have got enough out of town retail units in Jersey at the moment and I think that St. Helier needs more attention, very much on the lines that Deputy De Sousa and the town Deputies, including the Connétable, are trying to achieve. But if we do not build and develop a site like this I guarantee you, through the Chair, it will be lost. It is quite scandalous and I say I am sorry, Minister, I do not agree with you, I do not agree with your policy at the moment ...

The Bailiff:

Through the Chair please, Senator.

Senator T.J. Le Main:

I do not agree with the Minister's policy of opposing this brownfield site. I do not agree with his policy on the Samarés site and the Le Quesne site, there is a need and when the Minister talks about States-owned land, St. Saviour's Hospital, well that is a joke. It is miles in the country, there is a half decent bus route, it is all greenfields around St. Saviour's Hospital, everything virtually is

greenfields apart from La Davies Honorie(?) which has been developed behind Mr. Mallet there. It is an open site, it is alongside overlooking Queen's Valley and there are just no shops, there are no services. If you build and develop for first-time buyers or rental you need services around where people can go to the shop on a daily basis to get their paper, their pint of milk and what have you. The facts will show you that even if you build first-time buyer homes, the facts are quite clear that over the period of a lifetime 90 per cent of the people that buy a first-time buyer homes remain in their first-time buyer homes for their lifetime. So, at the end of the day you are hoping to build in the countryside, St. Saviour's Hospital, well, that, to me, is just building in greenfields. J.C.G. (the former Jersey College for Girls), well we had J.C.G ...

The Bailiff:

Senator, perhaps we could confine ourselves, as far as possible, to the present one.

Senator T.J. Le Main:

No, I am trying to ... [Laughter]

The Bailiff:

There are going to be other debates.

Senator T.J. Le Main:

No, because I am trying to respond to the Minister who said that he was opposing all these sites, Samarés included, any sites put forward because they had an alternative. I am trying to show that the alternative is flawed.

The Bailiff:

But there is no proposition to remove the alternatives for the moments.

Senator T.J. Le Main:

Sorry?

The Bailiff:

There is no proposition to remove the ...

Senator T.J. Le Main:

No, but I am trying to prove to the Members when they vote on this amendment that they vote on it on the basis that I can show, or try to show, the Assembly that some of these sites that the Minister is pinning his hopes on will not or cannot be developed. The J.C.G. site, we took that on at housing. We spent thousands and thousands and thousands of pounds, and the cost of trying to develop J.C.G. into affordable homes for rental just went straight through the roof and we had to abandon it because of the restrictions put on with the listings and what have you. Then again, the J.C.G., you are going to cram that site with homes up by the little lane, opposite Channel Television, up that lane ...

Senator F.E. Cohen:

Would the Senator give way? Just to inform the House and not in any way to criticise the Senator, the plan for the Ladies College site is far from cramming. It is an exceptionally good plan devised by Mr. Marcus Binney and Mr. Kip Martin.

Senator T.J. Le Main:

Well, where is the plan? We have been ...

Senator F.E. Cohen:

Property Holdings have it.

Senator T.J. Le Main:

I have been waiting for Property Holdings for 10 years for Lesquende, 27 schemes for Lesquende, and we have got a crying need for homes for elderly people, lifetime homes and the Minister, himself, has intervened in Lesquende. I do not how many times officers have approved it, housing officers approved it, planning officers, we have approved it, yet the Minister comes, does not like it, we change it. We have got States land there, rezoned, not built on. It is an absolute disgrace. Quite honestly, if you do not vote for this in Samarés, well ... no, no, I am just saying if you are going to support the Minister on his point of view we are going to end up with nothing. St. Helier, the vision of the Minister for St. Helier, cram them in, put them in St. Helier, there will be open spaces, there is going to be plenty of parking, like in Clairvale Road where they built houses with no parking at all.

Senator F.E Cohen:

The Senator used to support me. I think he has gone through some rewiring process. **[Laughter]**

Senator T.J. Le Main:

Anyway, what I would like to do is to thank the Minister for all **[Laughter]** the work he has done for Dandara and all of those **[Laughter]** and wish continued success to Dandara, but I plead with Members, this is a very, very sensible imminent site, which has got the approval of the planning inspectors. I urge Members to discount the dreams that the Minister for Planning and Environment has. The Minister for Planning and Environment will not be after October, he will be enjoying himself in South Africa, good luck to him, but quite honestly we have people that will need homes, need homes now and they are going to need them as quick as possible because otherwise we have got young people who are so disillusioned, and the young people are still living with their parents in their twenties and thirties. It is an absolute disgrace if we do not go forward with this.

1.6.8 Deputy P.V.F. Le Claire:

I am very pleased to go after Senator Le Main. Senator Le Main has been in this Assembly; I believe he is the longest sitting Member who has sat through some of the speeches and some of the propositions I have been researching for the last 7 weeks. I have had no days off. I have been going to bed most nights, 1.00 a.m. 2.00 a.m.; my wife and my child go to bed without even saying goodnight anymore because I am so busy. I have looked at this and I have looked at it and I have looked at it again. I have looked at it back in time from in the 1960s and the 1970s, 1980s, 1990s, every single generation failed by this Assembly's short-sightedness in the adequate provision of homes. "Let us do this", back in 1965, from the first Policy and Resources Committee, the Policy Committee, their very first report on the back of a census, on the back of a population study: "Difficult problem we have got here, with all this burgeoning population explosion, we can tackle it though, we believe, by building 400 homes a year." How many homes have we got planned in this Island Plan, 4,000 over a 10-year period, you do the maths. If you always do what you have always done, you will always get what you have always got. Let me just read from ... I am going to look forward to getting rid of this paper that has ... I have 3 bags of paper around my feet, nearly as big as the bags underneath my eyes. Point 5.3 in the Minister's proposition, in his report, not in the plan, in the report, on the bottom of page 8: "The States of Jersey have considered and adopted a strategy to respond to and best manage the demographic shift in the Island's population represented by the ageing society. In doing this it has addressed the issue of inward migration and the Island Plan responds to this key strategic direction. Specifically, in the short term the States have adopted a policy which allows maximum inward migration at a rolling 5 year average of no more than 150 heads of households, an overall increase of 325 people per year." Inwardly migrant, that is not births and deaths and, yes, we do count the ones that leave. "This is to be reviewed and reset every 3 years." This is critical, this next part is critical: "And it is this that is being used to assess and formulate all of the planning policies contained in the Island Plan, such as, for example, the level of provision that needs to be made to meet the potential housing demand over the plan period."

Wonderful. As the Deputy of St. Mary said to me the other day: “Paul, it is okay, I have looked at the numbers, I am comfortable with them now, they do meet the requirements”, and I said: “Yes, they do base upon that level of immigration.” But in reality we have been seeing nothing like it. Instead of seeing 325 people a year, for the last 4 years we have seen 725 people a year. Senator Cohen said to me yesterday: “Well, that is a population issue, Paul. Sort that out. Hang on, what are you going to do, put in a population policy, we never will.” Put in a population policy ...

Senator F.E Cohen:

That was not what I said at all. I am being mis-stated.

Deputy P.V.F. Le Claire:

Well, I must have misunderstood the Minister because I certainly believe that is what he said: “It is a population issue; you need to address it through a population mechanism.” I said: “Well what are we going to do about the people that are already here?”

[15:45]

It is all very well wiping the blackboard clean every couple of years and resetting the numbers; that is cooking the books in my view. Now at 11.28 a.m. today, in response to an email I sent the head of Statistics this morning, impartial, independent and professional. I asked them: “Can you update me with the figures, the current ones?” This is what they said ... I am sorry the Minister for Planning and Environment is going out the door, because this is critical, does that not just say it all? Does that not just say it all? “I do not need to worry, I have got everybody on side; I do not need to listen to the arguments: I will just go out. I have got the debate won in my pocket.” [Aside] Might need a toilet. This is what the head of Statistics said: “The average net inward migration over the last 5 years, 2000 and 2009, was 640 people per year [corresponds to about 290 heads of households per year] the average net inward migration over the last 3 years, 2000 to 2009, was 700 people per year [that corresponds to about 325 heads of households per year]. The 3 year figure as calculated on the previous line above forms the basis of the monitoring of the Strategic Plan and Island Plan policy of 325 people per year, 150 heads of households as an extract below. [So there are 320 heads of households instead of 150 heads of households.] All of the above numbers can be calculated from figure 2 on page 3 of the Statistics Unit’s report, Jersey Residents Population 2009. Also, all of the above numbers do take into account natural growth, births over deaths, the average births over deaths for the 5 year period 2000 to 2009 was plus 250 people per year. The figure for 2010 was plus 270. We have been experiencing a mini baby boom. Please let me know if there is any more I can do for you. Dr X from the Statistics Department.” He provided me with a graph as well. On the current trajectory we surpass the 100,000 limit in 2024. The total population is more than 108,000 by 2035 and increases to 123,000 by 2065. We are going to have an increase of 35,000 people also in the next 50 years on this Island under the current inward migrant numbers. This plan, identified the need and provided for these sites, Longueville and Samarés, when they did the numbers at 150 and then the Minister said: “Actually we do not need those sites, we can make do, squeezing them on the States sites and cramming them into town.” So the sites that they needed for 150 heads of households were taken out and yet we have been experiencing double the number. They are not going to leave. Jersey is a wonderful place as everybody knows, once you have had a taste of Jersey you are extremely reluctant to let it go and, more importantly, the demographic shift, as I have evidenced already today, an increase of another 10,300 people above the age of 55 are not normally upwardly mobile people. The older you get the less transient you become so we have a demographic shift. So I asked the head of Planning and Environment, the Minister, on 23rd March 2010: “How many units of accommodation do we need?” His answer, it is on Hansard, question 7: “The requirement for homes is 4,000 over the 10-year period from the 2009 to 2018.” On page 2, this is what it says, this is his answer: “To help contribute towards part of the need for family homes and affordable homes over the initial 5 years of the life of the plan, in particular it has been

considered necessary to propose the rezoning of 7 housing sites in the draft Island Plan. Policy H1 proposes the rezoning of the following sites, 5 of which are glasshouse sites and 2 are greenfield sites. If approved, these sites have the potential to provide between 200 to 300 homes. Number 1, De Le Mare Nurseries, La Rue a Don, Grouville, 2.5 acres; number 2, Cookes Rose Farm, field 114, Le Passage, Carrefour Selous, St. Lawrence; number 3, Samarés Nursery, Le Grande Route de St. Clement; number 4, Longueville Nursery, New York Lane, St. Saviour; number 5, part field 1219, Grande Route de Mont à l'Abbé; number 6, Glasshouse site field 785 and field 633 La Verte de la Route, St. Clement; number 7." All of those sites were required to deliver the amount of homes we needed at 150 heads of households. But because the Council of Ministers are spinning us and the public and hats off to the *J.E.P.*, they did not fall for it. They stuck by the statistics and challenged the Council of Ministers and said: "No, no, no we know that you would like to give Paul a kicking every time you can but these are not his figures." Somebody said: "Where did you get your duff figures from, Paul?" I had to say: "From your department, Minister." I am not saying which one, Assistant Minister. Now, this Minister for Housing for the very first time has delivered a speech that gives me confidence in him and his understanding and what is going on. Now, you cannot blame the man, he has a lot to do in a very short period of time and he is doing it to the best of his ability. He recognises the need. Thank goodness he does. Unfortunately, although I recognise the need and many other people in the Island recognise it as well because we were all emailed these published documents from the States Statistics Department, the Island Plan inspectors at 2.3 under chapter 2, were told this. They printed this, it is available to see: "As we indicated at the outset of the process we had been instructed that the assumption that there would be inward migrant of 150 heads of households per year was not open to debate at the E.i.P. It had been established as firm States policy following extensive consultation and the debate was not to be reopened. We are quite comfortable with this. It is quite normal for established policies such as this to be treated as 'given'. In fact, though, it was mentioned in some written evidence, parties for the most part did not seek to criticise it at this stage." Well, how could they? It was not open for discussion. Matter closed, that is your numbers, work on those, and the Statistics Department did the same thing. They were asked to put in numbers into the population model, something they developed themselves and we should be rightly proud of the Statistics Department in Jersey providing, for the first time, quality information over the years as desperately identified as needed by Senator Ozouf when he first came to the States. We needed to make decisions upon better information. What happened was we got that Statistics Departments up and running, we got that Statistics Department to develop their own population model and then we told them: "Feed in these duff numbers and give us the answers." Well, they did as they were told, because they do not use adjectives, and they fed in the duff numbers and they gave us the answers and we have been using those duff numbers and those duff answers ever since. But that population model works even on the right numbers, even if you give them the right numbers and, as evidenced today, and I have sent the email around to other States Members, we are going way above what is needed for this Island in terms of housing and way above what is needed for this Island in terms of population which is driving every policy in this debate today. If we do not support this and other sites for housing we are going to be in a world of trouble in the very near term. I looked back at some of the issues that were facing people in past debates. I went and I started to understand for the first time, no wonder the Ministers for Housing are having - I nearly said breakdowns - but no wonder the Ministers for Housing are having difficulties. Senator Le Main, Deputy Power, Deputy Green. We all walk away from this debate in a few days' time and maybe we will go on holiday. The Housing Department's officers are not going anywhere, nor are the homeless, they are going back to face these issues on a daily basis. I have to applaud and publicly commend, not only the officers of planning, which I have done already, and the Statistics Department officers who have been fantastic, but also I really want to pay tribute to the Housing Officers Department and his officers. They always get a bad time but they are always there to help you and the doors are always open and they are very, very supportive of this site, and they identify the need and for the first time, because I am not the most educated person in here but I am not thick, I started to understand what the waiting

lists meant in terms of people. Historically, in 2001 we had numbers below 200 on the waiting list. Now we are seeing the families, 453 people currently on the waiting list. The minimum number of children in June of this year on the waiting list, minimum number waiting, on average, 14 months, 429 people; minimum number of people, 882, of those 411 children. They are waiting, on average, 14 months on the transfer list. In this month of June we have got 814 people, some of them waiting as long as 32 months. We had questions this week, 52 of them in oversized accommodation, cannot downsize. No fault of the Housing Department because they are filling the apartments as quickly as they are built, 411 of them children. The States waiting list, the average waiting times and the transfer list at this time is causing part of the housing crisis, led, in particular, by the ageing demographics, the affordability of housing and the unemployment issues that are driven by an economic recession. Now, you look forwards, and I looked forwards, and I took the worst figures and the best figures and the mean average figures of the Housing Department plans in their model. The mean average that they planned in their model is tracking nearly to the number today, very interesting that their numbers are tracking. They are predicting by the end of this Island Plan numbers that translate into a minimum of 2,700 people waiting. The last time we had that sort of number, 1,248 families ... it is going to be 1,480, 1,500 families, the last time we had that sort of number was in 1974. Two years previous to that people were waiting 5 years to get into housing, the year preceding that they were waiting, on average, 2 and a half to 3 and a half years for housing. How do I know that? Because I went to the library and I investigated what was happening in the 1970s, from a proposition that I had read about the planning for homes which had not been taken into account properly. Senator Dick Shenton identifying the fact that we had increased the Green Zone by 50 per cent and we had nowhere to build housing and we had underestimated the demand, we had underestimated the demand and we are underestimating the demand now. There were 2,700 people waiting 3 and a half years to be housed, 1,500 of them children, 1,500 children. If Members want to know why I am angry that is why I am angry. 1,500 children. Senator Cohen said a couple of weeks ago: "Wonderful houses on the Waterfront where all our children can go and live." Well, I am sorry, this is from a speech; it is from Hansard, we are talking about the States of Jersey Development Company - I will come to that in a minute - and the Waterfront and what it is going to deliver. In the plan, 500 category B houses, 500 in the first 5 years and 500 category B units in the second part. The 3 things we got from the independent inspectors prior to the statement that was sent to them when there was nobody able around to comment was: "There is a housing crisis in Jersey, (2) there is a serious danger that States Members risk failing in their collective responsibility to deal with this crisis, and (3) deferring the problem will do nothing to solve it and, indeed, will only make it worse." Listen to this, historical reference, 5th October 1975, *J.E.P.*; the *J.E.P.* on the front page read as follows: "Delays hit housing programme. Liz Horne reported that the delays had meant the housing programme was only half way to target in an interview with the States Housing Committee President, Senator Avery, remarkably it was reported that this was only being achieved due to the recent introduction of the regulations [Averty, sorry I was not here, well I was but I was not paying attention] due to the recent introduction of the control of undertakings in development law which had enabled the greater part of the building industry to be diverted to essential housing work." That law is getting scraped under the new provisions of immigration and housing. Senator Avery reaffirmed his belief that 5 years should be ..." [Aside] Sorry, well I have got Senator Avery here for some reason, maybe I typed it out wrong. I will go to the actual page on the *J.E.P.* which I photocopied and I will confirm it is Averty then.

The Greffier of the States (in the Chair):

Deputy, I think the point about your views in the current housing crisis are perfectly relevant for this amendment but we do not want too much of a history lesson of the 1970s unless it is making a point for the current.

Deputy P.V.F. Le Claire:

Very good.

The Greffier of the States (in the Chair):

We are talking about Longueville Nurseries rezoning.

[16:00]

Deputy P.V.F. Le Claire:

Yes. I am just confirming because I have got the article here for Members to see. I was in, obviously, a rush, so I cannot figure out if it was Averty or Avery, anyway. That Senator, that Committee President, reaffirmed his belief that it took 5 years, 5 years should be allowed between the States approving a site and families moving in, 5 years, and yet we are being told we can trust the Minister for Housing's plan which is a year and a half late - Averty, thank you - a year and a half late, working on half the numbers, rushing it through. We can trust that and we can trust: "Trust us, trust me." If there is one thing I have learnt about the States of Jersey in my life you cannot rely on them to deliver anything on time in terms of housing to tackle the problems that they have underestimated for. They can deliver on time what they have been given the equipment to do, as they are demonstrably doing, but they cannot do it if they are not supplied the equipment. We are being told: "Let us look at States-owned sites." I have sent around to Members the example of the Sunshine Hotel. In 1999 the States purchased that for £1.95 million, it sat empty until the deal fell through in 2007 and then it came back finally. The plans went backwards and forwards from Housing, £650,000 in planning fees, apparently, backwards and forwards from Planning and Housing, Planning and Housing, this is not right, do not like that, that is not vernacular enough for me, these car parks are not wide enough, not enough parking, too much parking, too high, too tall, too wide, too fat, too slim. Whatever went on, wasting time, eventually they gave it up in 2010. The owners had it 18 months; he has got 18 houses built. The other one, Salisbury Crescent, 2002, just finished, immediately full, overnight, totally full, 2002, 2011, 2002, 2011. Le Coin site, I showed Members that picture, that is 2004.

The Greffier of the States (in the Chair):

I am sorry, Deputy, I have to stop you, the Assembly has gone inquorate.

Deputy D.J. de Sousa:

Sir, do not forget the Connétable of St. Lawrence is there, just not in her chair.

The Greffier of the States (in the Chair):

Very well, you can continue, Deputy. I could just say, Deputy, it grates me every time you say Le Coin. It is, of course, La Coin!

Deputy P.V.F. Le Claire:

Sorry, there are 2 people I do not want to upset today, that is you and the Bailiff. So, La Coin. La Coin did not get built because we did not have the coin. Is it not interesting that the 7th June debate, which the Minister to used to assuage the concerns of the inspectors was sent to the inspectors as an extract to Hansard prior to the first available Hansard that the Greffe had to evaluate. I know because I asked them to give me a draft copy and they did and none of the copies that were sent to the inspectors, and I have checked what they received, and I have had it confirmed from the secretaries involved the words: "The States are strapped from cash", which were the words from the mouth of the Minister for Treasury and Resources and it also did not include: "The States of Jersey Development Company is going to operate in a commercial manner." Members may not have been able to recently spend time examining because that is what we should have been doing. Somebody mentioned it earlier, the financial and manpower implications of this entire plan were only tabled on our desks on 20th June this month, Monday morning, and now there is a new provision to say you should say why it did not come and the Minister for Treasury and Resources' comments at the back say: "Sorry, I could not get you this financial and manpower implications on this plan because I was waiting to see what the Minister was saying." So, what do they say, have

Members read it? Have Members read what the Minister for Finance says about building on States-owned land? Because in their comments, the Minister for Treasury and Resources, on the inside cover, states quite clearly for people to see that if the States, 20th June 2011, page 2: "Impact on States balance sheet. The values of the land and building assets held on the States balance sheet reflect their current usage. A change in use will have an impact on the holding value and where this is reduced, for example, if a potential development site and public ownership is utilised for public open space, the impairment costs will be reflected in the accounts in the year that the decision is taken. Investment through the capital programme is supported by anticipated sale receipts from disposals of land and building assets that are deemed surplus to requirement. A decision that extinguishes or greatly reduces the value of such assets may have implications for the future capital programme. Resource implications. In addition to financial implications several of the amendments will require officer time to implement. This may place a significant drain on the limited resources of, in particular, Jersey Property Holdings and the Law Officer's Department where any additional workload cannot be contained within existing business as usual budgets. It may need to be outsourced at an additional cost." So we are devaluing States-owned land, States-owned land. I did not know the States-owned land, they are held in public trust, land on behalf of the people of Jersey and this nonsense that they are going to dispose of it for anything less than its value just to get some affordable housing. What are we saying; we are going to give States-owned land over to developers at 12 per cent of its value? Why do we not give them the land and they can save ourselves from it all. They will provide what? Buy to let properties, up as high as they can go, thankfully, contained by Deputy De Sousa's amendment. Then they give us a commuted sum instead and say go back in 2 years' time and build on those fields that we identified in 2002 that we put the kybosh on until we got those States-owned land past those States owned sites. Those States-owned sites do not belong to the States, they are held in trust on behalf of the public; it is the family silver. These developers and people who have been coming to this Island have been eyeing it up for years. To think. Right, I have gone on a bit long there. So here we go back to the C.S.R (Comprehensive Spending Review) plans. Who took the biggest hit in the C.S.R. proposals, the Minister for Planning and Environment. On 1st June I wrote to, does not have his title, the man who does the plans, he has got a name but I am not allowed to use it. This is what he said to me: "Hi Paul, I think the last planning for homes I did was in 2006 although I did produce a similar document in February 2010 entitled *An interim review of residential land availability* [I am not going to bore Members with that, I read it, it did the job for me]. I suspect that the latest figures you have are from a more recent document entitled *Residential land availability statistics at start of 2010*. [I read that as well] This compares completions, 2009, and outstanding commitments for new homes at the beginning of 2010 with the estimated requirements for 2009 to 2013 as set out in the draft 2000 Island Plan. [And this is the killer.] Unfortunately, due to a constraint on resources, it has not been possible to update this document however I am in the process of collecting and collating data to determine the situation with outstanding commitments at the start of this year. I am fitting it in when I can." Sounds pretty busy to me, probably because they have just fired all the people up at Planning and Environment that are doing this kind of work and we then start to identify what the Minister was telling us earlier on in the year. Yes, he has past 2,500 applications, 2,500 applications have been passed and he is not happy about them sitting on it. Let us look at those numbers, 100 completions, homes, category B completions for 2010, 198; category A completions for 2010, 30, total 228; outstanding category B commitments, outline permission, 396, building and/ or planning permission, 1,247; under construction 900; total outstanding category B commitments, 2,543. Remember that number, 2,543 category B houses, the rich ones, as if the poor ones are not rich. Outstanding category A commitments, outline permission 0; building and/or planning permission, minus 28, because we are knocking some down. That was the other thing; we took the money from the Sunshine Hotel because we could not deliver affordable homes. It is said, it said this in the documents from the Property Holdings guys: "We could not deliver it without significant public subsidy and we took the cash so we could reinvest in property elsewhere and make back some of our losses." They got £10.3 million and not a single unit of

accommodation was built that year, they lost accommodation, none was built the following year and none was built the year after that. Under construction, 143, so we have got a total outstanding category A commitment in this plan of 115 compared to 2,543 category B sites. There is the 2,500 that are waited on the shelf, 115 of them are category A. If I am angry it is because I know there are 1,500 children about to wait 5 and a half years for a home, within the period of this Island Plan. That is why I am angry. This plan is ... I do not even know how it is debateable let alone supportable. Members have got to understand why it is I am angry. I am not angry because I dislike the Minister. I am not angry because I dislike any of the officers. I am just so angry about the fact that they are not being completely factual, or factually accurate, about what is going on. I know it is an election year and Members are facing difficult decisions ahead of the elections and they all want to look green. But there is one thing more important than the environment and that is humanity. This site, and upcoming Samarés site, but this site was written in as a need when there was 150 heads of households. That need has not gone away, it has increased. Members have got to wake up. This is not about: "Oh Paul is barmy, he is shouting again. Now let us take him out of context, print it in the media." Fine; laugh at me today. Laugh at me today and we will all cry together tomorrow.

Senator P.F.C. Ozouf:

I have been trying to get in for some time and after that speech I am trying to uphold parliamentary standards. I wish to declare that I own land to the immediate north-west of this site and therefore I wish to declare that and because of the immediate proximity of it I wish to withdraw from the debate.

1.6.9 Deputy M. Tadier:

I am lucky because I have had a little bit of time to think about my speech. Interestingly, La Coin is the noise that a duck makes in French, that is what they call it, we call it coin, they say coin. I remember a former friend of mine was to receive an email from a French friend saying coin-coin and she would say: "Why is she sending me coin-coin all the time; that is strange?" That also reminds me of an Only Fools and Horses episode in which they said, Derek was asking his younger brother: "What is the French word for duck?" and he says "It is canard." He goes: "I know it is canard", and that is how I feel this afternoon sitting through this debate. **[Laughter]** But, hopefully, that has broken the monotony and it might be enough to entice some of our colleagues back into the Chamber. Okay, so the first point I want to make is that really this Assembly, I think, has a tendency to make short term decisions without necessarily thinking through the full consequences of the decisions they make. The one that particularly sticks in my mind was taken on 3rd June 2009 when the Deputy of St. Mary, in front of me, brought an amendment to the Strategic Plan which asked, essentially, to keep the current levels of populations roughly as they are rather than increase them. Now, the Strategic Plan itself, which came forward from the Council of Ministers said, at that time, one of the objectives was to limit population growth. Now, this is an extraordinary use of the word "limit population growth" because what they meant was to increase the population by roughly 325 individuals a year or 150, thereabouts, heads of household which we know has already been vastly exceeded this year in itself. So that policy has been more than successful and that policy was supported by 34 Members in the States, it was opposed by ... sorry, the policy of the Council of Ministers was supported by rejecting the Deputy of St. Mary's amendment by 34 to 16. Included in that, of course, were 11 of the Constables, apart from the Constable of St. Lawrence who has taken a very well deserved break at the moment, probably to sort her left ear out, but the rest of the Constables, including the Constable of St. Saviour, says: "Yes, I am very happy for the population to be increased, bring them in. Bring in the population, we want more people in the Island."

[16:15]

Also, Senator Cohen, of course, as part of the Council of Ministers, was privy to that decision in the Strategic Plan to increase the population so this is a conscious decision let us firstly remember. It has been a conscious decision in this Assembly to increase the population and that is exactly what is happening at the moment. So it does seem strange to me when, for example, the Constable of St. Saviour stands up and says: "Actually we have had more than our fair share in development in our Parish. I am happy to vote for an increase in population but not in my Parish", and presumably we would all say that. I mean I certainly would say that in Les Quennevais because it is a very pertinent issue. That is why I voted not to increase the population. It is logical really and that is how I can remain consistent when I oppose developments in an already built-up area at Le Quennevais. That said though, of course I realise the inherent contradictions in politics and so I do have sympathy for the representatives of St. Saviour, and including the Constable and the Deputies, because I know exactly part of the issues they are going with; in some ways more acute than those in my own area because they do not just have one large secondary school smack bang in the middle of an estate like we do. They have several secondary schools and even tertiary colleges, if that is what we can call Highlands, in a very concentrated area. I do feel sympathy for the argument as well that there has been very little done - I think there has been complete inertia - when it has come to addressing the issues of traffic in those areas. Now, I am not sure who is responsible for that inertia or who could have been more responsible for bringing forward change and amendments to that more quickly but the point remains that we are making propositions here which are not really well thought through. We are saying: "Okay, this is a site which is good for housing" and that may well be the case as borne out by the comments of the independent inspector and, of course, we know that similarly the Minister for Environment has essentially bowed to pressure from the Parish, which is not necessarily the wrong thing to do, but we do need a joined-up approach here. Just on an aside, while I get back to summing up, there was a comment from Senator Le Main, which was slightly astonishing in the sense that it said that all graduates who do not come back do so because they want to buy a home in Jersey.

Senator T.J. Le Main:

I did not say that.

Deputy M. Tadier:

All right, can the Senator clarify because it was quite a long time ago now?

Senator T.J. Le Main:

On a point of clarification, I said that all the graduates that applied, the housing matter was one of the issues, but a lot of them did not come back for various reasons; they had stayed in the U.K. or their courses did not ... could not get a job in Jersey but certainly not all of them are like that.

Deputy M. Tadier:

Yes, I accept that point. Housing is one of the considerations, I think, when graduates do not come back to the Island but what I would say to that is that it is not simply about home ownership. There is a need for affordable rental housing in the Island which we also have a massive problem with. Of course, the other reasons graduates do not come back is because it is a small island. We do not have the scope to offer them all of the possibilities that they want, whether that is to do with travel, to do with job opportunities or just to do with a bit of experience living somewhere else before perhaps they do come back when they are a little bit older. So, that is that point, but following on from that, I believe that the whole way we look at housing is wrong. Somebody told me yesterday in the Square that as long as we talk about housing and look at it as an asset, rather than talking about homes ... we should talk about affordable homes rather than affordable housing. That may sound pedantic but it is not, because it is all to do with the way that we look at accommodation. We should be talking about homes. These are not assets which necessarily must increase with value year upon year until we reach a bursting bubble point and then we get the possibility of

negative equity. The reason that I have reservations about passing this site for housing today is because I think the whole approach we have first of all to affordable housing is flawed, because we do not understand the concept. We really do have to find a way to take out the speculative element of housing because that is the big issue. That is what makes housing which might otherwise be affordable unaffordable. It is not easy to do because we know we do have the problem of negative equity if we immediately have a system whereby we have houses which are less than market rate, but we do desperately need to find some meaningful way forward and some transitional arrangements, which we do not have in place at the moment. Personally, my views may differ from others but certainly we need States land which we can build States houses on and whether we sell or rent those houses is another matter. Certainly, we must make sure that any first-time-buyer homes, which are sold at below market rates, are ring-fenced so that they cannot simply be sold on for profit later on, because that makes a complete nonsense of the system. You cannot simply have affordable houses but affordable houses until they get sold on at a profit. I hope we all understand that but I do not think the safeguards are necessarily all in place yet. The other issue I have is that we have not sorted out the issue of when land gets rezoned, what happens to the uplift of that value? Now, what is going to happen with this site when it gets rezoned, despite the previous fantastical comments of Senator Perchard in the other debate? Of course, as soon as a piece of land gets rezoned the value of the land goes up, because there is a presumption that at some point there is a potential for it to get planning permission at which point it may go up somewhat again, but clearly the point at which it goes up is when the rezoning occurs. But we have not got any mechanism in place yet to deal with that and I am very reluctant to support this proposition now because I do not think we understand the full implications of what we are doing. I would like, probably, to see this site developed at some point if it is deemed still necessary but I would like that to be done when we have proper mechanisms in place. The last point I am going to make is that part of the issue, coming full circle now, to do with increasing the population; we are having to make very difficult choices today and the reason for that is because we have decided we live in a finite island, nonetheless we want to increase the population. We are having to make choices between taking resources which are either used, in this case for a nursery and in a previous case, which was used for agriculture converting it to industrial. We are talking about perhaps in other cases converting, let us say, industrial to housing. We seem to always be changing things which we want to preserve, whether it is diversification or the countryside into housing, and it seems that if we carry on down this, what I would see as destructive and unhelpful route, this model of growth at all costs because that is the only unimaginative way we can find to deal with the long-term problems of the ageing population, et cetera, that we are just going to end up with finance and houses. That is what you have got; you have got a choice. You have got finance; that is the only industry we have because we are rezoning everything, and then you have housing, essentially to serve the finance industry or the I.P. (intellectual property), or the data industry however it develops. That is not part of the future which I want to be involved in, I am afraid. That is not a vision that I can accept for the Island, so I think I for one will not be supporting this. I will be encouraging Members not to support this now at this point but I would say certainly we need to have a long, hard look about how we do housing, how we really do affordable housing if that is what we want, and the implications of rezoning land with massive potential for making millionaires or multi-millionaires overnight, perhaps at the cost of other social and taxpayers' amenities.

1.6.10 Deputy R.C. Duhamel:

I have just a few points. Senator Perchard made a couple of comments at the beginning of his speech suggesting that if a field was designated as a brownfield site, which in my view is a bit of a misnomer but I will explain that a little later, then that automatically implied the greater expectation that that field should be supported in this development into housing or future use in some other different area. That is not case and certainly there are policies within the Island Plan and previous Island Plans to restore sites that are in a brownfield state back to an agricultural, free open space land status. Members do not have to cast their minds back particularly far to remember the

arguments that were put forward for the glasshouses that were opposite Maufant Vineries and we were told because those glasshouses fell into disrepair that bringing that land back into an agricultural state was technically impossible because the glass had shattered and there were glass shards and whatever. For those Members who drive down that road on their way home to their country estates, they cannot but admire the greenfield sites that have been put back. The States, for once, got the bit between their teeth and decided rightfully to pursue the bad advice or the bad notions that were coming forward that these things could not be done, and insisted on the recovery of those fields. So, we have done it before and I would argue that we can do it again. Within the Island Plan it does suggest that glasshouses are to be considered as temporary structured and can be removed; so it is absolutely laughable that we are having Members come forward making the statements that because there are glasshouses on this particular site ... there is not a lot of glass down there to tell you the truth; there are structures and they are covered structures but even if they were not glasshouses or anything else, these structures can be removed. You get membranes put down underneath them to allow the public not to get their feet muddied when it is raining, looking at the garden plants and things that they are purchasing, but the whole thing can be cleaned up, hard tarmac areas can be dug up, topsoil can be purchased, indeed we have got compost being made, and there are other communities and societies that use this material to recover the topsoil nature that has been taken away in the past. So, I do not think it does follow that just because it is down here as a designated brownfield site that it should automatically be seen in a different context, when the light determines that it should be developed. It can be put back to agricultural use. In fact, it is a little bit hypocritical of this House to be suggesting perhaps that that is what we would have been doing or will do or should have been doing when we were discussing Amendment 10 brought by Senator Perchard over Thistlegrove. We were all agreeing that it was a brownfield site and there were things there that perhaps should not have been built over the last 5, 6, 7 or 8 years or whatever - chicken sheds and what have you - when in actual fact if you went back in time not much further, all those fields were green. So, we can put these things back. I remember because I have been in this House long enough to have seen 2 former Island Plans when, in a previous Island Plan situation we were promised that the building in a built-up area would not extend over the Longueville Road, that is going, kind of, eastwards and northwards. Those promises were broken successfully by the Housing Department at a later stage when we brought forward the plans for Le Bernage. They were greenfield areas again that have been built on and we have enhanced the traffic problems just outside the Longueville hotel. The road that goes into Rue de Pres is heavily trafficked, as everybody knows if they shop at the supermarket within the Rue de Pres area, and residents have been asking for a long time for crossing facilities or indeed to solve the problems of the pinch points because you lose the visibility as you come around the corner, for perhaps the whole junction to be sorted out and given a set of traffic lights. If we start increasing the boundary of the built-up area we are going to intensify the usage on that particular point. While I would possibly say, yes, there is a huge improvement if that meant we could have the set of traffic lights; the cost of traffic lights is £80,000 or £100,000, perhaps, to put in, and I think that as a planning gain for the loss of this particular site is not big enough to warrant the forfeiture of the open space.

[16:30]

What annoys me with this particular application as well is the suggestion that we are doing the right thing. I think, with all these arguments, it is wrong to get too heated over the narrowness of the particular proposition that is being put forward and we should really, kind of, step back a little bit and see whether or not the heated argument is warranted for the benefit it is going to bring. We have been told that over the planned period of the next 10 years we are going to be looking for the completion of some 4,000 units of accommodation, 1,000 of which are supposedly going to be affordable. In this context we are talking about 10 units or maybe 15 units, so it is a very low density and if those units are all going to be built affordably, and we heard from the Minister for Planning that there is no guarantee that they will because they are category A and some

negotiations and deals will have to be undertaken to try and keep the prices to an affordable level - we have not really defined what "affordable" is as yet - then we are talking about 10 houses out of the total 1,000 that are required. I think for the percentage that we are talking about it is too small to be making the fundamental difference to the policies that are being proposed. If, indeed, and this is really the thrust of the Island Plan at the moment, that the supply of affordable housing through the new policies can deliver the solution to the problem that we all want in a long-term fashion then all to the good. Certainly what cannot be applied is that if we did endorse the take-up of these 10 units, that that would solve our problems. It would not; it would only give you 10 houses out of the 1,000 or the 4,000 that we are looking for. Quite clearly it is a little minnow of a proposition and it does not solve the bigger issues that have got to be solved in this new, novel particular fashion. The other thing is that in extending areas I have always been one to admire the style of planning that takes place in Europe where we have the notion of compact developments. Unfortunately in the U.K. that is not always the case and the Anglo Saxon ethic is generally to, kind of, build everywhere with an urban sprawl. Certainly, if you look at the proposed plan, we do have a piece of greenfield land, some of which may have been in the ownership of Senator Ozouf, which is why he is not here, and there have been discussions as to whether or not those fields too could not be brought into the urbanised area. The proposal at the moment has got all the hallmarks of classic ribbon development, albeit that the site is already being used for a commercial purpose, but as I mentioned earlier, that commercial purpose could be extinguished longer term if the House wished and the whole area properly greened in a way that perhaps it was before.

Senator J.L. Perchard:

I wonder if the good Deputy would allow me just to interject there because I think in fairness he may unintentionally be sending the House up a dark avenue. There is an existing retail permit on the site and the speaker is choosing to ignore that fact. Would he address it?

Deputy R.C. Duhamel:

Yes, certainly. I do not think I am ignoring it; I am suggesting that the commercial usage of that site does not necessarily imply that there is going to be any different commercial usage into the future. Indeed, if the States wished I could see further restrictions being placed at some stage to bring that site back into the Green Zone designation into which it would be zoned as. The counter to that, as being suggested by Senator Perchard, is that, as I mentioned earlier, because it has a commercial usage at the moment and it is designated brownfield, that means that it will only ever be that or housing and that is not the case; that is not how the planning system works. Anyway, getting back to the point I was making, that compact development is generally the best way, I think, for keeping constraints over the urban envelope and if I were intending to extend the urban envelope of St. Saviours, of which I am one of the Deputies, then this is not the piecemeal way that I would be choosing to do it. It promotes a form of development that we have discounted over the previous Island Plans. We do not support the idea of ribbon development and ribbon development generally is development in places which is termed to be sporadic in the sense that we have greenfield spaces in between built-up areas and that is exactly what we are looking at. So, if we did go for supporting this particular site I think it would not be very long because the whispers in the commercial corners of the world have already been heard to be suggesting that perhaps the fields in between should automatically, not necessarily now but into the future, be considered for further development in order to round off the whole development. I think this is a thin end of the wedge and if we do go along with it I can see development marching up La Rue Saint Thomas to the extent of the northern end on that map, and I think probably the eastern end if you turn your map around the other way, but certainly the development being rounded off over and above the area that is outlined in red to include the other brownfield part which is part of the whole site. It does not really make sense, so obviously some negotiations have already taken place to only suggest that the tarmac area and a limited part of the site be considered as worthy for development whereas the other areas which do have greenhouses and other things on them - so technically all brownfield -

should be excluded. We would be setting ourselves up for an inconsistency, I think, in more than one direction. I think the last point I want to make is that if, indeed, this site is put forward and agreed, who are the 10 or 15 lucky ones who are going to get a house in the countryside built at a very low density for perhaps an affordable or subsidised price and to what extent is that fair when we consider the other 990 units of affordable accommodation that everybody else is going to be offered? I think the difference between the 2 systems of development are too far to be acceptable and that we should be really backing as far as possible the Minister for Planning's proposals to sort out the affordable homes policy in a way that truly does deliver a solution over the time period that is considered. Ten units here do not solve the problem. I think, for all those reasons, I cannot support this particular application and I would urge other Members to think of the wider issues before they vote.

1.6.11 Deputy T.M. Pitman:

It is one of those days when you could enjoy a nice soothing Deputy Le Fondré hypnosis tape, is it not? The philosophy behind so many speeches today seems to be, why say in a dozen words what you could say in a 1,000 or 2,000? 4.40 p.m. I am supporting this amendment because I am consistent in my approach. I do not want to see greenfield sites developed and eroded unless it is completely unavoidable. It is a commonsense amendment from Senator Perchard. I am a bit worried that I agreed with him twice in a day but I shall go and whip myself thoroughly when I get home and make sure it does not happen again. Does anything else need to be said other than it is ... exactly, it is a commonsense approach and people need those houses. One thing does need to be said and that is that listening to this debate, this debate on a business plan should never ever again be allowed to happen 4 months before an election, because the amount of spectacular u-turns I have seen, electioneering rants I have heard, N.I.M.B.Y.ism ... you look at this vote from when we looked at population; I do not know if anyone else has mentioned it but the about turns, the u-turns are quite stunning so if we are going to get informed decisions taken on the Island Plan and housing, then, as I say, this debate needs to be moved. The best way to avoid having to rant about the issues, which Deputy Le Claire has rightly brought up, is to get people out to vote and to vote out all the friends of the property speculators, the property speculators, the elitists and get in people who care about people and people who care as well about the 10,000 without qualifications who live often in squalor but still contribute to society. Until we get that right we are going to sit through these German-type opera-length debates and, frankly, we are going to bore the electorate to tears.

1.6.12 The Connétable of St. Clement:

I agree with Deputy Pitman. It has been a peculiar sort of day. I found myself in total agreement with everything that Deputy Duhamel and Deputy Tadier had to say, so I welcome them to the side of the angels. **[Laughter]** Deputy Le Claire made a very passionate speech and there were one or 2 bits of it that I understood. **[Laughter]** He did make a great play and quite rightly and understandably of the increased numbers on the housing rental waiting list. Quite an important point to make, but this amendment and the others that follow it will not impact on that list one iota, because all of the houses built on this site and the others yet to come if approved will be for first-time buyers. That is because the proposition and the amendments that come forward say to rezone for category A housing and category A is social rental, the sheltered housing, the homebuy situation and first-time buyers. When you can retail first-time buyer houses at £350,000 or £400,000 plus, which area do you think the owners of this land are going to go for? Obviously the most profitable, which is the first-time buyer! There will be no impact at all on the housing rental waiting list. Now, the reason the housing rental waiting list has grown is because a previous Minister for Housing who became very passionate as well this afternoon, put an embargo, stopped, Housing Trust creating new rental properties for those very people who are in need and the list is growing. The tragedy is that he stopped the Housing Trust creating these new properties and then failed to create any himself. So, if there is a problem in the housing rental waiting list, it is totally down to

the previous Minister for Housing. This proposition and indeed the others that follow will benefit nobody except the landowners who will become very rich indeed. **[Approbation]**

1.6.13 Senator F. du H. Le Gresley:

I have not got a lot to say, Members will be pleased to hear, but what worries me is that the order of play of this running order as it is called, because Amendment 35 of Deputy De Sousa is on page 30 and we are currently on page 26. Deputy De Sousa's amendment is about a true greenfield, field 1219. I am going to vote with Deputy De Sousa on that because it is quite clearly a greenfield, there is no question about that, and it is in St. Helier and we must protect the last few greenfields left in St. Helier, so I am going to oppose that. That means that on the density proposed for that part of the field, bearing in mind some of it is being offered to the school, I am now looking for about another 40 dwellings. So, if we are to provide housing, this Longueville site immediately springs to mind; well, that is about 15. But what worries me, and I have just been re-reading the Minister's comments on Senator Perchard's proposition or amendment here, is this phrase: "Increasing the density of development on the remaining rezoned sites for category A housing."

[16:45]

What exactly does that mean, because I have got appendix B open at the back of the Island Plan and it says on field 1219 that there is a choice? We have got 3 acres and it says we could have 28 dwellings at 10 dwellings per acre or we could have 42 dwellings at 15 dwellings per acre. Is that what the Minister believes is high-density or increasing the density? I ask that question because Senator Perchard's amendment is a similar density and that does worry me because on the basis that the owner of this Longueville Nursery is only allowed to develop one acre of the site, albeit the site is 2.1 acres, here again is 10 dwellings per acre or 15 dwellings per acre. So we seem to be saying that the density on these 2 sites is going to be the same even though we are all thinking that we going to have bigger houses and maybe a bigger garden because we are not in town but we are talking about the same density and I am very confused about that. The other issue I wanted to raise, and this is quite important I think is given my position on field 1219, and I have a sense that quite a lot of other Members are in the same situation with me on that one, I want to know about schooling because clearly field 1219 was going to send the secondary school pupils to Grainville because it is on their doorstep, now if we were to approve this Longueville site ...

The Greffier of the States (in the Chair):

I think you mean Haute Vallée.

Senator F. du H. Le Gresley:

Haute Vallée, I beg your pardon, Sir, Haute Vallée. I am getting my schools mixed up. The site that Senator Perchard is putting forward here at Longueville, the feeder school, secondary school, is Le Rocquier. Now, if later when we come to debate Samarès Nurseries where there is 150 units, could Le Rocquier cope with Longueville and Samarès as a secondary school or would we in fact be having to send some of the secondary school pupils at Longueville up to Grainville? I got that one right.

Senator T.J. Le Main:

Could I just assist the Senator? The original idea of the Housing Department, and I do not think it has changed, is Samarès would go for lifelong homes, no children on site. That was the original idea, and I hope the Minister for Housing will confirm that.

Senator F.E. Cohen:

Could I make it clear that if a site is rezoned, as I have already explained, under the H1 policy any of the categories of housing, within the H1 policy would be suitable in terms of making an application but that does not mean they would necessary be approved.

Senator T.J. Le Main:

Sir, if I may interject. If the States buy it, if the Housing Department buy it, then they will dictate what is on that site.

Senator F.E. Cohen:

But the States have not bought it.

Senator F. du H. Le Gresley:

I think that is the point, is it not, we do not know what will go on to Samarès should it be approved by this House. My point, in a nutshell, really is that if you take my position that field 1219 should not be built on we have got to find at least another 40 dwellings, we have to, and probably more. At least from that starting point. So we have potentially 15 dwellings at Longueville, very close to amenities, Plat Douet Road School, I believe there are supermarkets. You can walk to town because I used to live in that area, quite easy to walk to town. It is a very good small development and that is the sort of thing you have to bear in mind.

1.6.14 Deputy R.G. Le Hérissier:

This is in my area. I was talking to my great friend and colleague, Deputy Maçon, about this, and although I have not carried out a systematic survey, it has been the subject of a lot of informal discussion, but I have to say I have received very little comment on this particular area. I have received comment about traffic, I have received comment that there is a lot more traffic movement generated by the garden centre but to quote the immortal words of Eric Morecambe: "It is the same traffic but at different times" if I may paraphrase those words. In other words, the traffic ... the fear of people with these houses, and I think we are only looking ... I will come back to the number as Senator Le Gresley did. The fear is of course that the traffic will be more concentrated in the rush hour periods than it will be dispersed throughout the day, which is obviously the case at the moment with the centre. But there are hundreds of movements at the moment associated with the garden centre. There is still the issue of merging, and you have to remember that Rue des Pres is an all day traffic problem, simply because of the trading estate, trucks are moving in and out all the time while the fulfilment industry prospers and so forth and so on. I do not think you can say the traffic issue will grow; it will certainly be different, maybe a little more rush hour but nothing of the magnitude, oddly enough, in terms of total movements that there is now. But that is all I have had, a few comments about traffic. The issue that Deputy Duhamel raised, why are they not doing the whole site, it is sort of what you might call a half-baked proposition. It is because the inspectors very consciously said it was a rising site and that it would be visually obtrusive if that second half of the site were to be developed. That was why. The question I would pose, which I posed earlier today: Deputy Duhamel quotes, we all quote, the Maufant example of dismantling glasshouses and is it not nice? But of course there were and are dozens of these sites where we have done nothing and where there has been the slow battle of attrition with owners where we have chosen essentially ... and that is what came out in Thistlegrave where, as I said, there was this case argued that we were dealing with an agricultural site but you needed an incredible stretch of the imagination to think we were dealing with agriculture, unless you believe agriculture has become totally industrialised, which of course in part it has with its big sheds and so forth and so on. The other issue I would raise is the issue that Deputy Tadier raised. He is quite right, but how on earth we get to that point is the big issue. We have got essentially the wrong kind of housing system. It is based on the wrong kind of premises, it is based on the notion that once we take these decisions we give people almost unimaginable profits. All I would say is unfortunately we cannot reform all that this afternoon. We have to take ... I totally agree and I will be giving my support, assuming the arguments follow, to the Deputy of St. Mary when he brings his land tax proposal. That is long, long overdue, it has been talked about, it has been resisted and resisted and resisted, and we have to face up to that. We all know, sadly, what will give the best cold shower as they are discovering in parts of Britain - you can see both effects happening in Britain in the southeast versus the north and

the Midlands - will be an economic recession. That will be the biggest dose of reality. Be careful of that for which you dream in terms of the consequences that could flow. So I am saying I would love to do that and we certainly want to see a lot more progress but I think in this case we have to take a pragmatic view. So as far as I am concerned, I do not think it is out of place in that area. Yes, there has been ribbon development but I do not think you can behave in that sense like a King Canute and say: "Let us just stop it. Let us just bring in laws which we have never [to follow Deputy Duhamel's view] chosen to impose on all other glasshouse owners except one or 2 of the famous examples that we keep quoting." My view is it is a manageable development as outlined, that the inspectors have chosen. Again, I think, as with Thistlegrave, what is a Green Zone and what is not a Green Zone? It is a question of how you look at it, quite frankly. The question I would ask Senator Perchard, there has been much discussion, and I noticed Deputy Duhamel reduced the numbers to 10 and he then developed the argument: "Is this not a terrible misuse of land", nudge, nudge, wink, wink: "Are we not allowing luxury housing?" Yet on the last page of his proposition Senator Perchard talks of between 20 and 30 category A so the whole thing has moved along. I would be obliged if he could elaborate on that because it gives a very different picture to the one that the Deputy gave.

Senator J.L. Perchard:

It may be useful if I was allowed to correct that inaccuracy now before the end of the debate, if you would not mind. It was simply a calculation error which was kindly put right by officers of the department. I took the site at 2.1 acres and did the mathematics at 10 to 15 houses per acre and came up with that number myself. The department then said: "Uh uh, Senator Perchard, it is only 1.1 acres" and so the number is reduced. I do regret that I did not inform Members in my opening speech. The penultimate paragraph in my report is inaccurate, it should read 15 houses in total.

1.6.15 Deputy G.P. Southern:

I wish to take people back to the statement yesterday that the Minister made, the Minister for Planning and Environment made that this was his plan, he can do what he likes. He can listen to the evidence or not listen to the evidence. He can choose. He can stick his finger in the air and decide which way the wind is blowing. In this case, yet again, the Minister, I think, has chosen not to listen. I start with the extract from the independent planning inspectors' report, volume 1, in December 2010, pages 59 to 60 where it starts off: "This site, it also scored good, high, good and good in the suitability for housing assessment." How can the Minister get past that and say: "But I changed my mind, I decided that I could build houses elsewhere, not a problem"? So that is the evidence that we are working from. I think what we are seeing as we get into the meat of this particular exercise is that the wheels are slowly falling off. We start with an estimate of 4,000, 400 a year, when recent planning for homes documents and housing needs documents have talked regularly about 480. So how come we have got a lower target in the new plan that we have had in the very recent past? Is the population going down? I hear you say: "No." Of course it is not, it is going up. How much is it going up? Well, I think I have to remind Members about the central core of what Deputy Le Claire was saying - I had forgotten his name for a minute, how could I do that after that performance - which was this plan is based on 150 heads of household per year. What have we been achieving? We have been achieving much more than that. The average net inward migration over the last 3 years, 2007 to 2009, into the recession - this is in recessionary times - was 700 per year which corresponds to about 325 heads of household; 325 and not 150. The statistics chappie then goes on to say the 3 year figure, the one I just quoted, forms the basis of monitoring the Strategic Plan and the Island Plan policy of around 325 people per year, 150 households. That is the figure we have to do to check if we are achieving what we set out to do, and the answer is we have not. That is in times of recession, which hopefully, as the Minister for Economic Development and Minister for Treasury keep on telling us, is about to be over. Any minute now it is about to be over. The green shoots of recovery will appear. They will not be growing on this brownfield site, though. I just want to develop a little further what ... oh dear, I must be getting

tired, the Deputy of St. Brelade, Deputy Tadier, said before when he pointed out that 11 of the 12 Constables voted to allow this population increase and ... sorry, and look at some of the Deputies who voted to increase the population knowing full well that the first demand that increasing population does is a demand on housing. Top of the list is Deputy Duhamel from St. Saviour, who we have just heard speak against this particular development.

[17:00]

Nevertheless he, along with his colleague, Deputy Lewis, voted for increased population. Deputies Fox, Green and Hilton from St. Helier, and from St. Clement, Deputies Gorst and Dupre all voted for increased population. I wonder what they will be saying now about potential sites of building. Having said that, we then rely on an assurance that the Minister, who I remind Members will not be here to see this plan through, is confident that he can build the required number of houses, which is likely to be insufficient anyway. He has got belts and braces, he says; he has got it covered, totally covered. I do not believe his assurances. Yes, when I look on how he is going to do this; the plan, he says, is sound and capable of delivering much-needed homes. He firmly believes that the housing need can be met better and more appropriately by increasing the density of development on the remaining rezoned sites for category A housing. Oh, again; pile them in, increase the density. What I was worrying about yesterday in terms of St. Helier; build them high, build them cheap. Pile them in. "... requiring the development in whole or part of States-owned sites within the B.U.A. (built-up area) to contribute towards the need for affordable homes over and above the requirements of Policy H3." Okay, so build in the built-up area, St. Helier, St. Saviour, St. Clement, St. Brelade if necessary, and we know how successful because we are using States-owned property to develop housing because it was clearly illustrated, our track record was clearly illustrated by Senator Le Main who pointed out that we have failed, failed, failed, failed and failed again. Time and again we have failed to deliver there. But this Minister is perfectly content and confident that he can ... not him, that somebody can deliver into the future. Then the implementation of Policy H3, affordable housing, which requires a portion of new housing development subject to certain thresholds to contribute towards the needs for affordable homes. Here is the real crunch; we are still debating with the industry whether that is going to work or not and what the limits are and how it is going to be delivered. Certainly I am aware that it was developers and builders who were saying it will not work and effectively a bit of a lobbying voice, a strong lobbying voice, when I attended their seminar only 3 days ago, but nonetheless they made a very strong case that adopting a policy which appears to work in the U.K. might not necessarily work here. The reason they gave, and it is a very simple one, because in the U.K. you have got 2 levels of government; the local authority which does the permissions and sets the limits and the Government and the Government gives grants towards development to make sure that schemes are viable and they can be made to work. Now, we have not got that and we are not intending to give any grants towards private developers meeting their social housing quota in this new H3 scheme. So, all 3 of those, I think, are inadequate for the confidence that this Minister says he can deliver this housing in other ways. I do not believe it for one minute. Back to this particular issue. Deputy Duhamel says that this is 10 or 15 houses; that is not 1,000. That argument could be used about every development that we are going to discuss. Of course it is not 1,000, because there is not a single development where we are saying this will produce 1,000 houses. So we can use that argument time and time again. The next amendment will not produce 1,000 houses either and the one after that will not produce 1,000 houses either. I believe that this Minister and this plan cannot deliver 1,000 houses and I do not think he has proven, and he has to prove it, that his measures are adequate to this House. I believe we should be supporting this particular amendment on what is effectively a brownfield site, appropriately-placed that scores good, good, high and good on the suitability assessment for housing.

1.6.16 The Deputy of St. Mary:

My main comments are going to be about the aspect of the money and so on but I want to make a few remarks first about other things. I want to pick up on what Senator Le Gresley said. He was the only one who has talked about the process of this debate and I want to second what he said. It really is, well, I have written down here, pretty well crazy. We are evaluating sites on I do not quite know what order. Was it alphabetical or was it, you know, going around the Island clockwise from Gorey or what? The point is that if you are debating (a) and (b) and (c) and (d) and (e) and (f) sites, you would normally, in any kind of rational system, look at them together, prioritise them, put them in order and then see which one came out top and so on. Before that you would have, of course, an overall debate on the demand, on the need and sort all that out in one sustained debate, which would have speeches like Deputy Le Claire's but at least it would all be about the demand, the overall figures, the population and so on. As it is, we are going to go through ... this is the first one and I think there are 6 more and then there are the cancellations, the pulling outs and so on. So, it is not a good way and I mentioned that because we are going to debate the machinery of government proposition. I gather it has been put off but nevertheless we will be debating a review of the machinery of government and part of that has to be the way that we debate things and getting a better way of looking at issues like this. When we are faced with multiple choices we fail; we do not debate them properly. Following on from that, the Minister's almost opening words were about alternatives. One of the 3 alternatives, he said, was field 1219. So, do we address field 1219 now because it is an alternative to what we are debating now? Well, no, not really, but I do want to add my comments to those of others and I will say more on 1219 when we come to it but I just want to remind Members of what Deputy Duhamel said about Longueville Nurseries. He referred to, and I quote: "The loss of this open space." The loss of this open space; and I just remind Members of that now so that when we come to 1219 you can remember that phrase: "The loss of this open space" and compare the aerial shot that I think we are going to be given of 1219 with this aerial shot here and just see. That is exactly it; somebody has just shown it to me. The point is made by looking at the 2 photos that because of the way we are structuring the debate, it is very, very difficult to make those comparisons but I have just made it but only with reference to 2 sites. Deputy Duhamel also made some comments which show what the basic, fundamental problem is here. He made 2 comments; one, he said: "Who will be the lucky ones?" implying that the density here would be fairly low, it will be possibly first-time buyers and they will be the lucky ones. They will be in the country, they will have greenfields to look at and, therefore, other first-time buyers will not have such good settings and so they will be the unlucky ones and so, therefore, we should not build houses for any lucky ones. That is the first thing that is problematic for me. The second thing he talked about was the fields in between; that if we zone this, the next thing is you look up to the left and you take it up to the road, there are 3 fields on the plan on the back of the amendment which Members no doubt have on their desks. If you look at it the right way up and look at what we are talking about zoning; if you go north-westwards, if you go 10 o'clock, there are 3 more fields before you get to the road. He was suggesting that one by one, like dominos, they will be liable to be zoned. So just remember that and then I want to remind Members of what Senator Le Gresley said; that if we do not go with 1219, thinking ahead to a debate a day ahead or possibly even over the weekend at 1219, if we do not zone that then we have to find 40 dwellings. We have to find 40 dwellings. So, all the time maybe we will infill those 3 fields, maybe we will have to find 40 dwellings and of course all this pressure is predicated on the population going up and up and up. **[Approbation]** If we were to solve that then we would not be always thinking, what's the next field, where are those extra 150 people going every year, and so on. I just want to mention that as an overriding context thing about all these debates. Traffic; well, traffic. That is a matter of context is it not? We are told by the people who are against this amendment that traffic is a real issue and it is already bad on that road and it will get worse. We have a sustainable transport policy which we put through this House with a 15 per cent reduction at peak hours and an ambition to reduce traffic at other times but I have heard one of the St. Saviour's Deputies to my left going: "Ha!" What she means by that is we have heard this before. We have heard progress on transport before. I have just had a look at the 2002 Island Plan. We will do this, we will do that and we will

do the other in the field of traffic and transport. Ten years later we have got a sustainable transport policy that has a cat in something's chance of being implemented but there is not enough money to make it happen. We might get some of it but we may not get all of it and when we come to the 3-year financing plan I shall have things to say about growth funding and the way that we can use that to make big savings in transport, for example. But at the moment it is another thing that is on the nice list. We might get there one day. That is a real problem because if we zone this, yes, there will be more traffic and under present policies we will solve that but will they be implemented or will this Assembly sign up to something and then not deliver it? So, I do hope the Minister, who is listening, the Minister for T.T.S. will assure the House that, yes, that the effect of the transport policy will be so great in reducing traffic that this development is just a little drop extra, but we have already removed so much traffic that the effect will be minimal, in fact, non-existent. It would be nice to have it that way around, would it not? So, profit. Now, this is very interesting because the Minister used a very interesting argument in trying to reject this amendment. He talked about that there would be an overall profit of £225,000 per house including the land value. That might be the case if it was a standard development with standard prices on it but it is funny; are we going to hear this argument used on sites that are being taken out?

Senator F.E. Cohen:

Would the Deputy give way? I did make a particular point of stressing that that was in relation to first-time buyers and of course there would be no guarantee that that is what would come forward. I just wanted to be precise, that is all.

The Deputy of St. Mary:

Fine, I take that point but the point I am making is that ...

Senator F.E. Cohen:

I was not criticising the Deputy, I was just adding information.

The Deputy of St. Mary:

Yes, I took it in that spirit. Thank you. The point the Minister was making was that there is a big profit here including the land value and, therefore, there is a problem with the site - or he suggested that by mentioning it. I am just waiting to see if we hear the same argument when he wants to include 1219; whether the same profit argument will be wheeled out. Of course it will not be, because he wants 1219 and he does not want this one. I am not quite sure why but he does not want this one so out comes the profit argument. I have found that strange. Now, we look at what the owners of this site sent to me and, I imagine, all Members. They claim that the housing on this site would be ... in fact, they tell us: "Please vote to build affordable houses, max £300,000 per 3-bed house, on Longueville Nurseries site." I do not know whether, if this were to go through, the Minister has the ability to make conditions that make that stick and I doubt if he does. I am seeing shaking heads that he does not have that power. So we are being told that the houses would be £300,000 but we cannot have a guarantee legally apparently. Maybe anyone on the Planning Applications Panel or someone who knows more about the planning law can correct me if I am wrong, but if we cannot hold the owners to the £300,000, they say they have a willing developer to build at that price.

[17:15]

That is the first thing; that the £225,000 is denied by the developers that the owners who say it would be much less. Now, there are several things around this. The first thing, of course, is a question for the proposer; the same question as for Thistlegrove. Will the proposer say openly that he thinks that the uplift in value, which undoubtedly results from this rezoning, will accrue mainly or in part to the taxpayer that he will be supporting P90? I have worked out on a basis of 10 houses, assuming that the land value underneath is £50,000 and I am assuming the £300,000 price;

so you are building the house for £250,000. That sounds reasonable to me and I have heard that figure used, in fact, I have heard lower figures used for the construction of houses. That would be 10 times £50,000 which, in my maths is half a million, which is not bad. If it is 15 houses, £50,000, which is a very modest sum for the land value underneath the house, would be £750,000. So we are talking quite big sums; nothing like Samarès Nurseries yet but £750,000 is something that I think the public should have a share in and I want to hear the comments of the proposer on that. To make this point absolutely clear, category A housing and the uplifting values that result; I have here some figures from what happened in 2002 as a result of the various rezonings under Policy H2, category A housing. Members will remember these sites. They will go: “Ha!” Bel Royal, fields 848, 851, 853 and 854 were sold in 2007 and 2003 as 2 different lots for £7.5 million. They were not worth £7.5 million before they were zoned. Mont à l’Abbé 1218, £2 million; St. Clements, Rue de Jambart, 203, 204, 252 (the fields) went for a total of £5.5 million; Hodge Nurseries went for £2 million, the 3 fields involved in that; La Rue de la Pointe, St. Peter, £4 million, the 3 fields involved - 181, 182 and 183 - and the total - I will not go through all of them, that is quite enough is it not - is £25 million, the sale value of fields zoned for category A. So we do have to bite this nettle. I think that needed saying and I welcome the comments of the proposer on whether he thinks that this particular landowner should share that uplift with the public given that they are saying very loudly that they want to build houses for the benefit of the public. I do not deny that, that is fine, that is okay, but I just want to know where the uplift in land value goes. By the way, when we are talking about the difficulty of States-owned sites and finding the money to do that at a loss, in a sense, away from their true market value; when we have rezoned - if we do - lots and lots of sites, if we have a share in that enormous uplift then we can allocate that money for housing if we wish. I just leave that thought with Members.

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

I have got possibly a technical question that I may need to seek some legal opinion on, because it revolves around both the inspectors’ recommendations and comments and also the wording of the amendment. Much has been made about the inspectors’ comments and recommendations regarding the site and one of the comments that I have highlighted here is: “The area which was put to us was large, and extended well to the north. We do not accept that the development of the whole of the site would be appropriate; it would be prominent and intrusive. But in principle we see no reason why the southern section of the site - as far north as a line extending westwards from the proposed development on the Longueville Nurseries site itself - should not be acceptable.” That becomes the issue because the proposition asks for the Longueville Nurseries, New York Lane, St. Saviour’s site, measuring 2.1 acres or 4.75 vergées to be rezoned and yet the area for development that is recognised by the planning amounts to 2.25 vergées, which is part of the site and the southern area. I suppose the question is quite simple; if this Assembly agrees to the rezoning of the whole of the Longueville Nursery site, does that mean that there is a likelihood and an expectation by the owners of that site that the whole of the site will be allowed for development purposes or are we able to restrict that development, or is the Planning Department able to restrict that development to simply the southern part as agreed and recommended by the inspectors?

The Bailiff:

Who are you expecting to answer that question, Deputy?

The Deputy of St. Ouen:

I know that you have many talents, [Laughter] however, if you believe ... and I think it is an important legal question which we would need to have advice on and I know that the Solicitor General or the Attorney General is not here ...

The Bailiff:

If it is a question of the interpretation of the proposition, certainly, as you say, the amendment itself simply refers to Longueville Nurseries but then it does say “the proposals map be amended” and there is something on page 7 which, I take it, is the proposed amendment and it is the one that is up on the chart. Senator Perchard, can you assist in this matter?

Senator J.L. Perchard:

The proposition as worded was recommended by the Greffier and it did cause me some confusion, I have to admit. My report reflects that confusion and Deputy Le Hérissier spotted it, but I am advised that the zoning as appears on the map is what would happen in practice should the House accept this amendment. It is the drawing as per the map.

The Bailiff:

But the area which you have given in the amendment; is that the area of the whole site? The 2.1 acres, 4.57 vergées; is that the whole site or only the bit in red?

Senator J.L. Perchard:

That is where the confusion is. It may be that we will need some advice from one of the officers outside but I am advised at the 11th hour, when I realised that the site was not able to deliver the yield that I thought, that it is the area marked in red that this House would be debating. As to the size of the area marked in red, I am not sure.

The Deputy of St. Ouen:

The area marked in red is described on page 6 of the proposer’s report and it clearly identifies the area for development as 1 acre which is 2.25 vergées. Now, if the proposition referred to the area marked on the map in red as the area to be rezoned, I could understand, and certainly it would give clarity to this Assembly that that is the area that we are planning to rezone. As it stands at the moment, as I read it - and I could be wrong - this is suggesting that the whole of the site be rezoned, which is not, and it is contrary to, the recommendations contained in the inspectors’ report.

Senator J.L. Perchard:

If I could further add; this documentation is simply taken from the White Paper that was presented to the States by the Minister and his department for consultation and this proposal was subsequently withdrawn from the draft Island Plan and I am seeking to reinstate it as it appears in the White Paper without any amendment.

The Bailiff:

Certainly the proposition refers to the Longueville Nurseries and then it gives an area. Now, if that area is the full site then the proposition, in my judgment, refers to the whole site and so the Assembly, if it [Aside] ... If the measurements given in paragraph (a) of the amendment are of the whole site, then, in my opinion, the amendment is referring to the whole site. You may not have meant to do so but you have and, therefore, the amendment, if carried, would rezone the entire site. It seems to me clear.

Senator J.L. Perchard:

Regardless to the boundaries drawn on the map, you ...

The Bailiff:

You do not say: “amend as per the map,” you say: “there be added to the list of sites Longueville Nurseries at 4.75 vergées,” and then you say: “the proposals map be amended to reflect (a).” So, unless there is further information, at the moment I would say that the Deputy of St. Ouen has raised a very ...

The Connétable of St. Saviour:

Could I perhaps clarify; in the appendix it says very clearly that the total site is 2.1 acres, 4.75 vergées; the developer area is 1 acre, 2.25 vergées; the remainder to be restored to grazing or woodland. Unfortunately the proposition does not say that it will take the appendix as part of the proposition.

The Bailiff:

I am not sure I can assist further unless this note relates to it, does it? Who is this note from? [Aside] The whole site of Longueville Nurseries is 4.75 vergées which is, as we say, that is 2.1 acres. That is what is referred to in paragraph (a). The area marked on the map is 1 acre, 2.25 vergées, so I think that confirms what we understood but I have to say at the moment, as worded, the proposition appears to relate to the whole site.

Senator F. du H. Le Gresley:

Could I possibly make an observation, if you do not mind? The views of the planning inspectors do not have to decide whether the whole site can or cannot be used. It is just a view. The panel or the Minister would not be bound by the views of the planning inspectors.

The Bailiff:

Not at all, no. The Assembly will be saying, in fact, that the whole site is to be ...

The Deputy of St. Mary:

Can I raise a point of order? Is there any way that we cannot carry on with this debate and then go to the next debate and either come back to this or, in fact, refer it into the bin? I would prefer to refer it into the future so that we can all digest this extraordinary turn of events. I mean, it turns out that he is trying to zone double what we thought.

The Bailiff:

What I suggest, Deputy, because certainly the Minister has an ability to bring amendments at the last minute - I am not sure anyone else can - so it is now 5.30 p.m.; perhaps people can put their thinking caps on overnight to see if anything can be done.

Senator A.J.H. Maclean:

Can I propose the adjournment?

Deputy P.J. Rondel of St. John:

Before that, can I propose we move to the next item?

The Bailiff:

No. Let us think about it overnight and continue it in the morning.

The Connétable of St. Mary:

Before we move to the adjournment I wonder whether any Member would wish to consider sitting on Monday afternoon, because I think we do need to make that decision.

The Bailiff:

Probably we need a proposition then, that we should sit on Monday afternoon, if somebody wants to ...

The Deputy of St. John:

Prior to that we have a Scrutiny hearing on Monday afternoon which would obviously have to be cancelled and it affects a number of Members from both sides of the Chamber, so the dark side and this side.

The Bailiff:

Are you proposing that we sit on Monday afternoon?

The Connétable of St. Mary:

Yes, I propose that.

The Bailiff:

I will test the mood of the House and then you will find out whether Members want to or not.

[Seconded]

The Connétable of St. Saviour:

I know we all have things for next week but I am afraid that if we are going to continue with this debate we have to continue and, therefore, I think we must carry on with it as soon as we can.

The Bailiff:

Does anyone wish to speak briefly on whether we sit on Monday afternoon?

The Deputy of St. Mary:

Yes. I just want to say here we are again; no one can now say Monday morning will be better than Monday afternoon. It is difficult to find a date for a Scrutiny hearing with the Minister now and that was our date, the afternoon, so if we could meet in the morning that would be better.

The Bailiff:

Well, I think the point is already ... I am not sure if you were in the Assembly, the point was made that the school ...

The Connétable of St. Clement:

I just wonder would there be any merit in suggesting that we continue on Saturday? I am encouraged if I can make an amendment to that effect.

[17:30]

The Bailiff:

First of all, we had a proposition that we sit on Monday afternoon. Shall we vote on that and then if somebody wants to propose that the Assembly sits on Saturday they, of course, may do so.

Deputy J.M. Maçon:

Before we do, can we just clarify what time? Is it 2.30 p.m. like we did this week?

The Bailiff:

Yes.

Deputy A.K.F. Green:

Are we able to make comment to that?

The Bailiff:

Yes, briefly.

Deputy A.K.F. Green:

It will be very brief. Monday, many of us have got lots of work to do. We have been here all week and we have other things that we need to do in our department. Can we not keep Monday clear and get down to work on Tuesday?

Senator S.C. Ferguson:

We should have had a Scrutiny hearing tomorrow. We have had to reschedule everything. We have, I think, the Minister for Treasury and Resources in the morning so that should be quite fun. You know, we keep moving things. We need to debate this and get it done. I support coming in on Monday afternoon.

The Bailiff:

Very well.

Deputy M. Tadier:

We have got what we feel is an important Scrutiny meeting with the Minister on Monday afternoon. Now, it is my opinion that that has been pre-arranged; there is not really any other time to do it with our current workload so I think, certainly, speaking for myself, we will go to the Scrutiny meeting and we will hope that the Minister will go there as well.

The Bailiff:

I think it is a matter for Members. Obviously some Members will find it very inconvenient for Monday and others will ...

Deputy M. Tadier:

The quorum is 27; there are probably some issues which are less contentious than others and perhaps, as is the case at Westminster, we could make sure that we are here for the ones that we feel very strongly on and then I am sure the party whips can organise the rest.

The Bailiff:

I think probably everything that can be said can be said, so the proposition is whether the Assembly should sit at 2.30 p.m. on Monday.

POUR: 35		CONTRE: 9		ABSTAIN: 4
Senator T.A. Le Sueur		Senator B.E. Shenton		Connétable of St. Mary
Senator P.F. Routier		Connétable of St. Lawrence		Deputy of Grouville
Senator T.J. Le Main		Deputy R.C. Duhamel (S)		Deputy I.J. Gorst (C)
Senator F.E. Cohen		Deputy R.G. Le Hérisier (S)		Deputy A.T. Dupré (C)
Senator J.L. Perchard		Deputy J.A.N. Le Fondré (L)		
Senator A. Breckon		Deputy of St. John		
Senator S.C. Ferguson		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy of St. Mary		
Senator B.I. Le Marquand		Deputy A.K.F. Green (H)		
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				

Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

That means, then, that the Assembly will now sit at 2.30 p.m. on Monday.

The Connétable of St. Clement:

I have an engagement in August [Laughter] and I would like to have this debate completed before I have to attend that. Quite honestly, with the pretty heavy stuff and the controversial stuff that is still to be debated, if we do not meet on Saturday we are going to be continuing after the Lieutenant Governor has departed. I would like to propose that in addition to 2.30 p.m. on Monday that we sit at 9.30 a.m. for the day on Saturday.

The Bailiff:

Can I just mention one point, just so that Members are aware of it, in relation to this rezoning, Members have quite rightly raised the question of whether there is enough housing contained in the plan. Both the Greffier and I have allowed that to come in because it is clearly relevant but having been said in relation to this site, I think whoever is in the Chair would take the view that it is not relevant to say it again, other than just to refer to the fact that the Member considers there is a housing shortage. In other words, we do not want a repetition of all the lengthy speeches on housing [Approbation] simply referenced to the fact that the Member considers there to be not enough provision for housing in the plan for the reasons previously given. So, if it assists, I think the Chair will probably be quite strict in future on that aspect.

The Deputy of St. John:

Saturday we have things going on within our Parish and these are longstanding arrangements. The morning we will probably get away with but when you have made promises to deal with Parish issues, I think we have a responsibility to our electorate.

Deputy J.A. Hilton:

We have Armed Forces Day on Saturday and I believe that you are opening the day for us up at the T.A. (Territorial Army) so I would appeal that we do not sit on Saturday.

Deputy P.V.F. Le Claire:

Obviously Members must take cognisance of us with children and making arrangements. It has already been a particularly difficult period. We did not have a 2-week option for a delay. It is a year and a half late. I make an appeal to Members that we do not sit on Saturday. I cannot find at this stage anybody to take over my responsibilities for looking after my son. My wife works on Saturday so I would find difficulty in sitting on Saturday. I do not mind sitting later during the week if I can make arrangements but I think we need to take into account that other people have other things to do, including looking after children.

Deputy M. Tadier:

With regard to the Armed Forces Day and perhaps your inability to Chair today, there is nothing to stop a Member of the States chairing it. We could have a senior Member, there have been precedents. Also there might be a saving on the wage bill but I am mindful of the fact that also the ...

Deputy J.A. Hilton:

I think it is important that this Assembly shows its support to those people who go and fight on our behalf in Afghanistan and various other places. [Approbation]

Deputy M. Tadier:

I am not sure of the relevance of that point. I was simply addressing the point that was raised about the Chair and I agree that the Bailiff should certainly go to that event, so I am not sure really what that comment was directed at.

Deputy J.A. Hilton:

Because it is Armed Forces Day and we should be supporting the members of the T.A. who give their time freely.

The Bailiff:

It is all right, Deputy, you have made your point.

Deputy M. Tadier:

Yes, but that may or may not be the case. I am not sure how that is relevant. I said that we recognise that and that is why the Bailiff should attend as head of the States of Jersey.

The Bailiff:

Chairing the Assembly is not a problem. The Greffier or somebody else will chair it.

Deputy M. Tadier:

Absolutely; that is the point I was making. Saturday is the same as a Monday. Monday was planned off for us.

The Connétable of St. Peter:

If we spent more time debating the Island Plan we would not still be here discussing all these matters now. **[Approbation]**

Deputy M. Tadier:

I could be finished by now; there have been so many interruptions from the Constable and from Deputy Hilton. Simply to say that anyone who can make it on Saturday just press pour and then if we have got enough, clearly we can meet on Saturday, if we have not got enough we cannot meet.

Senator F.E. Cohen:

Sitting on Saturday would present a problem for me for obvious reasons and I do not believe it would be appropriate for me to attend.

The Bailiff:

Well, that is fairly important.

The Deputy of Trinity:

Just to make a brief observation; the last 2 sessions of the States are very busy programmes as well so I can see us meeting every day for the next month unless we get moving on.

Deputy F.J. Hill of St. Martin:

I would like to take a vote that we do not meet on Saturday. I just feel the more days we give to this debate the more days we will fill. If we cannot discipline ourselves we will be here right through, so I would propose that we do not meet on Saturday.

The Bailiff:

There is already a proposition but I am not sure if it has been seconded yet, so I must ask. There is a proposition that we do sit on Saturday. Obviously, if you do not want to, you vote against it. I think probably as many views as are necessary have been expressed on that. Does anyone second the proposition of the Connétable? **[Seconded]** The appel is called for. The proposition before Members is whether to sit on Saturday.

POUR: 14		CONTRE: 31		ABSTAIN: 2
Senator P.F. Routier		Senator T.A. Le Sueur		Senator F.E. Cohen
Senator A. Breckon		Senator T.J. Le Main		Deputy A.T. Dupré (C)
Connétable of St. Brelade		Senator B.E. Shenton		
Connétable of St. Saviour		Senator J.L. Perchard		
Connétable of St. Clement		Senator S.C. Ferguson		

Deputy J.B. Fox (H)		Senator A.J.H. Maclean		
Deputy S.S.P.A. Power (B)		Senator B.I. Le Marquand		
Deputy S. Pitman (H)		Senator F.du H. Le Gresley		
Deputy K.C. Lewis (S)		Connétable of St. Ouen		
Deputy I.J. Gorst (C)		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of Grouville		
Deputy A.E. Jeune (B)		Connétable of St. Peter		
Deputy A.K.F. Green (H)		Connétable of St. Lawrence		
Deputy D.J. De Sousa (H)		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérissier (S)		
		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 of St. John		
		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 J.M. Maçon (S)		

The Deputy of St. John:

May I test the mood of the House about starting earlier and finishing later? There is no reason why we could not start at 8.30 a.m. or 9.00 a.m. I would propose a 9.00 a.m. start, because people have to drop their youngsters off to school in some cases, and finish at 6.00 p.m.

The Bailiff:

Very well, that is proposed. Is that proposition seconded? **[Seconded]** Again, there seems to be a short point, Members can either agree or disagree. The appel is called for. The proposition of the Deputy of St. John is that from tomorrow the Assembly should sit at 9.00 a.m. and sit until 6.00 p.m.

POUR: 34		CONTRE: 13		ABSTAIN: 1
Senator T.A. Le Sueur		Senator B.E. Shenton		Connétable of St. Mary
Senator P.F. Routier		Connétable of St. Ouen		
Senator T.J. Le Main		Connétable of St. Brelade		
Senator F.E. Cohen		Deputy of St. Martin		
Senator J.L. Perchard		Deputy R.G. Le Hérisssier (S)		
Senator A. Breckon		Deputy J.B. Fox (H)		
Senator S.C. Ferguson		Deputy of St. Peter		
Senator A.J.H. Maclean		Deputy P.V.F. Le Claire (H)		
Senator B.I. Le Marquand		Deputy J.A.N. Le Fondré (L)		
Senator F.du H. Le Gresley		Deputy K.C. Lewis (S)		
Connétable of St. Helier		Deputy M. Tadier (B)		
Connétable of Grouville		Deputy of St. Mary		
Connétable of St. Saviour		Deputy M.R. Higgins (H)		
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				

Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
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)				

Deputy P.V.F. Le Claire:

I did send a note to the Greffier and also to Deputy De Sousa earlier. I am guided by your wisdom and I also made the point to a colleague next to me; I have yet to repeat anything that I have said. I have no intention of repeating anything I am going to say or have said. I would just like to ask if maybe States Members could just bear with me for a second because I would like to ask a special consideration in the order. I am up to debate 3 issues. I will be making my decisions based upon the outcomes of these next debates obviously. In the interim, a very important member of the Catholic community, Deacon Louis Omer has recently passed on. He was a former teacher at De La Salle School. His funeral is tomorrow morning at 10.30 a.m. and, as a close family friend, his widow has asked that I play and sing his favourite hymn at the funeral. So, I have been asked by the priest, the Dean of Jersey's Roman Catholic Community, if I could attend to do that, which I would like to do. I wonder if Members would please give me the opportunity to bump the order paper and have Deputy De Sousa's proposition taken ahead and I will return at lunch time promising not to shout or repeat myself.

The Bailiff:

I did receive a note from the Connétable of St. Peter. Do you wish to raise a point that is related to what we have just heard?

The Connétable of St. Peter:

Yes, a similar situation. Well, not similar but I shall be required to attend the Royal Court on a parochial matter tomorrow morning due to an issue that they need to resolve, and I may well not be here when my proposition is called. I would wonder if the Assembly would give me the same leeway.

The Bailiff:

I hate to say, judging by the track record of the Assembly so far, there is absolutely no danger of **[Laughter]** our getting to your proposition before you come back.

Deputy A.T. Dupre:

The problem is that I am due to go to the Island Games tomorrow. I have already cancelled it because I have to be here for the Samarès Nurseries debate. I just cannot be any later; I really need to get off the Island tomorrow. On today's reckoning I am afraid Deputy Le Claire shot himself in the foot there by talking so long today. **[Approbation]**

Deputy P.V.F. Le Claire:

I am a bit sensitive about the request; I do not normally make public private matters, and bringing into the equation the things that I have just done, I would ask on this occasion that we do not debate what I have requested for an exceptionally long period of time given the nature of the request. If perhaps Members would bear with me, Deputy De Sousa has agreed to take hers ahead of mine. There has been a point already made by Senator Le Gresley that it is a very odd way of debating things when we have an open field that needs to be decided upon as well. That should make sense if Members would be so kind. As I said, I do not intend to shout, I do not intend to repeat myself; the points I needed to make are the points that were needed to be made and they have been made.

The Bailiff:

Sorry, can I just be clear? You say the proposition of Deputy De Sousa; at the moment you are due to be next, Deputy, with your first amendment in relation to Samarès but clearly if you are at the funeral then you will not be able to do that. The next one after that is by the Deputy of St. Ouen, so that is the one we would normally take next. Then, after that, you have 2 more and then there is the Constable of St. Peter and then we come to Deputy De Sousa; so I think that is the order to take them, unless we find the Constable of St. Peter is also still tied up in the Royal Court in which case we will move on. Because in relation to these, they were planned simply in relation to all the rezoning, they were just done according to the order in which the amendments were brought, because there is no particular reason for one before another so it does not really matter which order we take them in.

Senator B.E. Shenton:

It would be logical to debate Deputy De Sousa's because it is a greenfield and we would then know whether there is a need for housing on the others. I know logic does not come into this Assembly but it would make sense.

The Bailiff:

Very well, we will think about that overnight then.

Deputy I.J. Gorst of St. Clement:

It does raise an issue that other Members do have to be out of the Island on States business next week and I am not speaking against the Deputy, you have amendments. You are going to have to ask other Members to present them because there is no way they can be here. So, if we are making an exception, I wonder if some other Members might like to ask for the same courtesy to be extended to them tomorrow.

The Connétable of St. Peter:

If I may, one of the blocks to moving some of these amendments is Standing Order 70, which requires us to be registered either as ill or not to be here to be able to defer presentation of our amendments. It may help if the Assembly would agree on this occasion due to the number of them to lift Standing Order 70 to allow some matters to be deferred to satisfy all the people that cannot be here because of other commitments, and run them slightly later in the running order.

[17:45]

The Bailiff:

I think the Chair could take the view that if a Member is not here because he is excused, then it can be dropped down the list if he is going to be back shortly. If, on the other hand, a Member is going out of the Island for 2 days, then, as the Deputy says, he will have to ask somebody else to do it.

Deputy P.V.F. Le Claire:

I am sorry but I am a bit tired and I am not quite catching it. Am I excused for tomorrow morning to attend the funeral?

The Bailiff:

Yes. What time is the funeral?

Deputy P.V.F. Le Claire:

I have got to be there for 10.00 a.m., it starts at 10.30 a.m. I will be back after lunch time, as soon as I can get back here after the funeral. The funeral begins at 10.30 a.m. I will be there for the funeral and I will be coming straight in.

The Bailiff:

Yes, well, it will be a matter for the Assembly tomorrow morning to decide whether you are excused but Members do traditionally excuse Members who have to attend funerals that they feel they ought to go to.

Senator T.J. Le Main:

Allow the Deputy to know this evening whether he is able to do that, not tomorrow morning.

The Bailiff:

I think we can take it that Members will agree to have excused him and we are clear, I think, that we will take some other rezoning proposition if we get to the Deputy's proposition and he is not here, and then we will come back to his.

Deputy P.V.F. Le Claire:

Thank you.

Deputy M. Tadier:

Can I just give Members one last thing to consider overnight; which is that if we had party politics we would not have this problem? **[Members: Oh!]**

The Bailiff:

Very well, the adjournment was proposed a long time ago so the Assembly will adjourn and reconvene at 9.00 a.m. tomorrow morning.

ADJOURNMENT

[17:46]