

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 16th JULY 2014

PETITIONS	4
1. Deputy M. Tadier of St. Brelade:	4
PUBLIC BUSINESS - resumption	5
2. Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11))	5
2.1 Senator A.J.H. Maclean (The Minister for Economic Development):.....	5
2.2 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment (P.37/2014 Amd.(11)Amd.)	6
2.2.1 Deputy J.H. Young of St. Brelade:.....	6
2.3 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment (P.37/2014 Amd.(11)Amd.) – amendment (P.37/2014 Amd.(11)Amd.Amd.)	7
2.3.1 Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):	7
2.3.2 Deputy R.G. Le Hérisier of St. Saviour:	8
2.3.3 Connétable D.W. Mezbourian of St. Lawrence:	9
2.3.4 Deputy S. Power of St. Brelade:	9
2.3.5 Connétable P.J. Rondel of St. John:	10
2.3.6 Deputy J.A.N. Le Fondré of St. Lawrence:	11
2.3.7 Senator L.J. Farnham:.....	13
2.3.8 Deputy R.C. Duhamel:	13
2.4 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment (P.37/2014 Amd.(11)Amd.) - as amended	15
2.5 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) –as amended	15
2.5.1 Senator L.J. Farnham:.....	15
2.5.2 Deputy S.G. Luce of St. Martin:	15
2.5.3 Connétable J.E. Le Maistre of Grouville:	15
2.5.4 Deputy J.H. Young:	15
2.5.5 The Connétable of St. Lawrence:	16
2.5.6 Senator A.J.H. Maclean:	16
2.6 Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment (P.37/2014 Amd.(10))	19
2.6.1 Deputy J.H. Young:	19

2.7 Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment (P.37/2014 Amd.(10)) – amendment (P.37/2014 Amd.(10)Amd.)	20
2.7.1 Deputy R.C. Duhamel:	20
2.7.2 The Connétable of St. Lawrence:	20
2.7.3 Deputy R.C. Duhamel:	21
2.8 Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment (P.37/2014 Amd.(10)) - as amended	21
2.9 Island Plan 2011: revised draft revision – approval (P.37/2014) – sixth amendment (P.37/2014 Amd.(6))	21
2.9.1 Deputy J.H. Young:	21
2.10 Island Plan 2011: revised draft revision – approval (P.37/2014) - sixth amendment (P.37/2014 Amd.(6)) – amendment (P.37/2014 Amd.(6)Amd.)	23
2.10.1 Deputy R.C. Duhamel:	23
2.10.2 Senator S.C. Ferguson:	24
2.10.3 Senator L.J. Farnham:	24
2.10.4 Deputy R.G. Le Hérisier:	25
2.10.5 Connétable S.W. Pallett of St. Brelade:	25
2.10.6 Deputy M. Tadier:	26
2.10.7 Deputy R.C. Duhamel:	26
2.11 Island Plan 2011: revised draft revision – approval (P.37/2014) - sixth amendment (P.37/2014 Amd.(6)) – as amended	28
2.11.1 Deputy C.F. Labey of Grouville:	28
2.11.2 Deputy J.H. Young:	28
2.12 Island Plan 2011: revised draft revision - approval (P.37/2014) - amendment (P.37/2014 Amd.)	29
2.12.1 Connétable L. Norman of St. Clement:	29
2.12.2 Deputy A.K.F. Green of St. Helier:	34
2.12.3 Deputy M. Tadier:	37
2.12.4 Deputy R.C. Duhamel:	39
LUNCHEON ADJOURNMENT PROPOSED	44
LUNCHEON ADJOURNMENT	44
2.12.5 The Deputy of St. Martin:	44
2.12.6 Senator A. Breckon:	45
2.12.7 Deputy M.R. Higgins:	46
2.12.8 Deputy J.A.N. Le Fondré:	47
2.12.9 Deputy G.P. Southern of St. Helier:	47
2.12.10 Deputy J.G. Reed of St. Ouen:	47
2.12.11 Deputy J.A. Martin:	48
2.12.12 Constable A.S. Crowcroft of St. Helier:	50
2.12.13 Deputy P.J.D. Ryan of St. John:	51
2.12.14 Deputy G.C.L. Baudains of St, Clement:	52
2.12.15 Deputy S. Pinel of St. Clement:	55
2.12.16 The Connétable of St. Lawrence:	56
2.12.17 Senator L.J. Farnham:	57
2.12.18 Deputy J.H. Young:	57

2.12.19	The Deputy of Grouville:	59
2.12.20	Senator F. du H. Le Gresley:	60
2.12.21	Senator P.F.C. Ozouf:	61
2.12.22	Deputy S. Power:	68
2.12.23	Deputy A.E. Pryke of Trinity:	70
2.12.24	Senator I.J. Gorst:	70
2.12.25	The Connétable of St. Clement:.....	72
2.13	Island Plan 2011: revised draft revision – approval (P.37/2014) - second amendment (P.37/2014. Amd.(2))	77
2.13.1	Deputy R.G. Le Hérisier:	77
2.13.2	Connétable S.A. Rennard of St. Saviour:.....	79
ADJOURNMENT		80

[9.32]

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

PETITIONS

The Bailiff:

I am very pleased to welcome His Excellency to our Assembly this morning. **[Approbation]** Now before we resume on the Island Plan, Deputy Tadier, do I understand you have 3 petitions to present?

Deputy M. Tadier:

That is correct, Sir.

The Bailiff:

In accordance with Standing Orders, they should be referred to the Minister for Health and Social Services and I think you have lodged 3 propositions, is that right, in accordance again with Standing Orders? Bedrocan BV possession for treatment purposes, P.126; Sativex possession for treatment purposes, P.126, and the possession of cannabis for treatment purposes, P.128. Is that correct?

Deputy M. Tadier:

That is correct, Sir.

The Bailiff:

Do you want to just say anything briefly?

1. Deputy M. Tadier of St. Brelade:

Yes, I will, even though the petitions with the notes have been taken away now but I can sufficiently remember them. if it is okay, I will address these altogether, rather than individually but I will refer to the 3 individuals. The 3 individuals have come to my attention and they all have particularly, I think, harrowing and moving stories, although they suffer from different conditions which I think can be described as chronic. The first is Katie Le Texier who, until 7 years ago, was a young, professional very active in the Island and still as active as she can be but really debilitated by ...

The Bailiff:

Well, I think, Deputy, just a brief summary.

Deputy M. Tadier:

Okay, Sir.

The Bailiff:

It is not an occasion for a speech making the proposition. It is just to tell Members what the petitions are about very briefly.

Deputy M. Tadier:

Okay, Sir. Well, suffice to say that the 3 individuals obviously come from different backgrounds and different ages. They would like to be able to be prescribed medicine because the current medication they are on is either ineffective or the side effects are so negative that it does not make taking the medication worth their while. Often, these people are on no medication whatsoever. They would like to be prescribed various different types or either approved cannabinoids for their

medicinal use which either are already recognised or which need to be recognised. The Minister has the capability to recognise these to make a simple Ministerial Decision and that is essentially what the petitioners are asking. So I thank the Assembly for their indulgence and it is in recognising these 3 separate but important petitions.

PUBLIC BUSINESS - resumption

2. Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11))

The Bailiff:

Very well. Thank you very much. So now we will revert to the debate upon the Island Plan and the next matter is amendment number 11 lodged by the Minister for Economic Development. The terms of the amendment are set out in the Greffier's running order and I invite the Minister to propose the amendment.

2.1 Senator A.J.H. Maclean (The Minister for Economic Development):

Members might wonder, first of all, why a Minister is bringing an amendment to the Island Plan presented by another Minister and I would like to just explain the context of that and also the reason behind the amendment that is before Members today. First of all, the amendment itself covers 2 areas of the Island Plan; proposal 4A and policy NE6 and NE7. That is to say the Coastal National Park and the Green Zone of the Island. It is the responsibility of the Minister for Economic Development to represent the interests of industry. It is a role that is sometimes challenging, as Members will have noted when I recently brought the proposition on Sunday Trading, simply because more than 50 per cent of businesses had requested that I do so. Likewise, with this particular proposition, serious concerns were raised by an industry group to me less than 48 hours before the final amendment deadline at that time. Clearly, matters have changed since then. I had a quick word with the Minister to explain the problem that I had and an amendment seemed the best way forward while we investigated the concerns raised by industry with regard to these changes to the Island Plan. It was a group of industry representatives and I have had letters of support from the Institute of Directors, the Chamber of Commerce, the Association of Jersey Architects, the Jersey Farmers' Union interestingly, who in a letter to me, described the initial proposals as "far too draconian and completely unnecessary". I thought that was an interesting group to be making such strong statements. The reason is that the implication and impact of these proposals, particularly the policy NE7 which relates to the Green Zone, impacts on all homeowners and 90 per cent of the Island is within and falls within the Coastal National Park and, in particular, the Green Zone and, consequently, it has a significant potential impact on a large number of people. Obviously - and I appreciate the need for protection of our countryside and, in particular, the Coastal National Park - it is critically important and I am sure Members would support that as well, and I understand the drive behind the proposition from the Minister for Planning and Environment in that regard. But what the industry group were saying - and it was a reasonable point - was that we already have strong protection and these proposals being brought forward in the Island Plan amendment by the Minister seemed to add additional restrictions and the key point was that there did not appear to have been any form of economic impact assessment on what these changes might deliver. It is a point that I have made on many occasions that it is important, certainly from my position as Minister for Economic Development, that whatever department is bringing forward legislation or policy changes, there is a balance in views between the social, the environmental and the economic considerations. It was for that reason that I felt that it was necessary to look in more detail at the concerns raised by industry. I made it absolutely clear to the industry group that I would lodge an amendment, the amendment that Members see before them today, but it would be

necessary for them to come forward with clear evidence to me to support the claims that they were making about the potential impact. The impact that was being highlighted was the rights for Islanders to improve and upgrade their properties in the Green Zone to discourage replacement of substandard buildings with more sustainably-built property, significant reduction potentially for small and medium-size building contractors and impacting on areas such as architects, engineers, quantity surveyors and more. But more importantly - and this is an important point - the impact on the rights of Islanders to make relatively modest changes to their properties within the Green Zone area and that was the particular concern that was being brought forward.

[9:45]

I am pleased to say that the Minister for Planning and Environment, to whom I had mentioned that I was going to make this amendment and lodge it before the event, took the trouble - and I thank him for this - to meet with the Chamber of Commerce and an industry group much later on and, as a result of that meeting, I am pleased to say that Members will see there is an amendment from the Minister for Planning and Environment before them to my amendment. I think this is far more pragmatic and I have now received support from industry that the amendment of the Minister for Planning and Environment does in fact put back in place the necessary protections of balance. It is a pragmatic approach and broadly supports where we are all wishing to get to. Therefore, having made my opening remarks, I am able to say that I am both able to accept the amendment of the Minister for Planning and Environment. I thank Deputy Young for his amendment with regard specifically to NE6 which is the Coastal National Park. I had, in advance, mentioned to Deputy Young the reason why I had made the amendment and the fact that, in the absence of strong evidence from industry, I would be amending it myself. He slightly jumped the gun in his enthusiasm, understandably, to make sure that there was proper protection in place for the Coastal National Park. I am able to accept, and delighted to accept, the amendment from Deputy Young to ensure that our Coastal National Park area does indeed have a higher level of protection which is what I think both Members and Islanders and, in fact, on balance, industry support. I think that is also a very pragmatic conclusion that has been reached having gone through a proper and appropriate process. Therefore, if I may, I would accept both the amendments to the amendment that I put forward and I hope Members will support that position.

The Bailiff:

Very well. Is the Minister's amendment seconded? [**Seconded**]

2.2 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment (P.37/2014 Amd.(11)Amd.)

The Bailiff:

So first of all, we have to consider the amendment of Deputy Young which, again, is set out in the running order. So, Deputy Young, would you wish to propose your amendment before we come to the Minister's amendment to your amendment to the Minister's amendment?

2.2.1 Deputy J.H. Young of St. Brelade:

Yes, thank you, Sir. I think there are one or 2 things to say about this, despite the fact - and it is good news - that we seem to have finished up with a resolution, but I think where we have got issues of the Coastal National Park at stake and, as the Minister has just said, my amendment jumps the gun, I think I need really to say a few things because I cannot accept that. When one looks at our Island Plan, one can see the dark green areas all the way around the coast. 17 per cent are very special places and the rest of the Island, most of it is Green Zone. Now the Minister's amendment, the starting point for this, sets out objective measures for development in both the Green Zone and the Coastal National Park, objective measures which would apply to the redevelopment or

replacement of existing buildings. Not just dwellings but also any buildings. Of course, most of them are in the Green Zone because the Coastal National Park is very largely undeveloped and long may it stay so. But of course the Minister's amendment that he did bring sought to remove entirely both the policies to the Green Zone and the Coastal National Park. I was not content with that and I thought while there were arguments which might relate to the Green Zone, there was absolutely no question that the reasons being put forward for not protecting the Coastal National Park, for example, the significant reduction in work for architects, engineers, quantity surveyors, designers and so on, the increase in the cost of land in the built-up area, a reduction in the value of property and so on, infringement of individual's rights ... well, I think it is a really important principle. We decided to have the Coastal National Park and the policies for it should stay strong. In fact, we have not just invented this in the original 2011 Island Plan. These were originally Areas of Outstanding Natural Beauty in earlier plans identified in the 1987 Island Plan and in the 2002 Island Plan and we all enjoy the fact that our Coastal National Park is largely undeveloped and people have access to it and it is vital. So a suggestion that we should not have measures to protect it I think had to be challenged. I did it and I waited until the last day for the amendment and it was the last day. I did have a conversation with the Minister and I thought: "No, I will wait until the last day" but, no, the last day came and I thought: "I have to put the amendment in." Now I think it also has to be said - and there is some process lessons here I think - that the Minister embarked upon his Island Plan review in September 2013. He invited evidence. There was no evidence submitted by the Economic Development Department to that inquiry whatsoever. The planning inquiry was in January 2014. Nobody turned up from the Economic Development Ministry to make presentations. There were no submissions. The Minister responded in March 2014. The Minister said what he was proposing to do. As far as I know, no response. The arguments were made though by representatives of the development industry because I was present at the inquiry. There were developers present and there were professional architects and experts there who serve the development industry and they did make their points. That debate took place at the inquiry so the industry made those points without representation from the Ministry and basically they lost the argument. That was the process and now we have a situation where back they come, so I am delighted that the Minister has accepted now that there is no issue in the case of the Coastal National Park, the strengthening that the Minister proposes that the inquiry upheld should happen is accepted and I personally accept there is an issue about the extent to which the Green Zone policy is as prescriptive as the Minister originally proposed it which is why, when we get to the Minister's amendment to my amendment, I shall be going along with that. Again, it is not a perfect solution but I think, hopefully, if there is no changing of direction, we do end up with stronger policies for both those zones which we need without, I believe, causing damage to the economy.

The Bailiff:

Yes, is the amendment seconded? [**Seconded**]

2.3 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment (P.37/2014 Amd.(11)Amd.) – amendment (P.37/2014 Amd.(11)Amd.Amd.)

The Bailiff:

Then we have an amendment to Deputy Young's amendment lodged by the Minister for Planning and Environment which, again, is set out in the running order, so I invite the Minister to propose his amendment to the amendment before.

2.3.1 Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

It is pretty good that all the ducks appear to be lining up and we are, in doing so, working together and people have to realise that this is not the Minister for Planning and Environment's Island Plan.

It is our Island Plan. So we have to be in a position - that is pretty well how Planning and Environment runs - to try and agree with everybody, although it is difficult at times. On my amendment, we do need a refinement of the planning policy for the Island's coast and countryside to best protect, as we have heard, our valuable landscapes while, at the same time, provide greater certainty to residents and business about what changes they might be able to make to their land and buildings in different zones. The effect of the Minister for Economic Development's proposals would have been to have denied the opportunity to make these improvements to policy and I think it is right that these amendments have been brought. I have submitted my own amendment to further change the planning policy for the Green Zone. The effect of this will be to retain intact my proposed changes to the planning policy regime for the Island's most valuable and sensitive landscapes in the Coastal National Park area - that is policy NE6 - while at the same time refining the proposed revisions for the policy affecting the Green Zone at NE7. The effect of the amendment is twofold. It removes the objective parameters of assessment for replacement buildings and extensions in the Green Zone and this means that, in principle, residential and commercial redevelopment in the Green Zone could be larger than the building being replaced and that extensions could be larger than the principle building being extended. However, the key test will be the impact of the proposed development on the landscape character of the area. This ensures that the revised policy for the Green Zone is consistent both in comprehensiveness and format with the proposed changes to policy for the Coastal National Park. It is considered that this further amendment ensures that the Coastal National Park retains the highest level of protection from damaging forms of new development while providing clarity for residents and businesses, as well about what might be permissible there. At the same time, it ensures a level of protection for the remainder of the countryside represented by the Green Zone where the further revised policy retains the clarity of scope that is applied to the Coastal National Park. I urge the Assembly to agree to this amendment and to Deputy Young's amendment and to the Minister for Economic Development's amendment and hopefully we can progress with policies that have been agreed, as we heard from the other 2 Members, by industry members. I make the proposition.

The Bailiff:

Is your amendment seconded? **[Seconded]** Does any other Member wish to speak on the Minister's amendment? Deputy Le Hérissier.

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

As the Minister knows, people in glasshouses should not throw stones. It is a recurring issue and I wonder if he could amplify in 9(b) of the appendix where there is talk of the revisions to policy NE7. Could he confirm that the return of glasshouses to agricultural land is in accord with that policy, albeit it would be agreed with perhaps a small modicum of building in moving? Could he agree that that could happen under policy 9(b) because we do have this recurring problem of derelict sites? We have a stand-off where we could bring in disused and disrepair conditions but, obviously, Ministers, both the current and the previous one - for reasons one can well appreciate - have been reluctant to move. But, as he knows, there are some enormous sites in the Island that look pretty bad including one, for example, on the border of Grouville and St. Saviour, which is now literally collapsing into the ground and proving a danger to road users. Thank you.

Senator P.F.C. Ozouf:

Can I also declare an interest in this particular amendment? This was the amendment that I was ... that could potentially ... and I would be comfortable not to take part in this debate.

The Bailiff:

Very well, thank you.

The Bailiff:

Does any other Member wish to speak on the Minister's amendment? Connétable of St. Lawrence.

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

Very briefly, I cannot support this. I am not happy that the ... if we look at the appendix on page 5 and item 3, that section (a) is potentially being removed from the Island Plan which at the moment states that: "The redevelopment of an existing dwelling and/or an existing ancillary residential building and/or structure involving demolition and replacement but only where the proposal would, (a) not be larger in terms of any of gross floor space, building footprint or visual impact within the building being replaced." I cannot support that. I am not happy at all that the Minister would be looking to remove that from the Island Plan because for me it is an important part of the protection of the Green Zone and it disappoints me to see it being potentially removed.

2.3.4 Deputy S. Power of St. Brelade:

Just some general comments on NE6, the Coastal National Park, and NE7, the Green Zone, and also I would like to comment on what Deputy Le Hérisier said. Time and time again in the last 5 years that I have been on the panel, and quite frequently in the last 3 years, the panel has been faced with applications in the Green Zone, specifically in relation to greenhouses and redundant greenhouses and glasshouses, and time and time again the panel has had, for want of a better phrase, no formula and no policy in which we can say to that landowner or to that farmer that while there are policies in place to forcibly clear the site, in many cases the owner of the property simply does not have the money to clear vast areas of glasshouses or greenhouses.

[10:00]

The issue is that ... and I think Deputy Le Hérisier is correct, and I think members of the Planning Applications Panel will agree, that we do need to find a site by site policy to deal with an enabling policy to allow glasshouse owners or greenhouse owners to be able to approach the department and say: "In return for my one vergée or 2 vergées or 9 vergées, whatever it is, I will undertake to return 80 per cent of it or 85 per cent of it or 90 per cent of it or 70 per cent of it back to agricultural use or back to countryside or greenfield status." I will then seek, or the owner will then seek to do some enabling development that will allow him to clear the cost. One of the comments that Deputy Le Hérisier made is that some of the sites that have collapsed, some of the timber buildings that have collapsed, some of the timber greenhouses that have collapsed, the mix of glass, wood and other structural elements within that mess is extremely costly to take out because it involves skimming topsoil, it involves filtering it and it involves replacing topsoil. So that is the first comment I would like to make. The other comment I would like to make with regard to NE6 - and I think Senator Maclean has identified part of it - it is very similar to what happened at Plémont. There are legacy sites across the north of the Island, and particularly, as Deputy Young knows, in St. Brelade's Bay, there are sites and buildings that I would regard as problem legacy sites. These are buildings that exist in the Coastal National Park, which, for want of a better phrase, would not be allowed today. There are Parishes, particularly Trinity, St. John and St. Brelade, that have a number of buildings which are dominant buildings within the Coastal National Park that at some time in their future this Assembly or the next Minister for Planning and Environment or the next Planning Panel will be faced with an application to demolish and rebuild something in their places. Now, Deputy Young and I have had many discussions with the Minister about the legacy sites in St. Brelade's Bay; they will present a problem at some time in the future, and given the trend in the tourism industry at the moment, it would seem to me inevitable, at some time in the future, that our commercial hotel or tourism related sites in Trinity, in St. John and in, specifically, St. Brelade's Bay, will come up for demolition and reuse in another way. The policy, NE6, in some ways is going to have to address that, or a future policy NE6, which may have to be changed, will have to address that and I am not

quite sure how that is going to be done. Likewise, I pick up on ... so there is a problem there and there is a problem for the future generations of planners and Members of this Assembly when and if these sites come up for reconsideration. I just put that out as a general observation on what will happen because nothing ever stays the same. It may stay like that for 30 or 40 or 50 years and then it will change. Then the other comment I would like to make is on NE7, and the Constable of St. Lawrence has alluded to her reasons for caution and for why she will not support it. But there have been times in the ... many times in both the planning application to the Minister or to the Planning Applications Panel or to the department, under officer delegated powers, where somebody has bought a property in the Countryside Zone. It may be a very small property, it may be a little bungalow from the 1950s or 1960s, or it may be a cottage that is not listed or it might be something else, and given modern standards of residential need, modern standards in terms of what is put into a house these days, sometimes these properties cannot be adapted as easily or extended and these will always come along. Indeed a great deal of time, in the last 3 years, the Planning Applications Panel has had to deal with these difficult ones in the Countryside Zone. Sometimes, I have to say, these are not developer-led applications. Sometimes they are developer-led but other times they are not developer-led, they are an owner/occupier, and one has to be tolerant of the fact that a young family or a young couple buy an older property that is in big need of renovation or extension and we have to consider those under policy NE7. So the future application of NE6 and NE7 is fraught with problems in some ways and that is why the Planning Applications Panel and the Minister and the department have to apply what is regarded as a best use of the Island Plan to solve these conundrums. It is not easy and it is like a lot of things with planning, you can be damned if you do and damned if you do not. But we learn by experience and I know that the 7 members of the Planning Applications Panel do think long and hard about some of these issues and as we evolve into this debate, no doubt the panel will have different contributions to make. So I make these comments this morning for colleagues so that they might have some better understanding of the work of the department and indeed the challenges ahead. Thank you.

2.3.5 Connétable P.J. Rondel of St. John:

Coastal National Park and the Green Zone. Having attended a C.N.P. (Coastal National Park) presentation and had a member of my committee - the Comité du Commune Rurale de St. Jean - attend nearly all the meetings, there are concerns that those people present at those presentations, which went on for many hours, were, in general, either ... a big percentage were States employees, a big majority of them were, what I call, the tree-huggers and the Agile Frog Society and various Greens across the spectrum with views on the Coastal National Park. But there was a big shortage - a big shortage - of political presence, a big shortage of landowners, business houses and the like being represented at those presentations, and it concerned me so much I made sure that the various business houses like the Farmers' Union and the group across the road here, sorry, I cannot ... Chamber of Commerce, *et cetera*, were made aware of this. But so much so, at the last meeting I requested that I send a member of my Roads Committee along and I was not permitted to do so. But that did concern me because within St. John, unlike probably no other Parish, we have got heavy industry. I say that because we have quarries that start from the top of Bonne Nuit, right the way through, all the way along the North Road, we have the States Quarry, we have the La Saline Quarry, we have Ronez Quarry. Ronez Quarry is the only one that has been left out of the National Park. The others are all included within it. Now, we employ a lot of the blue collar workers within our Parish, and therefore not everybody can be white collar workers, *et cetera*, we have got heavy industry and various industries within our Parish. Now, to have these industries, whether it be fishing, whether it be quarries, whether it be farming and the like, to have any restrictions imposed on them where their land or the businesses they are running will not be permitted, without going through hurdles which are probably too high to jump over, to expand your quarry or to work within those areas, without them being properly consulted before this was adopted in 2011, to me, was

wrong. It was wrong that these people were not properly consulted because the Coastal National Park was brought in on an amendment, if I recall correctly, by the Deputy of St. Mary of the day, and therefore, the consultation had not been sufficient to allow all people the - and I do stand to be corrected on this - but to allow all people to realise what was happening within this extended area. Within the Coastal National Park we have a lot of other user groups, whether it be our motor course, our 4x4 course, our carting club, and water sports, *et cetera*: depending how this is policed in the future, they will all be victims of not being properly consulted. That is of real concern, of real concern to me, and I sincerely hope that the Minister - and I know the consultation is still ongoing - will make sure that all parties are invited. But I would have liked to have seen more input from Members of this Chamber. The day I attended, there was myself there, and in the afternoon the Connétable of St. Ouen also attended. There were issues, within the Coastal National Park, which in fact will impede on probably everybody in the Island. Because, why I say that, the presentation was given in such a way that they would expect certain things to be policed by the Honorary Police within the Parishes. There will be an impact for the additional work that would be required by the Honorary Police unless they are going to have wardens at a cost to whomever. But there are so many issues that need still to be drawn-out within your various groups, Minister, that you have put together here, that I believe it is time that you had a presentation where you drew-in the 12 Parishes, or the 10 Parishes who are involved, because at the end of the day we need to make sure that all the doors are left open to allow the movement, the free movement of people who are working in the area. The people who are running their businesses, whether it be a shop, whether it be a hotel, whether it be a café, whether it be the fishermen, and as I say our agriculture and our fisheries industry, but in my case our quarries, and any other businesses in the area. Those people need to be really brought in, possibly on one of the presentation days, without ... yes, to debate with your tree-huggers and your Greens and the like, because we need a full balanced debate. But definitely you need a number of politicians there as well so as they can draw the information that they would have because of the Parishes and the impact it will have on the honorary system, whether it be their Roads Committee which would have issues, whether it be their policing issues, and also the various clubs that use the facilities right around from St. Ouen's Bay right around to Grouville. On their jetties and the like. So I think you will ... I see you are making a lot of notes. Through the Chair, the Minister is making a lot of notes. I am pleased that he is doing that and hopefully he will pick that up before anything is set in stone. Thank you.

The Bailiff:

Yes, Deputy Le Fondré. Can I just remind Members that this particular amendment to the amendment to the amendment only relates to the Green Zone? Although the Minister's amendment and Deputy Young has referred to both Coastal Park and Green Zone, this particular amendment only relates to the Green Zone.

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

For the record, I attended the examination in public on the Green Zone and the Coastal National Park, and I speak ... I am talking to the amendment to the Green Zone but I will relate it fractionally to the Coastal National Park depending on the place and experience. There is always a tension between the pressures of increasing population, and all that sort of stuff, and the abilities of house owners, *et cetera*, to make improvements to their properties, and, most importantly, the preservation of what is still a very good environment to live in. I think I have managed to simplify down my views and I am very happy to support the sequence of amendments, as it were. I think the amendment that the Minister for Planning and Environment has brought to Deputy Young's amendment to Senator Maclean's amendment, put together, I think they are a package that are worthwhile supporting. I think it is a balanced approach. The reason I put it that way around is, as some Members will know, I certainly campaigned long and hard against, in particular, a very large

greenfield development site and, with people here including my now Constable, we achieved a measure of success. For me it has always come down to Greenfield, I do not care how it is zoned particularly, it is a green site, versus something which has got a building in it. The first one I want to protect, I do not want to give too much erosion to the fact that there is a field there and it should stay as a field, as far as I am concerned. But there is a difference, from my psychology, if there is a building there already, and if there is a building there already, it then depends what can you do with it. I do not necessarily want to see a cow shed turned into a 100- flat development, that is pretty obvious.

[10:15]

But I think if you have got a 2-bed house or 3-bed house there and you want to put an extension on, for example, I think you need to be allowed that. I do not think there is a significant impact on the results. So, where I just relate to my experience, as Members will know I own a property out on the west coast of the Island which was in ... and it is so long I have even forgotten the zoning now. I almost called it the "Do not build anything zone". Would it have been Outstanding Natural Beauty? It is what now is Coastal National Park, and I always took the view it was basically in a car park, it was a rundown building, it had been in the family for a long time and there is the intention for it to remain in the family for a long time, I hope. But as an example, we wished to change the offer that was there, but in terms of the actual nature of what was there, nothing changed. There was a flat down there, there had previously been some form of surf shop and there was obviously a café. The point was, when it was built in the 1950s, the toilet provision was basically 2, 3 by 3 fairly antiquated facilities, whereas what you need now, particularly for a public facility, is disabled toilets, you need a certain number of things for the number of people you are likely to cater for and all the rest of it. So changing like for like, by the time we had put everything in it needed to accommodate the modern requirements, we lost the accommodation down there completely, that is why we went up one floor. So if you look at that, that is why, in practical terms, if one applied the should not be larger in terms of any gross floor space, for example, you did not end up with a modern day equivalent of what you needed to be offering to service the people there. Generally the feedback we have had of what is there now is positive. So if one applies that to the Green Zone scenario, the original proposals that any, for example, redevelopment should not be larger in terms of any gross floor space, *et cetera*, to me did look quite constraining when you are looking at individuals potentially owning their houses in the Green Zone, which is... I am not too sure what percentage of the Island, but I am going to say 90 per cent of the Island, is a significant amount. You are going to capture a lot of people and you are going to have a huge impact on how they operate. So, therefore, to me, I do not want to leave a blanket permission to people to suddenly put in 50 flats where there were 2 previously or something. But I think that is probably still captured by not facilitating a significant increase in occupancy, and I am looking for the other one - it was in character, I think it was - if the design is appropriate relative to the existing buildings and its context. That, to me, is a balance. I do not want to be too subjective, we have seen what happens in the past when planning policy is too subjective but I think that gives a reasonable balance between the protection of the countryside and allowing people to carry on and do things with their own properties. Just as a marker, obviously having ... hopefully you are not conflicted now, but having seen what is necessary to go through in what is a Coastal National Park, if one wants to support and encourage the tourism industry, one has got to make sure that tourism facilities, again, likewise, can continue to be improved and that there is an appropriate way of dealing with that. Having said all that, I still reserve my position on glasshouse sites. As far as I am concerned, to the extent that they started as agricultural sites and I will treat those in the context of each individual site. But as a principle, in terms of what is being proposed here for the Green Zone, I think it is a balanced approach. It was certainly consistent with where my stance was, I think, in the representations I made to the Examination in Public at the time and therefore I will be

supporting the amendments as a package. If one of them falls and another one goes I will have to consider it but the amendments as a package, I think, should be supported. Thank you.

2.3.7 Senator L.J. Farnham:

I am mindful that this is an amendment to an amendment of the amendment, which has been accepted by all the relevant parties. So, being mindful of what we have got to get through, what I was going to say is probably more appropriate to the original amendment so I may say it then. Thank you.

The Bailiff:

By then it may have been very substantially amended.

Senator L.J. Farnham:

I hope so.

The Bailiff:

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

2.3.8 Deputy R.C. Duhamel:

In no particular order I think I will start with Deputy Le Fondré's comments which I think hit the nail on the head. It is a package of measures that generally allows a greater element of flexibility but not to the extent of a complete builder's charter, or taking away people's rights to improve their properties. The Constable of St. John had some concerns about the Coastal National Park areas and indeed other sites within that area. There will be further supplementary guidance and advice given, in particular when we come forward with our management plan for that particular area. He was right to refer to the fact that there will be Coastal Park Rangers and all the usual things that one would expect, but equally I think he was absolutely bang-on in suggesting that there would have to be parochial meetings set up in order to give confidence and certainty to all of those persons who operate businesses or live in the Coastal Park areas. Another point that has to be made is that in anyone coming forward with an application to build in any particular zone, they are not necessarily only caught by one particular policy. There is normally argument around the other policies that apply to a particular development and all of these policy considerations have to be weighed-up by the decision takers. So it is not just the policy NE7 or NE6 or whatever that is the master card, if you like, and the only policies for consideration, other things have to be taken into account in order to arrive at a balanced point of view as to whether or not development may or may not take place. Now, with those comments, I think the Deputy of St. Lawrence, in her comments, should be assured that in moving forward with what is being suggested, there are still strong controls and the key test for the Green Zone development will, under the terms of my amendment and the other amendments, be the impact of the development upon the landscape character, in specific terms. People will be expected to, as Deputy Le Hérisier has done in representing various interests previously, for greenhouse conversion, there is a balancing kind of nature that has to be considered and the extent to which buildings are exchanged, if you like, as part of enabling development for the clean-up of the area to improve the landscaping terms, is something that is well known and able to be put forward. Those proposals will still be able to be made in the way that they have been made but I think the amendment will concentrate to a greater degree on the landscape character. So people should be assured that this is not a builder's charter to build on all greenhouse sites in the Green Zone, to the extent that they would provide new settlement areas that are out of alignment with our hierarchy of settlements, which is another policy of the Island Plan in a different section. I think the inspectors have said, on many occasions - and others have said the same thing - that we should not expect to be pepper-potting development across our Green Zone areas or our Coastal National Park areas to an extent that devalues the landscape character of those areas, which is the

real basis on which the Island Plan policies are made. That is to protect these areas because we do appreciate them, and the countryside and the openness of those land areas should be protected as far as possible. I do not think I can add anything further to the comments that have been made and I would ask Members to support my proposition.

The Bailiff:

Very well. All those in favour of adopting the ... the appel is called for in relation to the amendment of the Minister to the amendment of Deputy Young, to the amendment of the other Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 39		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Helier		
Senator A. Breckon		Connétable of St. Lawrence		
Senator S.C. Ferguson		Deputy M. Tadier (B)		
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

2.4 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment (P.37/2014 Amd.(11)Amd.) - as amended

The Bailiff:

Very well. Then we return to the debate now upon Deputy Young's amendment as amended. Does any Member wish to speak on that? Very well. All those in favour of adopting Deputy Young's amendment, kindly show? Those against? That is adopted.

2.5 Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) –as amended

The Bailiff:

So now we return to the debate upon the Minister's amendment as amended by Deputy Young's amended amendment. Does any Member wish to speak on that? Senator Farnham.

2.5.1 Senator L.J. Farnham:

Very briefly, the hospitality section is particularly supportive of the Minister's efforts here, as Deputy Power touched on earlier. We are hopefully going to see a - albeit slow - resurgence in the economy and there is potential for businesses, not just in the tourism sector, but all businesses to be thinking about reinvesting at some stage in the future and I think there is good protection already and we really want to ensure that we can enable businesses to do that sensibly. There is also more concern over Deputy Young's amendment number 6 but of course I will deal with that when we get to it. Thank you.

2.5.2 Deputy S.G. Luce of St. Martin:

I have some very general comments to make about the whole of this debate and I think this might be the most apt and opportune moment to do that. As Members will know, new policy changes that come from the Environment Department are usually scrutinised by the Environment Scrutiny Panel, but a view was taken by the panel, some months ago now, when Deputy Young asked if he could do that work on his own, and on behalf of the panel I would like to personally thank him for becoming a one-man Scrutiny Panel [**Approbation**] of the Minister's propositions which have been numerous and extensive. In thanking Deputy Young for that work, I also think I should thank the Minister himself because it is obvious that what we have had in the last couple of hours is an example of what can happen when people work together. [**Approbation**] I think it is probably just the right moment, I can see that as we get further down the debate that it may be not quite so congenial, and this may be the opportunity. But I thank both of them and the Minister for Planning and Environment as well, but the Minister for Planning and Environment and his department, Deputy Young, I thank you all for steering us to where we are in this debate at the moment.

2.5.3 Connétable J.E. Le Maistre of Grouville:

In a similar vein to Senator Farnham, I would like to thank the Minister for Economic Development for bringing this amendment forward. The farming community were concerned. They obviously look after the countryside and I think most people will agree it is pretty spectacular. The controls at the moment are adequate and the last thing they want is further red tape which obviously brings extra cost and may stop the development of those businesses. So I would like to thank him.

2.5.4 Deputy J.H. Young:

I just want to say a brief thing. I think in where we have finished up, I think, in the combination of the amendment to the amendment to the amendment, is we have ended up with what the inspector said, is that we have got a policy for the Green Zone which is no weaker than it is at the moment, and I think Deputy Le Fondré is absolutely spot on; all these things are a balance. We all have our

own opinions. The Constable of St. Lawrence I totally accept; individuals have that view. I personally lean to the Constable's view but that is not the issue. We have to find a set of policies that over the whole Island the community as a whole can accept. I know the National Trust have expressed some reservations about some elements of the policy, I have referred to that in my amendment. But nonetheless, on balance, we have got 54 per cent of the Island's land area in the Green Zone, we have to recognise that people have legitimate interests in homes and businesses and we have to find a route that protects that area and does not allow it to go into wholesale development but allows people legitimate uses. I think, in finishing up, in the Coastal National Park, the Minister, the proposal on the table is to strengthen those policies because I think that has been where the biggest challenges are, it is where the jewels in the crown are.

[10:30]

Those are the sites that are most vulnerable to speculative development. I am not going to name them, we all know where they have been in the past, there are lots of issues in the courts and I think that is where we have finished up and it is a good place. I think we should celebrate that, that without all our economic interests, we have still got a beautiful island where 71 per cent of it is not undeveloped. I think I am very happy to support the amendment to the amendment to the amendment.

2.5.5 The Connétable of St. Lawrence:

Deputy Young has just said it is all about balance, and that is absolutely correct and probably everything we do and decide upon in this Assembly is on balance. I have looked at this and I have been a very staunch supporter of protecting the Green Zone and the countryside and, on balance, I am not able to support this but I recognise that there is a balance needed and it is probably better ... now that it has been amended it clearly is better than what the Minister brought forward, which we are told, by the Minister for Planning and Environment, is: "Overblown and flawed and lacking any real evidence to support the claims used to justify the amendment." I think those are very strong words and on balance I am prepared to agree with the Minister's comments, and as I say, I will not be supporting the Minister for Economic Development. Thank you.

The Bailiff:

Does any other Member wish to speak? No? Then I call upon the Minister to reply.

2.5.6 Senator A.J.H. Maclean:

I will attempt, among other things, to change the Connétable of St. Lawrence, my Connétable's mind on what she has just said, for the simple reason that the Minister for Planning and Environment did indeed use some strong language in his comments, some of which the Connétable has read out. I am pleased to say she did not read the rest of them out. **[Laughter]** I did think the comments of the Minister, my colleague and friend, is, to say the least, somewhat disingenuous. But we will overlook that because I am very pleased that, as a result of the process that we have been through, there has been a ... although part of it has unfortunately been played out in public, which is regrettable, nevertheless, the ultimate outcome has been positive in terms of the amendment that the Minister for Planning and Environment has brought forward, effectively getting us to a position that satisfies industry and I am sure will satisfy the majority of Islanders, had they been aware of the difficulty that they may have faced had the proposition not been amended in the first place. To demonstrate what I mean by that, perhaps a letter that I received from the Jersey Farmers' Union, and the content within that letter, makes it quite clear. First of all, in that letter, the Jersey Farmers' Union said that they made representation with regard to the loss of agricultural land in their submission of 10th September 2013. They go on to say, and I quote: "Our members allowed policy NE6 and NE7 to escape under their radar as they had no prior notice that the Coastal National Park or Green Zone policies were under such a major review." They went

on to state they had seen some P.R. (public relations) that was published, I believe, by the Chief Minister, in April of 2013 regarding the Island Plan Review, which gave them, and many other industry representatives, the view that the review was going to be focusing on affordable housing and was not going to be as broad as indeed it ended up being. As an example to the way in which NE7, that is the Green Zone, could have impacted on a huge number of Islanders, the Jersey Farmers' Union made the point about the restriction on residential properties. Of course, we are talking about 90 per cent of the Island here, and they make the point that it would have required extensions to be subservient in size and scale to the existing property and replacement dwellings being no larger in footprint or floor space. Of course, the point they were making was that many Islanders cater for their old age, as an example, by providing granny flats attached to their properties, and the granny flats clearly are for the benefit of carers or family, and indeed if the amendment had not been amended then that could have been a significant problem and an infringement, many may say, to the rights of Islanders to improve their properties and cater for their old age, as in this example. I think that was a very good example that they brought forward. I just must... although we passed over it, Deputy Young, in the same lines to the comments that the Minister for Planning and Environment made, about me bringing forward these amendments late, which they were, and for which I apologise... I hoped in my opening remarks that I made it clear the reason why they were brought late. But just to be absolutely clear, and it was a point that the Minister for Planning and Environment made, that these matters had been brought before the Council of Ministers last year on a couple of occasions and had been considered, and, he suggested, endorsed by myself as Minister for Economic Development. Unfortunately, I was not able to be in the Council of Ministers on the occasions when they were considered and I am afraid they were missed, from that perspective, and as I have already suggested, the Jersey Farmers' Union and industry themselves had also missed the significance of the changes. It was only 48 hours before the final lodging date that I was ... it was brought to my attention by this industry group and that is why, at the last minute, I lodged this amendment on the basis that industry then supported their claims with evidence. We have got to a position, and indeed in the comments of the Minister for Planning and Environment, there were some interesting points raised by the department about the number of applications. They were suggesting, for example, that there are only 4 per cent of applications in the Coastal National Park area and only 25 per cent of applications in the Green Zone. I would say 25 per cent of applications in the Green Zone potentially impacted by the change is fairly significant and so I do not think it is something that should have been overlooked. So although this was brought late, I am very pleased with the constructive way in which it has been dealt with. I am also grateful to both the Minister and to Deputy Young for their input in that regard. I think it has been very constructive. I would say, Deputy Young made the point, that the development industry made their points at the various inquiries that were held and that they lost the argument. Well, by coming late to me and allowing this amendment and for me to support the amendment, led ultimately to the amendment that the Minister brought which got industry, I believe, and the Island into a better place. I think we are all in a much stronger place. We have, quite rightly, existing strict controls in the Green Zone. We have now stricter controls in the Coastal National Park. I believe that is in the interests of the Island. I am sure Members will support that. I hope the Connétable now, although she is smiling, I am not sure if she is smiling and shaking her head at the same time, might understand that in fact my explanation of the process is exactly as it was. We have got a better position, I hope Members support the various amended amendments and I will leave it at that. Thank you.

The Bailiff:

So the matter before the Assembly ... do you ask for the appel, Minister?

Senator A.J.H. Maclean:

Yes, thank you.

The Bailiff:

The appel is asked for, then, in relation to the amendment of the Minister for Economic Development, as amended by Deputy Young and the Minister for Planning and Environment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 41		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Lawrence		
Senator A. Breckon		Deputy J.M. Maçon (S)		
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				

2.6 Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment (P.37/2014 Amd.(10))

The Bailiff:

Then the next matter is the tenth amendment, part (c) lodged by Deputy Young. The terms of the amendment are set out in the running order so I invite Deputy Young to propose it. This, as I understand it, is one which, again, I think the Minister has tabled an amendment to Deputy Young's amendment and Deputy Young, I think you are willing to accept that, and then the Minister is willing to accept your amended amendment.

Deputy J.H. Young:

Hopefully the pattern of constructive working will continue on this. May I propose my amendment, Sir?

The Bailiff:

Yes.

2.6.1 Deputy J.H. Young:

This is a relatively, I think, simple and straightforward, and, I believe, uncontentious proposal. It relates to the identification and formal legal designation of what are known as conservation areas in the Island. This is really to do with our historic heritage. At the moment we only have powers to be able to deal with individual buildings, where the Minister has a process of listing those buildings as historic and individually, and so those issues are dealt with on that basis and applications to change those buildings are dealt with in the context of that one building alone. The reality is, it is well established practice in Europe and in the U.K. (United Kingdom), that there are places where there are assemblages of buildings that, taken as a whole, have a special character and warrant protection as a whole. So decisions about whether individual buildings or structures are changed, those decisions are also made relative to what effect they have on the whole area. That is a missing element. One of the interesting things we have arrived at in our Island Plan is that we have some policies for conservation areas, unfortunately, I think because it was not known when the Island Plan was agreed, that we would have to change the Planning Law in order to enable formal legal designations of conservation areas. But nonetheless, the Plan, at the moment, gives a commitment to complete ... it says here, I think, "to consider". I think the word is to consider the identification and designation in the current Plan. I think that is not strong enough because we have got a number of them that are seriously overdue. I think 2 decades we have been in that situation of not being able to conclude this. The one I am most familiar, of course, as Member for the area, is St. Aubin's Village, where the community, the Residents' Association and all the meetings I go to of residents, make it plain that they very much want to see this completion of the St. Aubin's Village as a conservation area for the future. The other ones on the Minister's list - and obviously I will wait for other Members' for those areas comments - is Gorey Harbour, which has also been on the list for many, many years, and I do personally get calls from members of the public in that part of the Island also expressing an interest about that. So my amendment is simple, it says I want the Island Plan changed to commit the Minister to complete the identification and designation of these areas throughout the Island and adopt those through supplementary guidance and put the policies into effect. I am sure the Minister will explain, when it went to the planning inquiry, what was identified is that there are no limits in my amendment to how many conservation areas could be done within the Plan period and I think that is the subject of the Minister's amendment which I am content to accept. But I think the principle is simple. At the planning inquiry there was universal support for this, no criticism of anybody. So I will make that amendment.

The Bailiff:

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

2.7 Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment (P.37/2014 Amd.(10)) – amendment (P.37/2014 Amd.(10)Amd.)

The Bailiff:

Now, we come next to the amendment lodged by the Minister to that amendment. Again, the terms are set out in the running order and I invite the Minister to propose it.

2.7.1 Deputy R.C. Duhamel:

Deputy Young has explained that there were considerations given to the actual number of conservation areas that the department might have to consider and it was open-ended. So the nature of the amendment is as he has described, it is to specifically designate a minimum of 3 within the period.

[10:45]

Members have to realise that not only does this process generate a huge amount of work for the department and for the public who have to be equal partners in the process in order to gain acceptance, there is also consideration to the number of staff that I have within the department who are available to spend their time on these very important issues. Members will also be aware that over the last number of years the major part of monies that were specifically earmarked for historic buildings, and by way of the grant monies and grant scheme, were diverted into the revised statutory listing of the buildings and places. If indeed no other monies would be forthcoming under the conservation area approach then it must mean that at some stage in order to accelerate the work that has to be done in this area, there might well be considerations that would have to apply to asking for more monies from the Treasury in order to staff the function or to pay for it in other ways. But I agree that a better way of dealing, or an extra tool in the toolbox, so to speak, with respect to the Island's heritage is to designate the buildings inside important conservation areas which allow the holistic nature of those buildings to be more appreciated than perhaps by singling them out under the existing policies. So, it is a minor and a major amendment; it brings clarity to the situation. We will deliver at least 3 and with a fair wind behind us I am hoping that that number will be substantially greater. So I look to the support of the House in making my amendment.

The Bailiff:

Is the Minister's amendment seconded? **[Seconded]** Does any Member wish to speak on his amendment? Connétable of St. Lawrence.

2.7.2 The Connétable of St. Lawrence:

I think it is about 3 years ago when quite soon after the Minister was appointed to that position that I went to see him to ask him whether the historic village area in St. Lawrence could be considered for designation as a conservation area because we are the only Parish that have 4 very important historic buildings together. We have the church, the Parish Hall, the former St. Lawrence Arsenal and the school, and I am absolutely determined that, while I remain as a Member of the States of Jersey, I will do my utmost to protect and conserve our built heritage, particularly of course in my own Parish. It is difficult to speak to this amendment without straying into what Deputy Young has done by bringing his amendment. But my difficulty and my frustration is that I have to say again, it is probably about 3 years since I approached the Minister to have this considered, and I am on the list. I believe that an area in Grouville was being considered before St. Lawrence and I think Deputy Young mentioned the area of St. Aubin. So clearly the fact that the Minister has now brought the amendment to ensure that a minimum of 3 areas are considered, at least there is something ... there will be something that says this has got to go ahead. I hope I will be one of

those 3, or St. Lawrence will be one of those 3 if this is approved. My problem is that working with the Minister for Transport and Technical Services and his department, we are looking to undertake improvements, as part of the village improvement plan, to the historic area of St. Lawrence, and I come back to the term balance which was used in the previous amendment. It is all about balance and it is all about balancing what is needed to protect and to conserve our historic built heritage while at the same time recognising the needs of modern day life, the necessity to provide parking within these, hopefully, protected areas. So in principle, yes. Nobody, surely, can be against this and I will, in this instance, be supporting the Minister, and when it comes to Deputy Young, I will be supporting his amendment and thanking him for bringing it to enshrine this as part of the Island Plan and I am sure all other Constables will be absolutely supportive because, as will other Members, it is about protecting our built heritage. Thank you.

The Bailiff:

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

2.7.3 Deputy R.C. Duhamel:

Just briefly, to thank the Constable of St. Lawrence for her expected support and to encourage others to vote similarly.

The Bailiff:

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

2.8 Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment (P.37/2014 Amd.(10)) - as amended

The Bailiff:

We therefore return to debate Deputy Young's amendment as amended. I had seen you earlier, Connétable of St. Lawrence, but clearly you have made your submission, I think, now, on that?

The Connétable of St. Lawrence:

Yes, I do not need to speak again, thank you.

The Bailiff:

Does any other Member wish to speak on Deputy Young's amendment as amended? Very well, all those in favour of adopting it, please show? Those against? It is adopted.

2.9 Island Plan 2011: revised draft revision – approval (P.37/2014) – sixth amendment (P.37/2014 Amd.(6))

The Bailiff:

We come next to amendment number 6, parts (a) and (b), lodged by Deputy Young. Again, they are set out in the running order and I think we are in similar territory regarding agreement between the Minister and Deputy Young but no doubt we will be told. Deputy Young, do you wish to make your proposition?

2.9.1 Deputy J.H. Young:

Yes, the Minister and I have reached agreement on this one but I think I do have to set out this policy in a little bit more detail because I do think there will be contrary opinions. I am not inviting that but I am aware that this is seen by some as a controversial policy. I start this amendment... I bring this amendment really, I think, with a sense of humility that, as Deputy for the area - as new Deputy for the area - I am following in the footsteps of previous Members for St. Brelade, who

have also recognised, in years previous, the pressures for development and pressure which could lead to unacceptable change on the very special place which is St. Brelade's Bay. St. Brelade's Bay is a tourism destination, it is a prime destination, it is vitally important to our tourism industry; one of our special places, and there is a wish to ... I think there is a wish by all parties to ensure that what is done there is in the best interests of the Island and the community in the future. Therefore, it raises the questions, what are the planning policies in place for the Bay and do they need alteration and changing? Now, in order to prepare for this debate, I had certainly, and I have to accept that this was probably prompted by the history of the development of the Zanzibar Restaurant, which I know is a current application, I am going to try and talk about it in principle. That there is a restaurant facility, employment law facility, part of our tourism industry that was, sited within, what is called the Shoreline Zone. This is the strip of land between the sea, the promenade and the road. That is the only piece of St. Brelade's Bay that my amendment seeks to amend planning policies for. There are, of course, bigger issues about development in the St. Brelade's Bay area behind the road on the other side of the road and indeed as we look up, going up Mont Sohier and up at Mont Gras d'Eau and so on, but my amendment does not address that. It does not address that in a change to the planning policy, but as well as the change to the planning policy for the Shoreline Zone I am proposing, it also proposes a strengthening of the Minister's commitment to producing a development plan for St. Brelade's Bay. To provide supplementary planning guidance to ensure that everything that takes place there in the future, all developments that take place on land with public sector and private sector, they all make sense and can, if you like, be accommodated taking account of both legitimate residents and business interests in that area. That is the challenge. Now, that is not a new challenge, that was the point of former Deputy Angela Jeune, who brought a proposition before this Assembly at the time of the Island Plan, which was adopted. Recognising those same pressures, her amendment required the Minister, the former Minister at the time, to carry out a process of community engagement with stakeholders and produce a development plan for St. Brelade's Bay that was managed, would manage it. That was in the 2011 debate. So, straight away my concern has been that when we dealt with the issue of the Zanzibar, it was clear that that work had not been done. There was a gap where supplementary planning guidance should be and where a community group ... we had not got to the point where there was anything to guide development. So when you are in that situation, the Minister, a Planning Panel, will have to do their best, they have to try and deal with the planning application in accordance with the policies without that guidance, which is obviously not satisfactory. Of course, that is not new because in 1989 there was another group set up for St. Brelade's Bay. I believe it was chaired by the late Deputy Graham Huelin. The report was published in 1989 and former Senator Tony Chinn, who still lives in the Bay, he was on that group and there is the report, and Deputy Jeune's report proposition also put a report in 1968, a States report. So there is a whole history for St. Brelade's Bay behind me standing here saying, again, we need, please, to strengthen the policies for the Shoreline Zone and upgrade and enhance the commitment to getting this development plan done. On the question of the development plan, I was very pleased that in the meetings I had with the Minister, I had the assistance of the Constable of St. Brelade. I thank him greatly because this was a key point. There is no question the work of producing this development group has to be led by the Parish and that means the Constable. I asked the Constable to arrange a meeting and that was held. At that meeting, I think it was in April, attended by nearly 100 people, there was a universal expression of view that there should be an amendment for the Bay because in the meantime properties had come up for sale where I know that people are proposing that the States step in and buy it, and I do not think that can be done. I think we do need policies for the Bay. In the meeting I was delighted that there are contrary views. There are those who think the strengthening I am proposing ... the strengthening, in a nutshell, is this: where we have existing buildings in the Bay, if they are to be demolished and replaced their areas should be no larger than what they already are, as simple as that. My logic in that is that because this is a special place on

the Shoreline Zone there is a case within this very small area to adopt the policy, the very self and same policy that you have just adopted for the Coastal National Park, simple. The Minister has come up with a solution of how we overcome the difficulties that were raised by the economic interests. A number of interests were raised, first of all, which was, I think, based on a misunderstanding. It was argued that my proposed policy - and I think probably Senator Farnham will raise this - will have the same effects as what took place in, I think, the 1990s when former planning committees sought to stop the change of use of hotels in residential accommodation. Of course, that policy was dropped as a result of that position being taken by the industry, and so on, and the end result was we lost loads of hotels.

[11:00]

But anyway there is nothing in my amendment that stops that change of use, nothing. It is not the amendment. There is no change to that. It is merely on the scale and the size of the development because it is likely now we have strengthened the policies for the Coastal National Park and we have ended up with a change on the Green Zone, I think it is inevitable that properties anywhere on the Shoreline Zone will become more prone to specialist development of large scale development. I think we need a protection but I have confined my amendment to the section of the Shoreline Zone as shown on the map in the proposition - it is a very small one - of St. Brelade's Bay. The Minister's amendment: I think he is going to speak and explain it, but I think the idea is that if my amendment is passed then when the supplementary planning guidance is produced then there will be a need to replace the policy as a result of that work. There is a group of residents ready to get going. The key issue for me is that they be given the resource to do it. The Minister has, I think, in principle agreed with the Constable and me at a meeting that there was going to be resource and I believe that group will include stakeholders, and it has to, which includes economic interests as well. I hope I have said enough and I will deal with any points that arise on summing up. I make the amendment.

The Greffier of the States (in the Chair):

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

2.10 Island Plan 2011: revised draft revision – approval (P.37/2014) - sixth amendment (P.37/2014 Amd.(6)) – amendment (P.37/2014 Amd.(6)Amd.)

The Greffier of the States (in the Chair):

There is an amendment to the amendment in the name of the Minister, which is once again set out in the running order. I invite the Minister to propose his amendment to Deputy Young's amendment.

2.10.1 Deputy R.C. Duhamel:

I think Deputy Young has alluded to the fact that in the absence of an holistic masterplan, if you like, for particular areas then we could find ourselves in a position of speculative development that would perhaps in some ways, if not properly regulated, destroy the very things that might well be deemed to be important when the supplementary guidance comes forward at the relevant time. I do, however, consider that the existing planning policy framework for St. Brelade's Bay is robust but with his particular view in mind I am willing to support the inclusion of an interim policy into the Island Plan and that is what my amendment seeks to do. This will provide decision-makers with a qualified policy tool that enables them to better regulate the scale of redevelopment, in other words, the demolition or replacement of buildings, in the sensitive coastal strip of St. Brelade's Bay that is embraced by the Shoreline Zone. The amendment seeks to do this and is framed in a way that does not prejudice the ability of the tourism industry to continue to invest and develop their buildings in the Bay or to consider their use for other purposes. The amendment addresses,

therefore, the issues raised by the independent planning inspectors in their review of the original amendment and the evidence submitted to them. My intention in making this amendment is that the operation of this additional policy provision for the Shoreline Zone of St. Brelade's Bay will be reviewed at the next Island Plan review with a view to its removal when a new supplementary planning guide for St. Brelade's Bay as a whole should have been prepared, adopted and implemented. In achieving that position, we do have the documents referred to by Deputy Young, precursors to what might well come out of this exercise, and obviously the same things apply, as mentioned in an earlier speech, about wanting to engage all of the potentially interested parties within the Bay area, not just the residents but, indeed, other locals who do use the area as part of our Island facilities and for tourism. It is important to say that, therefore, I remain willing to work with any local group to help develop the new planning guidance for St. Brelade's Bay. I have already held useful discussions with the Constable and Deputy Young to this effect and agreed how we might take the initial steps to move this forward, together with professional support from my department and the engagement of all local people, including business and residents. With that in mind, I make the amendment.

The Greffier of the States (in the Chair):

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

2.10.2 Senator S.C. Ferguson:

I must confess to a conflict of interest, being on the edge of the Shoreline Zone. But, as Deputy Young says, the background to this goes right back to P.15/1968, a decision of the States which has been totally ignored since 1968. If Members read the original proposition it was very cognisant of the need for commercial activities to have some room for expansion, which I know is one of Deputy Farnham's worries ... Senator, I am terribly sorry, I have taken you back in time, I apologise. As a director of a hotel in the Bay, I am very aware of the need for commercial activities to have room for expansion but, as the members of the Parish in March 1968 said in a meeting in the Parish Hall, they did not want overdevelopment and still today they do not want Marbella or Lloret de Mar along the front in St. Brelade's, which I think is perfectly fair. As I say, this whole concept was approved by the States and ignored by the civil servants and not included in the Island Plan. What we are doing with Deputy Young's amendment is restoring a decision of the States to where it should be, complied with by the States. Frankly, when the Minister says he wants to bring these amendments that does not really affect me because half of the Zanzibar site is in the Green Backdrop Zone, it is not in the Shoreline. Longbeach House is in the Shoreline so that really does not apply. I would urge Members to reject the amendment and support Deputy Young.

2.10.3 Senator L.J. Farnham:

I realise the importance of the area we are talking about and I am pleased to follow Senator Ferguson because I concur with a lot of what she said. I think there is belief that the existing Island Plan provides about the right policies to deal with applications in St. Brelade's Bay and I know there has been a particularly contentious one which Deputy Young alluded to earlier. I know we are dealing with the Minister's amendment but I will refer to Deputy Young's, if I may, because it is all relevant. It seems it seeks to control or regulate developments to existing hotels and restaurants in the Bay, especially relating to the demolition and rebuilding. We have already alluded to, this morning, the hope that as a result of the policy in place now we are going to see a gradual return to growth in the economy and that, of course, will lead to businesses wanting to invest and develop their properties, especially in these important areas. While realising it is Shoreline Zone, it is also a tourism destination area, so we have to try and make sure that juxtaposition works well. Also, bearing in mind - I am not sure that it is relevant - hotels really

were the first properties in the area, going back even a long time before Senator Ferguson's proposition that she referred to.

Senator S.C. Ferguson:

I protest.

Senator L.J. Farnham:

Yes, I think I will stop digging at that point. Some of the buildings in the Bay need enhancing, need investment now and in my previous position as president of the J.H.A. (Jersey Hospitality Association) I know some of the owners - and we are delighted - are planning to invest and look to rebuilding their properties. We want to make sure this is facilitated with the appropriate amount of control and as little fuss as possible, of course, without compromising the natural beauty of the area. There are very prime sites down there for building and any sort of policy that would make investment or redevelopment difficult - and I know you can argue that this is contentious - would impact against capital values, borrowings, loans, mortgages, loan-to-value situations and, therefore, could prohibit or restrict investment potential. The last thing we want to see is conflicts with owners of buildings and Planning which lead to buildings being boarded up or left undeveloped because agreement cannot be reached. Deputy Young referred to a prime site policy which ran from the 1980s to the beginning of the last decade. While in its time that policy might have been right for a year or 2, it was carried on far, far too long and it led to dozens and dozens of hotels being forced to stay in the industry without investment and of course they became run down. That coincided with the downturn in tourism. Deputy Young, I think, demonstrated a lack of knowledge about the interest. He did say with reticence that that led to us losing a lot of hotels. Well, thank goodness some of them went because they were not fit for purpose, they were not good enough for the Island, but the result of those hotels going reshaped the tourism market. Since that policy has gone there has been at least £300 million-worth of investment in new tourism-build and we must bear that in mind. I agree, this is not a return to the prime site policy but I can see it certainly restricting investment, important investment, appropriate investment potential in the area.

2.10.4 Deputy R.G. Le Hérisier:

Just a couple of points. Yes, oddly enough I was concerned in some of the ways Senator Farnham is. I was worried when Deputy Young used the phrase, "speculative" because it is not the role of Planning to probe into the motives of people, it is the role of Planning to look at the product or the potential product that they wish to pursue through an application and to make a decision based on Planning criteria. If we go around saying: "We do not like that developer because they have got dodgy motives and so forth", I think that is quite dangerous. Again, on the grounds of fairness, not that I am a flag-waver for the tourist industry, in the way Senator Farnham is, I think the Minister has to define - as well as Deputy Young - what they mean by allowing, within the constraints they are now seeking to put forth, reasonable developments within that industry because it is not at all clear. Undoubtedly this has been brought forward - and I did go to the meeting as an observer, as Deputy Young knows - to restrict large developments and they are going to be swept into it. Just slightly off the point, I was a bit concerned when Deputy Luce said: "We the Scrutiny Panel had looked at bringing our revisions forward but we were very comfortable with Deputy Young being our flag-waver." As we know, he has done an Herculean job and he is much to be praised but I am bit worried that a Scrutiny Panel abdicates its role to one person because it strikes me it makes much more sense that there is a good to-ing and fro-ing of opinion and that things are worked out in that way. That is just a minor point I would bring up.

2.10.5 Connétable S.W. Pallett of St. Brelade:

Just very briefly, there does need to be supplementary planning guidance for the Bay. It is something that should have been put in place several years ago but for various reasons it stalled at

various times. I went to the meeting with Deputy Young and Deputy Duhamel on Friday and I would say it was a very constructive meeting and I congratulate them both for being able to compromise on both sides of the fence. In terms of moving forward, I think it clearly came out of that meeting that there is a will to move forward, that resources and officer time will be given by the department, which I thank the Minister for putting that forward.

[11:15]

There are members of any potential group available. They were very keen to move on to do some work very quickly so I cannot see any reason why some terms of reference cannot be put together fairly quickly and move towards providing the supplementary planning guidance fairly quickly. It is an interim measure until planning guidance is put in place. In terms of Senator Farnham, I can understand some of his concerns because some of the people that have spoken to him have also spoken to me but I think there is need for protection for the Bay. It is a very sensitive area. I think there has already been damage done to the Bay which could have been prevented if planning guidance had been put in earlier. I think we do need to do this piece of work; it is vitally important. I just hope that those that run businesses in the Bay are just patient and can see that there is a need for some overall guidance. It is important that this group has stakeholders from business. I have agreed with one or 2 of the restaurateurs and the hoteliers in the Bay that they will be an integral part of that stakeholder group so that they can all put their views forward. I do thank the Minister for agreeing to move this on now, hopefully fairly quickly.

2.10.6 Deputy M. Tadier:

Obviously I am happy to be supporting this. I will not speak long but it is sufficient to say that this has been going on for a long time and it has been dealt with in the past by Senator Ferguson and Deputy Jeune and now this is being led by Deputy Young. This is largely to try and address some of the concerns raised by Senator Farnham. When we had this Parish meeting we did not necessarily know what to expect. We knew that there were both residents and stakeholders, amenity users and people who run the amenities down there, hoteliers, *et cetera*. What was remarkable about the meeting was the level of decorum, the fact that you were almost expecting there to be a conflict, people saying: "We do not want this; we do not want you to bring all these restrictions in." It was virtually unanimous, from what I can remember, the concern about the Bay, the sense of ownership and being custodians of that Bay, whether you lived down there, worked down there, owned commercial property down there or whether you simply were somebody who uses the beach for leisure purposes. What was quite remarkable was that there was a youngish lad who came from out of the Parish - we did not lynch him or anything because we do not do that in St. Brelade. He had come all the way, I think from Trinity, but I am not sure - he was saying that he felt this was also his Bay and that it is important to put the level of protection in. What Deputy Young has done here with the, I think, sensible amendment from the Minister, is saying this policy and this work has been done in the past. It was put aside by successive Assemblies. This needs to be done. It is simply an interim policy. It is not saying the Bay is going to be frozen in aspic. We all know that there will need to be attention paid to the legacy buildings down there but it will need to be done in a sensitive way. By putting in an interim policy saying: "No development for the time being that exceeds the current footprints, but, Minister, come back as soon as you can" is entirely sensible and I think it is something that none of us should be seeking to oppose. That is all I want to say. There are others who have led on this but obviously I am fully behind.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the Minister's amendment? I call on the Minister to reply.

2.10.7 Deputy R.C. Duhamel:

I think there is no doubt that in order to make progress on these issues we really do need to have the supplementary guidance and the masterplanning, if you like, properly done and dusted in as short a timeframe as possible. In asking for Members' support, you do have the assurance from me as Minister that I will work with all interested parties as soon as this is agreed in order to bring the supplementary guidance to fruition. As some encouragement or words of advice to Senator Farnham who has interest in the tourism industry, all I can do is to encourage him to agree that in coming here today with a form of words that seeks to move the argument on while accepting that there are tourism interests and other interests, and we have to find a way of balancing them all, I am not looking for any kind of extreme approaches and I think that if that were the case then we would have a different form of words being put forward. This work is outstanding; I do not want to point fingers of blame and to say where this department or lack of sufficient interest from residents or particular parties, but we really do need to get our act together in supporting this amendment. This is where we will be. I do hope that with those words everyone can support the amendment.

Senator L.J. Farnham:

I was not sure, maybe I missed it, was Deputy Young supporting the Minister's amendment?

The Greffier of the States (in the Chair):

Yes, he did indicate that. All those in favour of adopting the Minister's amendment ... the appel is called for on the Minister's amendment to the sixth amendment. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 34		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator A. Breckon		Connétable of St. Saviour		
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.H. Young (B)				

Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				

2.11 Island Plan 2011: revised draft revision – approval (P.37/2014) - sixth amendment (P.37/2014 Amd.(6)) – as amended

The Greffier of the States (in the Chair):

Members’ speeches, I think, ranged quite widely on the amendment. Does any Member wish to speak, though, on the amendment as amended? The Deputy of Grouville.

2.11.1 Deputy C.F. Labey of Grouville:

I welcome this proposition and, indeed, in a very difficult position I have considered bringing something similar forward for the Royal Bay of Grouville but I made the decision that I would wait for the supplementary planning guidance. There have been some very inappropriate applications for this part of the coast and I think it is important that the scale of redevelopments and other things are considered for each of the bays in the Island. Each of them has their own unique characters and I was heartened to hear the Minister saying that the supplementary planning guidance would be a matter of priority.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? I call on Deputy Young to reply if he wishes.

2.11.2 Deputy J.H. Young:

A couple of very brief comments. I am grateful for all speakers. My amendment does propose an interim policy. I think the discussions we have had with Planning indicate that it probably will take around 12 months as the target to complete the supplementary planning guidance. As the Constable says, there is a team there and now with the Minister’s backing of resources and professional support that work can get going. Of course, the whole purpose of having such a group produce that supplementary planning guidance is it does include all the stakeholders; it will include the competing interests. I know the Minister is as wedded as I am to community planning and that means not one section of the community but a cross-section. It is an interim policy; we are not reinventing the prime site policy. It does not have the same effects as that situation did 2 decades ago because, as I say, it prevents changes to use. It is an interim policy and I assure Deputy Le Hérisser I am not acting as a one-man Scrutiny Panel. I found it pretty hard work doing all this stuff but, nonetheless, time wise one has to do it and if the Scrutiny Panel wanted to do that work, fine, I did not stop them. I was not aware that I was replacing them but I thank the Deputy of St. Martin for his comments. I make the amendment and I ask for the appel.

The Greffier of the States (in the Chair):

Yes. The appel is called for on the amendment of Deputy Young as amended by the Minister’s amendment, the sixth amendment. If Members are in their seats, the Greffier will open the voting.

POUR: 36		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				

Senator F.du H. Le Gresley				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				

2.12 Island Plan 2011: revised draft revision - approval (P.37/2014) - amendment (P.37/2014 Amd.)

The Greffier of the States (in the Chair):

We come now to the next amendment which is the first amendment in the name of the Connétable of St. Clement as once again set out in the running order relating to Samarès Nursery and Le Quesne Nurseries and I invite the Connétable to propose the amendment.

2.12.1 Connétable L. Norman of St. Clement:

I lodged this amendment on 17th April - more than 3 months ago - therefore, I am sure Members can understand I am disappointed that the Minister has been unable or unwilling to present any comments on what after all is a vitally important issue. As I stand here I do not know if the Minister is prepared to accept my amendment. He could because, I suggest, the arguments made in my report and upon which I shall expand during my speech, I think those arguments are compelling. On the other hand, I do not know if he is going to oppose the amendment and if he is going to oppose it, on what grounds. I bring this amendment for 3 reasons: firstly, the Plan, as far as affordable housing is concerned, cannot achieve what it claims to be attempting to achieve; secondly, the rezoning of these Green Zone fields is not necessary, based on the information contained in the draft Plan and information that has come to light since the Plan was published;

thirdly, St. Clement has done more than its fair share in housing the local population over many generations. This last point is significant because I do not want to be accused of N.I.M.B.Y.ism (not in my back yard). I remind Members that St. Clement has accepted the massive developments at Grève d'Azette, such as Maison Victor Hugo, Millennium Court and The Dunes and others. The Parish facilitated the creation of Le Marais and Le Squez Estates by acquiring the access roads such as Marina Avenue and Samarès Avenue. In more recent times the Parish has positively supported development of around about 50 homes at Clos de Charriere, a number at Fairways at Plat Douet Road, 11 or 12 - I think it was - at Georgetown Mews in Georgetown Park Estate. We have accepted without comment or complaint the increased density of numbers being incorporated at the Le Squez Estate as that development progresses. We support the potential regeneration of the farm complex at L'Industrie in Samarès Lane for housing. All of these things which are providing housing for local population are supported by the Parish. We are not even objecting to the principle of the proposed housing development at the Samarès Coast Hotel, disappointed as we are to lose this tourism facility. The Parish is positively enthusiastic about the creation of 54 retirement homes on Field 274 in the east of the Parish which are currently under construction and will be occupied next year releasing another 54 family homes for others who want and require homes. St. Clement has not and does not duck its social responsibilities and I hope Members will remember that. St. Clement is not against development; it is, however, strongly opposed to large scale inappropriate development, particularly when such development is in the Green Zone and even more so when such rezoning is not necessary, as I proved in my report and will emphasise in this speech. It is not often realised that St. Clement is Jersey's smallest Parish with a land area at just over 4 square kilometres, some 50 per cent less than St. Mary, the second smallest, which covers some 6½ square kilometres. On the other hand, St. Clement is home to 9 per cent of Jersey's people with a population of over 9,200, giving a density of 2,142 persons per square kilometre, compared with St. Mary which has a population of just over 1,700 and a density of 267 persons per square kilometre. I invite Members to study the table on page 3 of my report. This, I think, proves my assertion that the Parish has done more than its fair share in housing the local population and it is no wonder that St. Clement wishes to resist any further significant development.

[11:30]

Our population has increased by 1,025; that is a 13 per cent increase in population in the past decade. No other Parish outside of St. Helier comes even close to this level of growth. If the proposals in the Plan are allowed to proceed, and assuming only 3 persons per household, the population of the Parish will increase by 10 per cent just like that in one go. The social and physical infrastructure will find it very challenging to cope. Despite this huge potential increase in residents, there is nothing in the Plan to improve the social, recreational and educational infrastructure in the east of the Island. The draft Plan makes much about creating affordable homes. To most people's thinking, I submit, affordable housing is low priced first-time buyer homes. The proposals for St. Clement for these 2 fields will do little to meet this demand as the Plan proposes that 80 per cent of the homes created in this Parish be for social rented housing. In other words, of the 305 units to be provided on the 2 Green Zone sites, plus the additional 56 in the increased density of Le Squez, only 53 would be for owner-occupiers, the additional 252 will be for States rental. So much for creating affordable homes. The draft Plan that we are debating seems to regard demand and need as the same thing. They certainly are not. While I regard it, and always have regarded it, as the responsibility of the state to assist those who are unable to house themselves, it is not the function of the state to attempt to fulfil a demand by creating unsustainable aspirations and thereby fuelling a demand which can never ever be satisfied. The Plan fails to define affordable housing in precise terms other than it says: "Should meet the needs of persons on median incomes or below." If, as has been widely mooted, the aim is to provide first-time buyer homes of under £300,000, demand will go through the roof because everyone will want a piece of

that action no matter what restrictions are placed on resale. We need to think, are we really doing massive favours to those who win the lottery which allows them to buy one of these 50 subsidised houses? Just think, when the family starts to grow and they need larger accommodation unless their financial situation has improved dramatically how will they be able to afford to move unless they have won the national lottery or the football pools? They simply will not be able to. They will either have to sell and find somewhere to rent or they will stick to the same property for ever and no other family can benefit from the taxpayers' generosity. I do not believe that this Plan has been thought through. We only have to look back at the previous States Loan scheme which until the mid-1990s had the States competing with private developers to buy land, offering first-time buyer properties at below market value and, to compound the issue, providing a subsidised mortgage. This generosity was welcomed by those able to obtain such property, it created a demand and an aspiration which could never be met. We have not learned from our previous mistakes. Having said all that, there is no mechanism in the Plan for fixing the price of a so-called affordable home other than, and I quote: "The eligibility of households to access affordable housing shall be determined by their assessment through the affordable housing gateway. The price, therefore, will be determined by negotiation between the developer and the potential purchaser with those who have access to private loans or gifts from family or others having obvious advantage to pay more than others." Equally, there is no mechanism in the Plan to ensure that the so-called affordable homes are not lost to future eligible households. The Plan states, and I quote: "Conditions or restrictions may be imposed to ensure that the benefit may be recycled or retained." Not "will": "May be imposed to ensure that the benefit may be recycled or retained." There is no requirement for such conditions or restrictions or any advice in the Plan on how, if they were imposed, they might be enforced. I repeat, it is the role of the state to deal with need, not create an insatiable demand. The Plan, I suggest, is well-intentioned but significantly flawed. May I remind Members that if the Plan is approved and amended it becomes our policy, States policy, to acquire these Green Zone fields by compulsory purchase, if necessary. That opens up a whole new can of worms and I wonder if it is even legal. I say that because compulsory purchase powers come from the Planning and Building (Jersey) Law 2002, Article 119 which reads: "The States may acquire land by compulsory purchase in accordance with the Compulsory Purchase of Land Procedure (Jersey) Law if the States are satisfied that the land should be acquired for a purpose of the law specified in Article 2." Having read that, I went to Article 2 and that says: "The purpose of this law is to conserve, protect and improve Jersey's natural beauty, natural resources and general amenities, its character and its physical and natural environments." By threatening to compulsorily purchase Green Zone fields it appears that we could be in flagrant breach of the Planning Law, and I will leave that for the Minister to consider with the Attorney General at the appropriate time. I will turn now specifically to the 2 sites, the subject of this amendment. Both of these areas are in the Green Zone. We had a good debate about the Green Zone earlier this morning. It is a zone which offers the highest protection against development outside of the Coastal Zone. Samarès Nursery also has, I understand agricultural conditions attached to it, which I am surprised the Planning Department has not enforced, bearing in mind the current high demand for agricultural land. Samarès Nursery was afforded Green Zone status only 3 years ago by a unanimous vote at the States, effectively on the proposition of the now Chief Minister, Senator Ian Gorst who was, of course, a St. Clement Deputy at that time. It is incredible, is it not, that we are even contemplating a change at this stage when even housing need remains unproven as I show in my report, and I will emphasise later? The Le Quesne Nursery field has been in the Green Zone even longer and what we should be asking ourselves is if these sites did not have glasshouses on them and they were not in a superficially ruinous state of repair, would we even be considering rezoning them from the Green Zone. The photograph of the Le Quesne site in the appendix to the Plan - unfortunately that part is not numbered, so I cannot direct Members to it - is misleading in the extreme as it does not show this Green Zone field in context. So I ask Members to look at the photograph on page 5 of my report

and amendments. I hope from that that Members will see it is clear that rezoning this field would be a monstrous incursion into the Green Zone, a wedge of massive proportions into a neatly rectangular set of fields. If we can rezone that field, how will it be possible to resist developments on the fields to the south, north and east of this proposed incursion? What we would be doing would be planting a States rental estate slap bang in the middle of a group of Green Zone fields, with no additional amenities either social, educational or recreational. This has got to be absurd. Some of the area proposed for development is on Samarès Marsh and therefore by nature the ground is soft and the water table high. Overdevelopment in this area has already caused flooding issues, particularly in the most recent development which was on Field 40 which is adjacent to the Samarès Nursery. The Gardens of Clos de la Mare are now also experiencing flooding, even during periods of modest rainfall. It is also suspected that this overdevelopment in the area and therefore the additional surface water generated has already been the cause of undermining of roads in the area, Rue du Maupertuis, in particular, which has collapsed several times during the past 5 years. To date, even after 5 years, Transport and Technical Services have been unable to lay a new sewer. Their investigations have found that the ground in this area becomes very mobile when disturbed, to such an extent that even laying an open-cut sewer could cause a risk to adjacent properties. No solution, to my knowledge, has yet been identified. Yet Planning are suggesting that we build another 200 homes in this area, pour more concrete over the marsh, create more surface water problems. More development in the area is more surface water entering the marsh and threatening the integrity of the roads and the sewer network. The owner of one field also adjacent to the proposed site is extremely concerned for the surface water drainage from his field which currently goes through Samarès Nursery, once it is built on will have nowhere to go; therefore will back up and eventually breach the bank, threatening to flood any new homes in the proposed site. Additionally, the main surface water drain from the nursery flows into the canal running through Samarès Manor gardens, a proposed site of special interest. If a nursery is developed the drainage will be sufficient and cause flooding for the gardens, nearby housing, St. Clement golf course and perhaps threaten the Manor itself. The Minister will almost certainly argue that it would be down to the developer to resolve the surface and foul water issues. I know he will probably argue that because he told me that is exactly what he is going to argue. But that cannot be right, particularly as it was the responsibility of the developer of Field 40 to resolve those issues when those homes were built. He failed; he failed because it still floods there and around there. How is it reasonable for a developer whose nature will be to do the job at minimum cost to maximise profit, to be given the responsibility to resolve an issue that our own experts so far have been unable to do. I would add, the area around Samarès Nursery is almost certainly a site of archaeological interest, as is confirmed in the current Island Plan. In living memory residents are aware of a significant number of standing stones being on the site before the glasshouses were erected, some of which were destroyed. It was understood that the largest were buried intact in the centre of the glasshouse development. Ideally these monuments should be found and if possible re-erected. I am also told that it is probable this area has important archaeology from the Neolithic and Bronze Age period. I said earlier that the rezoning of these fields is not necessary. This is a simple matter of mathematics. Between now and 2020 the Plan anticipates an overall demand for homes of 3,300 in number, compared to a conservative estimated supply of 3,700. These are not my figures; they are in the Island Plan; they are the Minister's figures. The Plan is therefore proposing an oversupply by some 10 to 12 per cent, and this before taking into account the additional homes that would be provided in a scheme to support Parish vitality in the northern and central Parishes. Now, it is interesting, is it not, in the Plan there are no affordable homes expected to be provided in St. Helier. Yet only last week, Jersey Gas, I think, presented to the Planning Department a plan for 298, or let us say of round figures, 300 affordable homes in town.

[11:45]

That will provide half of what the Minister for Planning and Environment is trying to achieve, and these are not included in the Plan and in the figures. So there is a bonus for the Ministers for Planning and Environment, and Housing, there. Equally it must be absurd to consider building in the Green Zone with its high protection when we have, according to the last census, over 3,000 domestic properties lying empty. I accept, and I know, that many are empty for legitimate reasons. But of course many are not. All we have to do is harness 10 per cent of this wasted resource and we have removed immediately the need to take the easy route of destroying the Green Zone. I cannot believe that that is really beyond our wits. There are other potential sources of housing supply which have been totally ignored in the Plan. For example, Field 145 in St. Clement, which is in the Built-Up Zone, ear-marked in the 2002 Island Plan for Category A housing, but totally ignored in this Island Plan. Why? We are not told. It seems this site is earmarked for Category A housing. The Minister is prepared to ignore it but he wants to potentially compulsorily purchase sites in the Green Zone. Surely if we are going to do our job properly and responsibly, if we are going to compulsorily purchase anywhere, we compulsorily purchase sites which are in the Built-Up Zone already earmarked. That just makes more sense to me. Additionally the potential yield from the Jersey College for Girls' site has not been included in the figures in the Plan. Are we now to abandon that resource which is much better, a much preferable location for housing than Green Zone? These are the options which should - and I would say must - be utilised before Green Zone land in whichever Parish it might be. I say compulsory purchase built-up area before we start compulsorily purchasing Green Zone. It is inevitable that despite the size of these 2 sites in St. Clement it will be claimed they will never again be used for horticultural or agricultural purposes. While there is hope value for housing development this might be the case. But of course that also depends on the economic situation at any given time. With food prices around the world rising, it might be in the not too distant future we will be looking for areas such as these to sustain our own population as far as food is concerned. Increased food prices may well make Samarès and Le Quesne Nurseries viable again. In fact, that time might already have arrived because in October 2009 the United Nations told us that to feed the world's increasing population food production must increase by 50 per cent over the next 20 years. From my own knowledge and experience it is certain that Jersey growers are ready to play their part in the expansion of this vital industry. It would be verging, I suggest, on the irresponsible to destroy potential sources of food to create homes which according to the Minister's own Plan are not required. Despite this perceived wisdom that there is no demand for glasshouses these days, the facts show exactly the opposite. There is an unfulfilled demand for glass for the growing of flowers, plants and even potatoes. Growers were openly advertising for land as they were unable to find sufficient for their 2011 and 2012 crops, and some were even considering planting their Jersey Royals outside of the Island. This is crazy when land resources such as these nurseries, on which relatively modern glasshouses exist, built in the late 1990s, are lying idle. To compound the nonsense, Planning have recently had to deal with applications to create new glasshouses in other places - perhaps becoming potential housing sites in 10 to 15 years' time. But applications are being received for new glasshouses. But even if there were no demand for them as glasshouses, it would be cheap and quick to return the sites to agriculture. All of the glass has already been removed; the foundations and hard standing are very shallow. I suspect it would take only weeks for the frames to be removed, the footings dug up and removed and the land restored to its proper use. It has been done in other places; there is no reason why it cannot be done in St. Clement. Alternatively, being situated where these fields are, close to recent developments with post extant gardens, the demand for allotments in this area is bound to grow. It is recognised that some investment will be needed to create allotments on these sites, as it will be for any site near the urban area, but I suggest it would be a much more appropriate and acceptable use than creating 300 homes which, I repeat, we do not need. Indeed, Planning's policy or lack of it on garden-grabbing is going to increase the demand for allotments as more and more gardens have concrete poured over this important private amenity and growing space. I mentioned

the lack of facilities incorporated in the Plan despite attempting to increase St. Clement's population by 10 per cent. I have had a look at the education facilities in the Parish. In addition to Le Rocquier Secondary School which has a capacity of 900 pupils and a current cohort of 881, St. Clement has 2 States primary schools - Samarès and St. Clement. With so many families decanted from this estate during its redevelopment, the numbers attending Samarès School have reduced. But it is now increasing again as each phase of the redevelopment of Le Squez is completed. So from Reception to Year 6 this school has a capacity of 364 pupils. Currently it has 272. Therefore there is an availability of 92 spaces. Being a one-form entry school, St. Clement has a maximum of 182 pupils and a current cohort of 179. Their teacher advises me that in recent years they have not been able to offer places to every child who lives in the catchment area. If these 2 sites were to be developed in line with the Plan and the 56 new homes are provided at Le Squez because of the increased density policy, some 321 homes come into existence all at the same time. It is, I think, reasonable to assume an average of one child per household, perhaps even that is an underestimate. It is difficult to see where these children are going to be accommodated. We are not talking about one or 2 Portacabins added to our existing primary schools. What we are talking about is a fully fledged 2-form entry primary school. Where in the Plan does it tell us where these young people, these 300 young people, are going to be educated? This is not a Plan; it is just a plonking of houses in the Green Zone. Traffic is an issue. I am getting an increasing number of comments and complaints about the build-up of traffic, both along, I was going to say La Grande Route de la Côte, but I think these days I just have to say Grande Route de la Côte, have I not? Also Grande Route de St. Clement. This traffic is often stationary for long periods, always noisy, probably unhealthy and will only be made worse by more building in the Green Zone. Environmental Health has commented on this proposal. They say the noise environment for a significant number of existing residents will deteriorate. It is recommended that a noise impact assessment is completed prior to determining the site to reclassification. I have not seen the noise impact assessment, so I do not even know if it has been done. But Environmental Health tells us that we should not even be considering these sites until that assessment has been done. Surely it makes more sense to revitalise the town's unused areas, the former commercial activities, with social housing where from the residents can access on foot their places of work, their schools and the many other social and recreational facilities that St. Helier has to offer. I think again of the J.C.G. (Jersey College for Girls) site on which we are planning no social or affordable housing and I think now of the Gas Works site. Surely we are going to grab that opportunity with both hands with 300 homes not included in the numbers in the Plan in town. Finally, I hope Members can be in no doubt that many residents of St. Clement are becoming more and more distressed about development that is occurring and has occurred in the Parish, and even more by some of the totally inappropriate style of development that has been permitted in some cases. Rue de Jambart is a very sad example of a traditional country lane being ruined by urban standards being imposed upon a rural community. I said earlier that neither I nor the Parish are opposed to development. We are opposed to large-scale, inappropriate development, especially in the Green Zone. St. Clement is often spoken about these days as an urban Parish, and despite the excessive development that has taken place within its boundaries over the years, it remains culturally and in much of its area, physically rural. I look to the States to help keep it that way. I ask that Samarès Nursery and Le Quesne Nursery be removed from the list of potential sites for rezoning on the grounds that it is not necessary, it is inappropriate and it would overburden a Parish which has already contributed more than its fair share of the housing division for Jersey's population. I move the amendment.

The Greffier of the States (in the Chair):

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

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

With dread I almost follow the Constable's speech. As you would expect, as the Minister for Housing, I am going to concentrate on the need for housing. I will cover some of the issues that the Constable has raised, but I am sure my colleague, the Minister for Planning and Environment, will cover the planning issues. The need for affordable homes remains critical. This June, the Gateway statistics - and remember that these statistics are drawn up on a very tight criterion - in fact, a criterion that is too tight according to Professor Whitehead when she carried out her survey on social housing. The June 2014 Gateway has 863 people on the highest priority bands; 863. These people are homeless or under eviction notice or have urgent medical conditions or are in overcrowded conditions or have special needs. This is not some figure I have just plucked out of the air. This is not a figment of my imagination. These people meet the criteria to come on to the Band 1, the most urgent list in Housing. In short, we have a large number of people needing housing but the figures I quote are only the social housing. There is also a need for affordable-to-buy. This revised Island Plan provides adequate homes to start to address these needs. It relies on States-owned sites and the rezoning of a limited number of sites to provide short-term supply of much-needed homes. These sites are supported by the expert and independent planning advisers who undertook their examination in public. Indeed, they were clear that if these sites are taken out then other sites will need to be put in. Members need to reflect on that when considering today whether to accept this amendment or not. The inspectors were equally clear that we are here today because we failed. We failed last time to take these difficult decisions in the 2011 Plan. We ducked the challenge last time and we find ourselves back here again far sooner than we should have done. We have a clear demand for social housing and we have an expert view on how to achieve the supply we need. While we may debate this amendment at length I can see no way of avoiding these facts. Indeed, the Housing Gateway has remained at an unacceptable level for a number of years. Should this amendment be adopted it will result in the loss of 250 plus homes and represent 25 per cent loss of supply as identified in the Island Plan.

[12:00]

Let us be in no doubt this will have major consequences in limiting our ability to meet the needs of householders and the needs of those on the Affordable Housing waiting list; 800-plus families who are homeless, who are overcrowded or under eviction order or are disabled. These are real people. Both the Samarès and Le Quesne sites have been put through a thorough consultation process and have been subject to expert review by, as I said before, the independent planning inspectors who have fully endorsed these sites. I would like to just quote for a moment from the inspectors' report. This is what they said, their words, not mine: "When we considered the Samarès Nursery previously we concluded that it was a good site. Having now reconsidered it we would go further and suggest it is the best site before us for consideration." Are we seriously saying that we should reject, in the light of this 800 plus families, the best site that is available and if we do what will we put in its place? I do not want to dwell too much on the Constable's detailed reasoning for admitting these sites because these were thoroughly examined by the independent inspectors on more than one occasion and they were clearly satisfied that these sites are suitable. They did not identify a problem with traffic or with schools or with drainage that could not be solved. I would say on the school one that we are not going out there and creating new children. These children are being educated somewhere now and it is not unusual in town, for example, for children not to be able to access a school within their catchment and go to another one. These children exist. We are not creating new children by housing people adequately. Andium Homes have been carefully considering these sites and, while recognising that work needs to be done, they are confident as to their viability. As for the argument that there is a demand for glasshouse sites, these sites have lain unused for many, many years. Many years. I have not seen or am not aware of people queuing-up to use these sites. But I want to concentrate on the need for these homes and the "affordable housing" definition. I have worked very closely with the Minister for Planning and Environment in

developing the definition of affordability. Having done so, I believe that we have got a fit-for-purpose definition of affordable housing, focusing on households below the medium income who are on the Housing Gateway. This definition does not rely, as in the past, on a person simply being a first-time buyer because we all know you do not have to be on the lower income to be a first-time buyer. That is where the system was flawed before. Affordable housing will go to those who meet the criteria. In this way the Gateway can target homes towards those most in need and in doing so avoid excessive uplifts in value by capping the value of homes on this site. I know the Constable is sceptical about that but affordable homes sold as affordable homes must remain as affordable. I know the Minister for Planning and Environment, the Council of Ministers and I are at one with this; you cannot sell an affordable home to somebody at one price then see it on the market at full market price within a year as we have seen before. This is not new, this is being done in the U.K. already so I am confident that we at the S.H.U. (Strategic Housing Unit) working with the Minister for Planning and Environment who is a member of the S.H.U. can see this through. We have to be flexible, we have to be responsive, and we can prioritise people on the Gateway, such as those living in a Parish, by giving priority to Parish sites. I have suggested this at the examination in public but more than suggested it, have done it for Parishes such as St. Saviour and, on one occasion, helped out in Trinity as well. I would be more than happy to enter into discussions with the Constables about this as it would likely enable a greater sense of community and interaction on these sites. The need for affordable housing on this Island is acute; it has been acute for many years. We should not be in any doubt about this. We should also not be in any doubt as to which sites are the best. The independent inspectors tell us, and we are back here again because we ducked the challenge last time. They were clear, these inspectors, in recommending Samarès and Le Quesne sites should remain in the Plan. They were clear last time. They went on to say, and I am quoting directly from their report: “Should the States fail to support any or all of the sites proposed in H1, alternative readily-implementable sites should be immediately brought forward.” The inspectors indeed say that these sites should have been rezoned in 2011 and I concur with that. In short, their findings strongly support this revised Island Plan. They believe the estimates of demand to be correct, they believe the estimates of supply to be reasonable, they believe a lower figure for supply would be unacceptable and they believe the 10-year split is well-founded. I agree with them but these are not my words, these are the inspectors’ words, the experts. Having said all this, we cannot always see rezoning as the answer. We made an effort in the 2011 Island Plan to avoid rezoning and to focus on States-owned sites and brownfield sites. On reflection, this was unrealistic even if the sentiment was right. For the long term we need to find innovative ways of housing our population. We need to be serious about limiting migration. The Interim Population Policy we have adopted is a step in the right direction. A step in the right direction. So is the work that we are doing on the Housing Strategy, so is the work of the Minister for Planning and Environment on visions for St. Helier, making it a better place to live. I see these problems: we have a short-term problem, then we have a medium-term problem and we have a longer-term, if you like, solution. The short term is we have got 800 families in need of social housing. That does not count those that are able to house themselves that may have other aspirations. We have over 800 families at the highest priority. We need to solve as much of that as we can in the short term. In the medium term then sites like the police station become available; that is moving in the right direction. In the long term as town moves perhaps west and maybe south-west, then we need to regenerate St. Helier but that is some time off. We have 800 families plus in need of housing. Not next week, not the week after, but now, but today. We need homes now. These decisions are never easy. We have evaluated fully the ability to deliver on existing States-owned sites and these are included in the Plan but we need to rezone sites too. Rather than say too much more, I went back in time, I went back to a debate on rezoning in 2002, before Hansard, so I have got a tape-recording in my bag. There is the Constable of St. Clement saying: “We all know that the only solution is to create more supply and to create more supply we need to rezone more land for housing. It is not if

but when” and he is absolutely right. Unfortunately, nothing has changed since 2002. We still have the same problem. He went on to say: “It is understandable that the Constable of any Parish would oppose further development” and of course that is where we are today. He also went on to say that homes must be found and to do so we must be honest and find sites for these homes. I am not suggesting that the Assembly has not been honest but I think we have ducked the issue time and time again. Consequently, we have always had an unacceptable waiting list but never, never as high as it is today. The Constable’s points are relevant today as they were then. So let me just conclude by reminding Members the way I started: 863 households on the highest priority bands on our waiting list today; 863 households who are homeless, under an eviction notice, have urgent medical conditions, are in overcrowded conditions or have special needs. We have to have the courage, we have to have the vision and we have to give these Islanders some hope. I urge Members to reject this amendment.

Deputy J.A. Martin:

Can I just ask the previous speaker for clarification? He said he has a tape in his ... no, no, it is serious, with the Constable in 2002. The Constable was not the Constable of St. Clement then. Could he remind the House what hat he had on? Was it when he was Minister for Housing, Senator or a Deputy?

Deputy A.K.F. Green:

I am not sure whether it was Senator or Deputy but it certainly was Minister for Housing.

Deputy M. Tadier:

I think he was a Senator at the time, was he not, which meant that he had Island-wide responsibility, not just looking after one patch of the Island as he is perhaps being accused of today but I will give way ...

The Connétable of St. Clement:

Well just for clarification’s sake, 2002 I would have been a Senator but I certainly was not Minister for Housing with any involvement at all with the Housing Department at that time.

Senator L.J. Farnham:

It was still a Committee system in those days.

Deputy A.K.F. Green:

The fact is, it is not a tape, it is one of these memory sticks, but it has got the debate from there. It is 2002, it is definitely Constable Norman in whatever role, but definitely the quotes are correct.

The Greffier of the States (in the Chair):

Senator Norman at the time, yes, but he has clarified he was not the President of the Housing Committee. Deputy Tadier.

Deputy M. Tadier:

If it was not a tape, was it a gramophone record? **[Laughter]** No, it is not that far back.

The Greffier of the States (in the Chair):

A 78, I think. **[Laughter]**

2.12.3 Deputy M. Tadier:

I agree with, I think, most of the comments that were made by the Constable of St. Clement. I think it is a slightly more complex issue and I will develop some of these ideas. But I have an

enormous amount of sympathy coming from what I would call another suburb and Parish but certainly the part I live in is essentially urban. If you look at the concentration of population on an Island map, if you can get hold of them, there is obviously St. Helier, St. Clement and then you have got a very dark spot which is focused on Les Quennevais and Red Houses. That is a double-edged sword to live in that kind of place because on the one hand you are always battling with, if you like, being over-successful, it is a place where people want to live; it is near all the amenities and facilities. Of course the limited green space that we do have, you just see it constantly being eroded. So up towards the airport, I am not criticising this, but you see field after field just being moved up and hopefully it will not come to the point where there is just a massive concrete strip running right from Red Houses to the airport with no green visible in between. A lot of sympathy for the Constable and no doubt the Deputies of St. Clement in wanting to preserve some open spaces, some agricultural areas, at the same time while not being N.I.M.B.Y. and acknowledging that appropriate development is needed. My concern is, and this is something perhaps that the Minister for Planning and Environment can address, is that I think it is disingenuous if we were to stand up and say we do not need more housing, we do not need more affordable housing, more social housing but I am not necessarily convinced that this is the best way to do it. To eat into the green areas, to eat into the agricultural areas is not the best way to do it. First of all, I will jump my list, the key thing is the population. We cannot duck that issue. When this Assembly makes deliberate policy to increase the population very, very much so, not just a little **[Approbation]** ... not simply to say that we do not want to have a closed-door policy but to say: "We are predicating our economic model in the short term and in the longer term on constant growth" then we have to deal with the consequences of that. As a St. Brelade Deputy, but also as somebody who has sympathy with St. Helier and the other urban areas, it is not fair to say to these areas: "You must always be putting high-rise development, squashing people into your areas which are already over-developed", so we have to deal with that contradiction. At some point we need to accept the fact that we live in a small Island with diverse needs, with a diverse economy but that we have finite resources and, more importantly, finite space.

[12:15]

When it comes to greenhouses, maybe I am naïve, and it is not an area of speciality for me, but I would say that if you have a greenhouse, you either maintain it, or if you cannot maintain it you get rid of it. Just take them down. The Minister, I thought, had the power to direct that. Not simply to allow people to hang on to dilapidated greenhouses or in other cases dilapidated buildings whether they are commercial or not and then to say: "Well, we know we have got a housing problem but we will turn a blind eye to that. We are going to look for new sites, new development which is going to eat into the Green Zone. In the meantime, you need some more housing? We could perhaps develop this site." What is the uplift going to be? Who pockets that profit? It is just not a healthy policy. We see that right across the Island, whether it is Plémont, whether it is this old hotel that is standing down at Portelet; there are lots of examples. The Minister, I would have thought, has the responsibility to say to them: "That building has been standing there for x amount of time. You either have to get rid of it or, if you cannot afford to do it, sell it. The States might even buy it off you because we can do with a bit of green land, we can do with a bit of development space" and under those conditions you will soon find that the money will become available. It will either be sold or they will find money from somewhere to do that. So if it needs a change in the law, and it is something I have looked at ... and the other issue is with uninhabited or dilapidated properties. There must be something we can do, either in the rates system or in the tax system, to say that if you are leaving these properties standing there, knowing full well that we have got a shortage of housing and affordable housing, it is simply not in the public interest to do that. We as a Government must act. We as an Assembly must act and the Government must act because for too long we have been deficient in that area. So I think those are the main considerations. If it is

affordable housing, I just wonder if we really have grasped the nettle with affordable housing because it is all to do with the distribution. All houses in Jersey are owned by somebody or some entity. They are all owned, the problem is the ownership is not distributed necessarily in the optimum way. If we truly believe that everyone should be a home-owner or that we need to aspire towards home ownership, then we need to do something. We cannot leave it to the market because the market clearly does not work in a small community. We need to find innovative and perhaps radical ways of saying that if we do want people to be self-sufficient then there are alternative ways to do that. If we do genuinely want affordable rental properties, there must be ways of doing it rather than simply the old, tired, conventional methods which do not work, which put a burden on supplementation via our income support system. It does not help anybody and it leads to dependency. So what I am saying is absolutely support the Constable of St. Clement's amendment. We have only been debating Plémont less than a month ago. We know the importance of protecting open spaces. We cannot simply say it is right to protect them in one part of the Island but not in another part of the Island. So my question to the Minister for Planning and Environment is: to what extent have we got this right? To what extent is the plan for housing and affordable housing, *et cetera*, balanced with all the other competing strategic aims? Is it a long-term plan or is it just again short-termism and to what extent should we be looking for alternative policies and out-of-the-box thinking going forward?

2.12.4 Deputy R.C. Duhamel:

Many Members will be aware that I speak in relation to this amendment with, some would say, a lot of reticence but I do so to respond to the task that I have been set as Minister for Planning and Environment and in response to the need to deliver affordable homes. I am certain that the Constable approaches his task of bringing the amendment with similar sentiment, together with a sense of duty to his parishioners. By this, I refer to his speech from the 2002 Island Plan debate when he was proposing the rezoning of 3 sites in my Parish of St. Saviour. Some of the things he said are: "We all know that the only solution is to create more supply and to create more supply we need to rezone more land for housing. It is not if, but when." Secondly: "We all say that homes must be found but what we have to do is also be honest and find the sites for those homes." He went on: "I can understand that very strong feelings, very strong emotions come to the surface but equally there are very strong feelings among the people who are desperate for homes. Now we have got to think of our priority, our responsibility to those who need homes rather than those who are already well and appropriately housed." I am sure that no one among us will argue that we do not need affordable homes in Jersey and some comments have already been made to that effect. I refer to my introduction to the debate, the Island Plan debate: "A robust body of evidence that supports this assertion and my housing strategy in this revised Plan sets out in some detail the level of housing demand that needs to be met and the overall level of supply that might be found to meet this." I freely and openly acknowledge that the level of provision I am providing generates a surplus of about 150 Category A affordable homes and that this provides a contingency of about 15 per cent. But do not let it be argued that we do not need to allocate all of the sites set out in my revised Plan because we have got enough affordable homes. When have we ever been in a position in this Island to say that we have had enough affordable homes or indeed, in some instances, any? Let us not deny that our eligibility criteria are currently very narrow and that there are people out there in housing need who, by virtue of age, marital status, or family situation are denied access to social housing presently. My argument will not be about how much provision I am seeking to make because I believe that there is plenty of robust evidence there to support it. Our discussions should not be around the need to release this site or that site. All of the sites are important and if they are not all supported then Members should be clear that the level of supply that can be provided by the Plan will be deficient when compared to the anticipated level of demand up to 2020. So the critical choice before the Assembly today is how we want to meet the need for

affordable homes that the Island faces. It is easy to say that we need affordable homes; it is much more difficult to decide how we are going to deliver them. Simply put, there are 4 options to deliver affordable homes. First, we let the open market supply all of them. Second, we could require the open market to provide affordable homes as a proportion of its open market supply. Third, we could encourage the provision of affordable homes by specifically zoning private land for this purpose only. Fourth, we can provide it on our own land. It is clear that the first option involving a reliance on the open market does not work in Jersey currently and we have a range of social housing providers to fill part of the gap in provision. Policy H3 of the 2011 Island Plan sought to require a proportion of affordable homes to be provided off the back of the open market housing delivery. This policy though was strongly resisted and has never been implemented. Having exhausted the first 2 options we come to the third and fourth involving the rezoning of private land and the development of public land for affordable housing provision. I am very much committed to the latter. The development of the public land for affordable housing provision provides us with control of provision and enables us to explore with more creativity a range of different housing forms and products. The Housing Strategy and my proposed changes to the Plan are heavily focused on the delivery of affordable homes on States-owned land which is where there is a possibility of providing more than 70 per cent of what is required or more. It is evidence, however, from where we are now that the majority of affordable homes that could be provided on public land will not be delivered until the latter part of the Plan period, towards 2020. It is not until then that we will see some of the larger sites starting to deliver significant numbers of affordable homes on publicly-owned sites such as Ann Court, La Collette low rise, the former Ambulance Station and the Summerland sites, to name a few. It may even be that Andium Homes will now also be able to procure other development sites to deliver more Category A affordable homes to supplement some of the sources already identified over the Plan period which of course can only be welcomed. I am hearing stories just this last week that this is beginning to be the case. The issue therefore before us is what do we do in the short term and what do we do now to help address the needs of real people who are in housing need now and probably have been since 2011? My housing strategy sets out a limited level of provision to help meet this short-term need through the rezoning of 4 former glasshouse sites. Two of these are in St. Clement - Samarès and Le Quesne Nurseries; one is in St. Saviour at Longueville Nurseries; and one is at De La Mare Nurseries in Grouville. These sites can provide about a quarter of the overall requirement for Category A affordable homes and they can be provided in the short term because they have willing owners who are prepared to release and develop the sites for much-needed homes should the Assembly be minded to approve them. All of the sites have been through a robust site-assessment process and have been open to public consultation. All of the comments received have been subject to independent review by planning inspectors and the Connétable presented his representation to them at the examination in public. In it he raised many relevant issues relating to the capacity of the local infrastructure to deal with further development in St. Clement related to the traffic, sewerage and schools, to name but a few. These are all relevant concerns but they are concerns which I think could be overcome and addressed either through the planning process or through the management of infrastructure provision. Similar issues have been presented in opposition to previously zoned sites but have been satisfactorily resolved. The La Providence scheme at Goose Green Marsh is a good example of this specifically in relation to the flooding potential. They are all important issues but they are not fundamental to the question of whether this site should be rezoned and released for development. The suitability of these sites has been robustly tested through the process of consultation and independent review. In the case of the Samarès site the inspectors say: "When we considered the Samarès Nursery previously we concluded that it is a good site. Having now reconsidered it, we would go further and suggest that it is the best before us for consideration." I am committed to ensure the delivery of homes in a place that can become part of a community. I want people to feel that where they live, they have a sense of place and identity and they can belong

to it and put down roots. I will seek to do this by ensuring that these rezone sites, if agreed, have access to a full range of services and facilities through the preparation and adoption of a development brief for each site. These briefs will set out the requirements for the provision of amenity space, footpath links, cycle paths and any other infrastructure that is necessary to support the development of the affordable homes. In the case of Samarès Nurseries, this site is of the scale where development here can create its own identity and character. The other sites will need to be integrated into the existing fabric of their own localities. So, in conclusion, the Assembly today has a choice about whether it chooses to endorse my housing strategy and the rezone sites that form part of it. The strategy is predominantly based on the regeneration of existing housing estates and the development of public land for affordable housing in the urban area. It is supplemented by the limited release of a small number of rezone sites on former glasshouse sites and these are needed to meet short-term supply. The Assembly could decide to choose to take the risk of endorsing an Island Plan today that has an insufficient range of policy tools to deliver affordable homes or fail to supply a sufficient number of homes relative to the anticipated demand. If that happens, then so be it. It will not break the policy and I have to be clear in that; it will just heighten the opportunities of Andium Homes and all those others connected with home provision in the Island to be more creative in the areas that we already own.

[12:30]

That was one of the reasons why my amendment 12 was put into the proposals at an early stage, to make it abundantly clear that the solutions are pretty much within our own hands. If indeed the Constable were to be supported, one outcome will be that there be a reduced short term supply of affordable housing and in the event that an additional yield on States-owned sites were not to be secured - and I think that perhaps it could be - we will need to revisit that issue and, undoubtedly, any other sites once again and perhaps sometime soon. In that regard, I have a request to the Constable when he eventually sums up. Some comments are being made that there is a qualitative difference between the 2 sites, that perhaps the Le Quesne Nursery site is less well placed in spatial terms and we have the Constable himself refer to the fact that it does stick out like a sore finger into a Green Zone area. I think he is undoubtedly right and perhaps one other comment he made was that if no glasshouses had been offered, would we be considering the development of this particular site and its relationship with the communities that are next door? I think he has a point in relation to Le Quesne Nurseries, perhaps we would not be and it does not necessarily represent the best potential site that could improve the community and neighbourhood facilities of the other buildings in that area. We only have to look at the map and the Plan reference to see that there is a sizeable green space area to the south, which will obviously change in character. It will no longer be open agricultural land; it will presumably be considered in terms of further amenities for the people who are going to be housed to the north or indeed perhaps as a future site for expansion of that particular village location in ways that were not considered when the plans for the Jambart Lane development were looked at. Secondly, the site and spatial location of the Samarès Nurseries is probably a little bit more favourable being next door to a whole range of established rented accommodation and other private accommodation and close to other facilities. I do think that from a planning perspective, there is a quality difference between the 2 sites and would ask the Constable perhaps to consider over the lunch hour, when we get to the summing up, as to whether or not there is any possibility of asking for a separate vote on both sites. A couple of other points that he made that I think I must respond to. He did mention that the Girls College in the proposals that are coming forward did not or would not incorporate any affordable homes. I cannot say too much about that application because it is due to be determined by myself at a future date but what I can say is that of the proposed 183 residential units, some 75 are being suggested as potentially available for social-rented purposes either through one or other of the existing housing trust facilities. So the Constable is not right to say that no affordable housing is available in that scheme. Indeed, if my proposition

goes through in the Third Reading, then specific attention has been drawn to the incorporation of the Girls College site to allow me to specifically require that the whole or part of it be used for affordable housing purposes. Affordable housing purposes, as people will know from the tight definitions that have been put forward as part of our proposals, includes not just provision for people to rent but also provision for people to purchase. There was a debate that I thought might have been had with the inspectors but it did not materialise and that was a question as to the split between rented accommodation and assisted housing for purchase. On the basis of the figures that have been put forward, the suggestion was that 80 per cent of the provision should be for rental and 20 for purchase. Those figures are not fixed and will be allowed to migrate upwards or downwards according to the requirements and demands that are made by the population into the future. I think also, one last point; there was a question about sale restrictions. We were fortunate enough to have a U.K. company present to us at the seminar to look at urban regeneration in the town in the built-up areas and one of the companies did indicate in very good terms that by the imposition of the section 106 agreements, which are our planning obligation agreements, there was the opportunity to restrict the onward sale of any affordable homes units to ensure that those units remained in perpetuity as part of a pool of homes to serve affordable home needs. That is part and parcel of the proposals and indeed further work is being undertaken to determine the best way of applying those obligations, whether it be through the Minister for Planning and Environment or through other legal means. In answer to Deputy Tadier, and I am just looking at what he said. He says: "To what extent is this the right plan or is it just an example of short-termism?" I think it probably is an example of short-term thinking because that is really in essence what we are asking for. It is clear in my mind that the overall strategy seeks to deliver the majority of affordable homes on our own sites in order to assist in making those site offerings affordable and, inevitably into the longer term, that will be where the bulk of the homes are provided. I have to respond to the short-term considerations, which have been put to me by the Minister for Housing and others, in that there will be a period of time where it looks as if the Island is not doing very much in order to address its policies in the way that we have all agreed. So this is why we have the 2-prong approach with the smaller part being suggested that if there is a release of a number of sites, then we can get going on those and the numbers and examples will begin to flow perhaps at a faster rate. One final point, my take on urban regeneration and house building is that it is not just encouraging households to be in a position whereby they are making a speculative development. It is about living in places and providing homes for themselves in ways that they can afford. That inevitably means that we are going to have to have a change in terms of the policy application, whereby in the past it would appear, particularly to some outside observers, that we have really only been pandering to a demand by bolt-on housing estates being built in places that do not necessarily contribute very much to the overall community and neighbourhood aspects of that residential development. So in wanting and seeking to turn that around, it is absolutely right that any sites that come forward have to be considered in terms of their ability to provide community enhancement and neighbourhood facilities in ways perhaps that this Island and Government has not previously applied. If we do not do that then all we are doing, in the words of Deputy Tadier - and he is right - is seeking to extend, by way of short-term thinking, the old style thinking, which has caused a lot of the social problems and the demand and other problems that this Island is seeking to address. This is a difficult proposition. My hands, as people can appreciate from what is said, are somewhat tied but the only point that I can make, I think, is to suggest to Members that if indeed the Assembly thinks that perhaps one or 2 of the sites are better than others and perhaps move towards securing one but not the other, or indeed if the Assembly move towards removing both of them, then I think it would provide a short-term blip in the provision. It would not be a fatal blow to the overall policy, which I think, providing it is supported, would deliver the bulk of the affordable units on States owned sites. So, with that, I suggest we go to lunch. [Laughter]

Deputy M.R. Higgins of St. Helier:

Sir, before we do adjourn, is it possible to seek clarification ...

The Bailiff:

One moment. Let us hear Deputy Higgins first.

Deputy M.R. Higgins:

Yes. Thank you, Sir. A slight clarification from the Minister because he made a point ... I came in... I thought he was going to finish earlier, by the way. Would he explain why it is that the policy we agreed, was it 2 or 3 years ago, on getting affordable housing has not come to fruition and you now say it is going to be the end of the period before those houses, for example on publicly-owned land, will not come forward and why these are so essential?

Deputy R.C. Duhamel:

Yes, Sir. I am happy to do that briefly. It is because we need it to define our terms. I mean, affordability is something that has not really been properly defined previously and the legal mechanisms in order to ring fence properties to ensure that we do not get into speculative positions whereby people are given government grants to purchase a property at an open market value only to find a number of months later that they have sold their properties onwards and achieved a large windfall to the general taxpayers' expense. We needed to find new and proper mechanisms in order to stop those practices, while at the same time opening up the pool and bringing the prices down to make them properly, truly affordable for a greater number of people who could not afford it.

Deputy M.R. Higgins:

Sorry, if I can just have one further point of clarification? Why is it then that there was no thing about the landowners who were going to make ginormous profits? What was done about that?

Deputy R.C. Duhamel:

What will be done about that in these policy proposals is that any land that is on offer, and the land owner is a willing seller, will either partner with Andium Homes or some other body to provide the affordable homes that we are talking about under the definitions that we are agreeing. On that basis, financial arrangements will be arrived at to determine the value of the sites. The other backup facility that we have got is perhaps the opportunity, if any of the sites having been put forward with, at the moment, willing sellers. If those sellers suddenly decide that they do not wish to be willing, then we do have the backup powers that I have as Minister for Planning and Environment to invoke compulsory purchase orders in order to secure a sensible price so that we are not taken to the cleaners and we end up in a position where the houses that are going to be built end up not being affordable in the sense that we have properly defined.

The Bailiff:

Senator Ozouf, did you wish to ...

Senator P.F.C. Ozouf:

I just wanted to ask whether or not it was appropriate to ask the Constable of St. Clement whether or not, at this stage before the adjournment, if he would be willing to indicate his view on the split proposition because that may assist Members in preparing their remarks this afternoon.

The Bailiff:

Well, it is certainly in order to split it. So it is a matter for the Connétable.

The Connétable of St. Clement

I would be quite happy to, if Members wished to, Sir. I have no problem with that at all.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well. So Members can proceed on that basis. Very well. Is the adjournment proposed? Very well, the Assembly will reconvene at 2.15 p.m.

[12:43]

LUNCHEON ADJOURNMENT

[14:16]

The Greffier of the States (in the Chair):

Very well. The debate resumes on the amendment of the Constable of St. Clement. Does any other Member wish to speak on the amendment? The Deputy of St. Martin.

2.12.5 The Deputy of St. Martin:

Up to now we have had amendments which the amender, together with the Minister, have worked together to come to the outcome, and if we ever needed some working together, it seems to me that this particular amendment is one that could have benefited from it. On one hand we have had the most excellent and quite normal speech from the Constable of St. Clement, nearly all of which I would entirely agree with. But then of course, we have heard from the Minister that the site - especially the Samarès site - is the best site that is on offer. I say "nearly agree with" all of the Constable of St. Clement because I have always had an issue with the numbers of houses that we say are coming forward under this proposed Plan, and the Constable claims there is going to be an oversupply or supply over demand. It always has seemed to me that it is ludicrous that we have had the audacity to include the houses at the Summerland site into projections out to 2020. We know that the police cannot move until there is a new police station built. We know we cannot build a new police station until we have put the extra floor on Green Street Car Park. We know that we cannot move the ambulance service until the police have been relocated. We know each one of those phases will take years. To assume in a planning assumption that we have a number of houses coming forward on the Summerland site in the near future is, as I said before, quite ludicrous. The Constable makes a very good case for the efforts that St. Clement's have made over the decades to provide houses of various shapes and forms for the Island, and quite rightly he objects to large scale, inappropriate development in his Parish. He also quotes the need for social and recreational infrastructure and no one could deny that that is a most important part of any large housing development. I would also agree with Deputy Tadier - who is not here at the moment - over greenhouse issues. These are all interlinked. Is the greenhouse site at Samarès a proper Green Zone site? It may be in the Green Zone, but to my mind it is Brown Zone. But Deputy Tadier is quite correct inasmuch as we have these greenhouses, dilapidated greenhouses, around our Island where the owners are just waiting for the opportunity to develop and realise their profit. Whose fault is that? It is our fault. It is the fault of previous States; it is the fault of previous Planning Departments where the policy has never been adhered to properly. One of the things they have in Guernsey which I am envious of is a greenhouse policy which they have stuck to over the decades and they really have stuck to it over there, because if you have a greenhouse you can do 2 things with it: you can grow horticultural plants inside it or you can return it to an agricultural field. You have no other option. The problem we made was a rod for our own back. Over the decades we have allowed dilapidated greenhouses and some not so dilapidated to be turned into huge profits for the owners. So we are not in a good place here. I think I am going to support the Minister for Planning and Environment, but I would urge him if he gets his way with this proposition, to work as hard as he possibly can with the Constable of St. Clement to try to find a way to meet some of

those needs: the green areas, the needs for more social and recreational amenities; to maybe look at reducing the number of units he puts on the site. I will leave it at this.

The Connétable of St. Clement:

I wonder if I could make a point of correction or clarification because I think the Deputy accidentally may have misled himself. [Laughter] He mentioned that the ambulance site, Summerland site, would not be coming onsite by 2020 and that is said in the Island Plan, that the numbers going on Summerland are not included in this Plan.

The Deputy of St. Martin:

I have been misleading myself all my life. I apologise to the Constable.

2.12.6 Senator A. Breckon:

Many weeks ago we had some discussion about the population, what it should be. Some Members supported perhaps a greater element of growth if you call it that, than Deputy Southern's amendments, or indeed other alternatives. In some respects, if we are supporting that then we maybe should support this. Not this amendment, but the actual process of the Minister for Planning and Environment because we cannot have it both ways. I remember not too long ago, when I was a member of an Economic Development Scrutiny Panel with Deputy Southern, Deputy Martin, Deputy Lewis and the former Constable of St. Brelade, Mr. Jackson. We were looking at this as part of E.D.'s (Economic Development) policy and there was a glasshouse exit strategy to put up £3 million for people in the industry in difficulties to do what it said, exit that. It was supposed to be over 3 years: the money was taken in the first year. So somebody somewhere had some money. There have also been other subsidies over the years because of issues with Holland and tomato growing and flowers and other things where subsidies were given to glasshouse growers. There were also capital grants, at low interest rates. The reason I say that is millions of pounds have been poured into these sites over the years. I heard both Deputy Power said this this morning and Deputy Le Hérisier, the owners do not have the money to tidy them up or keep them in good order, or put them back into reuse. The fact is money has been given over the years and perhaps some of that could have been used. The other thing of course is the Minister for Planning and Environment does have the powers to order them to tidy them up, and if they do not I believe from memory it can be done and charged to them. So remedies are there where these things have just been left to stand waiting for the windfall. That is one of the concerns I have about this, related to the Connétable's amendment, because it is not just talking about a decision, we are talking about many millions of pounds for somebody. The difference is significant. There is no problem with the actual development, but the Minister for Planning and Environment has tried to put some safeguards in to take some of the speculation out of this. I am at the moment, undecided about this and I say that because I well know about the need for more affordable homes, whether that is to rent or buy, and I think the balance is right towards the social rent. Some developers may not like that and I think that was a sticking point in some of the sites that already had permission, including perhaps Jersey College for Girls. The other thing is that most recently we referred about 300 homes on the Gas Works' site and that is to be welcome because that was not in anybody's schemes I do not think anywhere. So that is to be considered windfall. We also have a development coming on at Westmount Quarry. The reason I say that is, if there is a good flow of supply then perhaps that will take some of the sting out of the market and make places affordable for people to be able to buy, and that has to be welcome. Somebody else mentioned you also have possibilities in and around Rouge Bouillon in the longer term; perhaps in the next 7 years or so. So I am on the side of supporting more, more, more, but not at any price. That is why I have, with the things I mentioned here, a real problem with whether or not to support the Constable's amendment or to just stay with what the Minister for Planning and Environment is proposing. What I do not

support is speculation, and that is really where we have failed in the past. We have put safeguards in about first-home buyers and made that in perpetuity, but it was not there before. We cannot unbundle that at the moment. I am minded to abstain on this because, as I say, of the dilemma as I said to Members. So that is where I am at the moment unless the Constable of St. Clement can convince me otherwise in his summing up.

2.12.7 Deputy M.R. Higgins:

I am going to be supporting the Constable of St. Saviour on this one.

The Greffier of the States (in the Chair):

St. Clement, possibly. [Laughter]

Deputy M.R. Higgins:

I am corrected, sorry. Constable of St. Clement - my apologies to him and to the Constable of St. Saviour. I should be able to tell the difference between the 2 of you by now. The reason for this is that I have ... first of all I should declare an interest. At one point I rented some property from one of the owners on the Samarès site and we had left the building. But later on - I am sorry. I had better explain the context where I am coming from. I dislike intensely speculation and profiteering by many owners of sites. We know that there are many in the farming industry who did very, very well out of States subsidies, first of all for whether it be storage, farm buildings which they had to have, or for various packing sheds which when they did not want them became dry storage, and they made an awful lot of money out of dry storage. Then we moved on to demolishing them and building houses on them. So some farmers - and I stress some - have made an absolute fortune from this sort of thing. Now on this particular site, I am going to mention the Samarès site in particular, because in the storage sheds nearby the owner allowed many small tradesmen to operate from his business, including carpenters and others who, at very, very short notice were told that their leases were terminating because I believe on a previous occasion he was going to get permission to build houses. Those people were turfed-off the site and incurred great expense at having to find other places and it did damage to their businesses. Now, we all know there is a need for housing, but I do believe that owners of glasshouses, as other speakers have said, should be made to retain them... either improve them. I agree with the statements that the Constable made. The way that the world is going in the future for food stocks, we are going to require all the growing land that we have. Certainly in terms of glasshouses, again that is going to come into its own. I do not believe that we should be allowing these people to move through the system, obtain subsidies, develop things, change the use and eventually turn it into housing and make great profits. So I am fundamentally opposed to any site, whether it be the ones at St. Clement or any other, where that is taking place. We say we value green land, but equally when farmers ... it was a greenfield site before the glasshouses were put there, before the storage sheds were going to be put there. It is just a way that some people have circumvented the system. So with the knowledge that I have of the way that the people were treated on that site, I must say I find it very, very difficult to vote for this proposition and I also am opposed to the idea of the profiteering that has been made.

[14:30]

I remember Senator Ozouf in some of the debates that we had - I think it was 2 or 3 years ago - was going to try to bring in proposals to claw-back the money. In the previous Island Plan debate we were told that we could not impose all these sorts of requirements they put in the affordable housing and so on. We need to claw the money back through the tax system, whether it be a capital gains tax on these land transfers, and then maybe it might be acceptable. As far as affordable housing is concerned, I have been told that if we lose these one or 2 sites it will not make a significant difference at this time. There will be all sorts of gloss put on it by different individuals; I notice Senator Ozouf is shaking his head and no doubt he will be arguing the case for these 2

sites. But the point is the States needs to get ... I am sorry, I was going to use an unparliamentary expression about digits and what he should do with them, about moving forward and trying to get some of the States-owned land turned into developments as soon as possible.

2.12.8 Deputy J.A.N. Le Fondré:

I wish to commiserate with the Constable of St. Clement on 2 reasons. One very serious, because obviously the level of violence he has received in his Parish, and one placing my tongue very firmly in my cheek but I could not resist saying it, is that I think I am going to be able to transfer the leading candidature for the former Deputy of St. Mary's award for long speeches back to the Constable on the basis that I think his speech was fractionally longer than that of the Minister for Planning and Environment in response - only because we normally share views on lengths of speeches on matters that are dear to our hearts. For that reason, I endorse entirely everything that the Constable said and from my point of view I will be supporting him in his proposition, primarily because I very much want to keep that focus on keeping brown field sites. I do not really count greenhouse sites as a brownfield site. Keep the focus on using our brownfield sites to their best efficiency, obviously with the proviso that the right design and the right community space and all that sort of stuff is built in, rather than for ever-expanding our footprint outwards into either Green Zone, greenfield, and I will, as I say, generally include glasshouse sites in that category. That is all I have to say on that matter. I will be supporting the Constable of St. Clement.

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

I have avoided making a contribution to this debate because I have seen too many of them before. It seems to me that every time I say more or less the same thing. I will try to say this once in this debate only. You cannot have it both ways. When I brought my proposition to limit further population growth by halving the figures that were proposed in the temporary immigration population policy, interim population policy, I do not remember either the Constable of St. Clement or the Deputy of St. Clement supporting it. Here lies the rub. If you go for growth you have to grow the economy which automatically means, because we are an Island economy, we suck in skilled workers time and time again. Every time we boom or grow the economy we suck in workers. You cannot have that and then say: "And we will not build on greenfields." It does not work. Population goes up, we need more houses. Sooner or later you cannot defend the greenfields. It is no good saying to me that we can pile them in St. Clement or we can pile them in St. Helier on all these brownfield sites that we have, because that is okay. Build them cheap; stack them high in St. Helier. You can do that if you want, but you do not make St. Helier a liveable place and you spoil a place to live in. The reality is you cannot have growth with inward migration running as it does, high every time we go into boom years and protect the resources including the greenfields. It simply does not work. So please, Ministers, Members, stop saying we must grow the economy and protect greenfields at the same time, because the 2 do not match, do not balance; does not work. Admit it. If we are to grow the economy and suck in workers, then we will sooner or later be coming after your greenfields, because that is the way it works. Economy growth equals population growth equals more houses built on the greenfields unless of course you can find some more spaces in St. Helier to squeeze them in. I am sure we will be seeing some of those spaces occupied as we speak: 300 down on the Gas site place we are told. I think it should be a few less; do not just pile them in, stack them high there. I say that once; I will not say it again, I hope, unless you force me.

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

I fully appreciate some of the concerns that the Constable of St. Clement has raised around the development of these particular 2 sites. I would like to maybe keep my comments to the Samarès Nursery site. I think the first thing I have to say is that we cannot ignore that there is a need for

social and affordable housing and that has been recognised by this Assembly and in fact we recently not only set up a new housing association, but went out and sought considerable sums of money so that that housing association is able to meet the need. I remember well the last Island Plan debate which happened a couple of years ago, and there was a view that we did not need to rezone land, in particular a lot of these particular sites were removed from the Plan and the debate never happened. The reality is, and I think we cannot ignore it, that the demand for social housing has increased significantly over that time. It is all very well pointing to the Gas Works' site and these sort of windfall developments, but I do not necessary believe that they are going to meet the social housing requirement that we know exists. I accept fully that it is a very difficult balance to achieve when we want, on one hand, to ensure that our Island and our environment is protected but recognising that we also need to provide for our community. I would also argue that regardless of whether the Samarès site was an old greenhouse site or indeed a field, it lends itself for development. No disrespect to the Constable of St. Clement, but it is absolutely right next door to an existing housing estate that is in the process of being redeveloped into something that I think we can all be proud of, and to see that estate and area extended with appropriate social and recreational facilities alongside I struggle to work out where else we can find the sort of site that would provide the much needed homes that we need. I am going to listen very carefully to the issues around the other site because the Le Quesne site I do have concerns about, but with regards to Samarès I would just like to remind States Members we do need and we must meet the need that we know exists.

2.12.11 Deputy J.A. Martin:

I have thought very long and hard over this debate and while I sat on my balcony about 5.30 a.m. having a nice cup of coffee looking over Samarès Nurseries because it is about 25 yards from there, I really had to put my thinking cap, and I have not made my mind up yet. A lot has already been said. I agree with the Minister for Housing and feel that he has got over 800 families on the very high need list, and I have been grateful to the Housing Department over the last 20 years to be housed in a 3-bedroom, and now downsized to this lovely 2-bedroom flat, which looks over Samarès Nurseries. A few more years of trees will grow through and you will never know the glasshouse site even existed there, but that is another story. To me it goes back to the Constable's speech, and I do not want to have a go at the Constable of St. Clement because I think he is a very nice chap, but it is in research and the research that Deputy Southern just said when he brought the Interim Population Policy and lowering where there was 12 people ...**[Interruption]** If that is for me I am busy at the moment. **[Laughter]** Could my secretary get it please?

The Greffier of the States (in the Chair):

I think Deputy Rondel is having a bad day.

Deputy J.A. Martin:

I think there is something going along this bench. I am sure my phone is definitely not in here with me.

The Greffier of the States (in the Chair):

I think we heard a squeak earlier, Deputy.

Deputy J.A. Martin:

But it goes back to ... I did look after not being really able to sleep after about 5.00 a.m. looking at this beautiful nursery, looking at the road that has been built along to receive the homes, thinking: "Which way do I go?" because, yes, this has helped me. The Constable talks about need or is it demand? I did look up which way he voted and which way both Deputies voted on the population policy that we debated 2 weeks after he lodged his amendment to the day. He lodged on 17th April and we debated on 30th April and voted on 1st May. He voted against Deputy Southern, so did

Deputy Pinel, but they voted for the Interim Population Policy, which is interim, it is exactly what we have been doing for the last 10 years, so who created the demand. The other Deputy of St. Clement voted with Deputy Southern and against the ... just for the record, it should be fair. I have to be fair. I do not want to have a go but I know in 2002, and he might not have been the Housing President, he might have been on the committee, he was trying to tell the House we needed more land to develop for housing. I can tell you which way he has voted in every immigration debate without looking at Hansard. Even before Hansard. It was grow, grow, grow. It is about time for senior Members of this House, and even newer Members, to have a reality check that if you are ever in a major debate this will affect this some time or other, and it cannot all happen in St. Helier. Again, I am not letting Housing off the hook because housing demand, we changed a massive housing policy last year to keep more people out of buying their own homes because they are going to pay higher rent for a lot longer. Was it short-sighted? We have got Andium, a £250 million loan, I do not know. I do not know. But I know again it affected the people that the Constable tells me: "Are they in need or are they creating a demand?" As I say, the jury is still out on this really. The Constable said it is not for first-home buyers. I got the underlying... that if it was he could maybe live with that, but it was for social ... the majority was for social rented. Was that a demand or were we creating a need? He keeps asking if it is a need or demand. As I say, it is years of the wrong decisions affecting thinking I can do one thing on the one hand and then when it comes to me: "I have got to convince you, I can do another thing. I can walk on water", basically. But I cannot. A bit like the Patron Saint of St. Helier, maybe the Constable can pick his head up and still come round ... I heard that lovely story this morning which ... but I think some people in the House think they can do these sort of things. Miraculous miracles. Policies that they see in here and absolutely staunchly follow the Council with and when it comes to them it does not ... "Just forget what I said in that debate." I do absolutely agree with the Constable on planning for the children. The Minister for Housing said these children are already in school. No, no, no, no, no, no. We only found out last year we need - and I will get it right this time - not 14 new primary schools, but 14 new primary classes, on average that is 280 children that we know about that supposedly will not have a knock-on effect on the secondary schools but ...

[14:45]

This is what you call planning. Not the Island Plan, the planning for housing, the planning for education, and again ... I will not leave out the Minister for Transport and Technical Services because all this puts extra on his infrastructure. Again, quite happily he voted for more, more, more, more people allowed into Jersey. **[Aside]** Yes, I voted ... my Minister, she knows the pressures on the hospital. Again, was it the party line? Sorry, not the party line, the ... **[Laughter]** The collective line, collective responsibility line because every Minister except ... guess who did not vote for the interim policy and voted for Deputy Southern? The Minister for Planning and Environment. So maybe he did have the right hat or seeing the whole picture. I wonder sometimes if I am in the same House, I mean I have been here a bit longer, but it does not take a lot to think there are these people, we will let them in. You come to work. It is 5 years. They start having children. Its effect on the schools. Traffic is gridlocked in St. Helier. To listen to the Constable of St. Clement say: "Why do it here, the Gas Site have just offered St. Helier another 240 homes?" That is great. I mean you can imagine St. Saviour's Road. Well do not imagine it, just get out of your car. Just get out of your car. I think, and listening to the Minister for Planning and Environment, he has absolutely offered up Le Quesne Nurseries. He is not too fussed about that, and when you look at the picture it is not next to a social housing estate, it is not maybe got the infrastructure but it certainly ... Samarès, if I am right, from memory, is the bigger site. I have to consider not ... it is not because it is in my backyard at all. It literally is the effect on why do people not start joining up the dots. I mean if you bought this to join the dots for your 5 year-old there would be severe gaps in the middle. It would not look like the field in St. Clement. It does not

look like an Island Plan. I will listen to the Constable sum up. I think I came at the end of the speech of Senator Breckon. What are we doing? These sites were given a lot of money in the glasshouse exit strategy and then left all the glasshouses up until all the glass was smashed by the kids and everything. What happened to that money? Deputy Pinel is going to tell us because she is shaking her head and saying this is not true. They did get a lot of money. All these sites. I worked on a Scrutiny Report with Senator Breckon many years ago. I really am in a dilemma but I did start after the interim policy debate when Deputy Pinel spoke, and she spoke as Social Security and I should not worry because they have ... this was a quote. When you read things cold again it said: "Short-term licences for 10 weeks for specialist skills such as plastering in the construction industry are already used." Specialist skills? Education, where are our youngsters being ... vocational at 14, we should have unemployed plasterers, not 10 weeks coming in on specialist. I am sorry, Sir, if you think I am going off, but this is all the picture that nobody seems to put the dots together. I am sorry if I feel like I am having a go at the people, especially ... I mean the Constable comes here 2 weeks after lodging: "I cannot have no more in my backyard" but then votes against a smaller population or even a target. That is all Deputy Southern's was, a target. So does one of his Deputy's. And ferociously will stand here today and say: "No, we have had enough." I do agree the smallest Parish in coverage in area is St. Clement, and when you look at it, and we are going to be discussing other ... at St. Ouen you can have what you like. I will support you, whoever is bringing that amendment. I do not care which policy it goes against. Build it. Absolutely build it. It is always these not joined-up policies that I really cannot get my head around for the Constable. It will be interesting to see what he can do to ... as I say I am not sure that I will not support him. I very rarely do abstain but it is one of those I really feel that there is not enough information. I feel for Housing, I feel for the families on that list. But then I will listen, and I have got the names of the people who have asked questions of the Minister for Planning in the last 8 to 9 months, probably before when he was researching the amendment to the Island Plan who he has said: "There are always the Nurseries" and they have gone: "Oh good." I kept saying to the Minister for Planning: "We have got to get that through the States" and he said: "Yeah, that will be the problem." On one hand they were happy, on the other hand, which way they are going to go today. There has been lots and lots of debate but, as I say, I will ... the jury is out on this one. To me I am sure I always think which way I vote in one big debate will have an effect on another big debate. Even if nothing else today please - and I am not preaching - just take that away because it is really important to ... Deputy Vallois is one of the younger Members of this House is the strategic, the social policy overarching of every one of these services is not in the Island Plan. In fact it is no joined-up plan. I will leave it there, and the jury is definitely still out.

2.12.12 Constable A.S. Crowcroft of St. Helier:

Deputy Martin speaks very well and the way she introduced the population debate into her speech was excellent. I am just going to touch very briefly on population. My understanding is that population is rising for demographic reasons. The number of births increasing over the number of deaths, shrinking of the working population and we need to pay the bills, and our need for staff to do jobs that people here, who are born here, will either not do or cannot do. That is why the population is going up. But there is nothing illogical or inconsistent in the Constable of St. Helier's position in opposing the development of these 2 sites. I would suggest there is nothing illogical in my position because a rising population does not mean you have to build on greenfields. It does not mean you have to build on former glasshouse sites which, in my book, purely as a matter of principle, should be returned to agriculture not built upon. A rising population does not mean we have to have the kind of ribbon development that has disfigured our sister island, and which is in the process of disfiguring parts of ours, and one might add St. Clement to that. I was, I must say, disappointed that the Minister for Environment is backing these developments because in his opening speech he talked about sustainability and sustainability quite simply is focusing, and some

of the Deputy's do not like it, and it is good to speak after Deputy Martin because last time I said this she really had a go at me. But sustainability is about placing homes in a position which reduces the need to travel, in particular. Where people can find work and leisure, opportunities, on their doorstep, so it does not necessarily mean gridlock traffic. If you place these people in St. Clement they have no alternative unless they are the most devoted bus users, but they have no alternative than to buy a private car or 2 or 3. So I have absolutely no problem with the Constable of St. Clement's belief, whether or not he supports the population policy, that we should not be developing any more greenfields. We should not be developing former glasshouses. The big caveat - and this is where I am going to get back into bed, as it were, with my Deputies - is the housing that is provided in St. Helier must be fit for purpose and it was with a great sense of disappointment, although perhaps not surprise, that I had a sneak preview of the plans proposed for the Jersey Gas site. They are absolutely awful and I will do everything I can to prevent them ever even coming towards the Minister for Planning and Environment for determination, because we cannot allow developments in St. Helier to take the pressure off St. Clement. Interestingly the Constable of St. Clement talked about the Jersey Gas site as one good reason for supporting his amendment. I think it is a very bad reason for supporting his amendment because in my view it is not going to happen. We are not going to build homes in St. Helier without enough green space, without any visitor parking, without any community facilities. That is why the Jersey Gas development must not take place. If the people in charge offer the same up for the police station site when that moves, then that must be opposed equally vigorously, because while St. Helier can take, and the urban area can take the bulk of new homes that are required for the Island they must be top notch houses. They must have enough open space, enough parking, enough community facilities. For that reason I do support the Constable of St. Clement but I hope he will support me if I have to come to this House and oppose the kind of developments that are still being planned for St. Helier.

2.12.13 Deputy P.J.D. Ryan of St. John:

I think there is a local band, they go by various pseudonyms, one of them is the Snow Hill Patrol, I think. The other one is Sergeant Pipons Lonely Hearts Club, I think. Deputy Tadier might know them. There is a little ditty that they have which goes something like: "St. Clement's is our Middle East, they've got Bin Laden in the real Middle East and we've got Len Norman." I thought that was quite ... But to move to a slightly [Laughter] ...

Deputy G.P. Southern:

Is that parliamentarily correct, Sir?

The Deputy of St. John:

Let us be a bit more serious. I lived in St. Clement from ...

Senator S.C. Ferguson:

Can I ask the Deputy to withdraw that remark, Sir? It was extremely offensive.

Deputy M. Tadier:

And the Middle East do not have Bin Laden anymore.

The Greffier of the States (in the Chair):

I think you did intend to say it in jest, Deputy, but some Members may have taken it ...

The Deputy of St. John:

I am sure for those that cannot take it as an attempt to lighten the proceedings then I am sorry.

The Greffier of the States (in the Chair):

No, I think you withdraw it totally, Deputy.

The Deputy of St. John:

Yes, Sir, I withdraw it. I lived in St. Clement from 1977 to 2005. At one stage I nearly stood as a St. Clement Deputy in 2002 but instead I decided to stand in St. Helier No. 1. The problem is that during my rather long time in St. Clement, over 25 years, I listened to various politicians that made promises. Just a bit more green space, just a few more homes, and I remember the debate and the controversy over Jambart Lane. Here we are again, a similar debate. I suspect that I know what I would be saying if I had become a St. Clement Deputy. Then again, I am also sympathetic to the position of the Minister for Housing. I know that he needs housing sites urgently. So it is a question of balance and it is a very difficult decision for me personally, having lived in St. Clement all those years. No one could remotely say that St. Clement has not pulled its weight over the years in providing sites for social housing, or St. Saviour for that matter, or St. Brelade, or St. Peter, or St. Helier. But the big difference is that St. Clement is the smallest Parish in the Island. I can tell you that when I left St. Clement - I lived in the Samarès area - in 2005 it was a very, very different place than when I moved into St. Clement in 1977. The Samarès site is on a main road and is very close to Samarès School, by foot or bicycle and the other facilities like the F.B. Fields. So from that perspective one might say that it is ideal. It is a different matter with the Le Quesne Nursery site. That is a completely different case and I certainly know how I will be voting on that one. I have to say I am undecided on Samarès.

[15:00]

Both of the St. Clement Deputies are yet to speak. I will make up my mind after hearing, I hope, from them. This is an extraordinarily difficult decision to make, particularly being an ex-St. Clement resident. I will think very carefully and I will have to, I believe, follow my conscience as much as I can.

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

Happy to follow the last speaker. My Constable, in his opening speech, covered a wide range of issues. I want to narrow down and focus mainly on the 2 sites themselves. If I take the Le Quesne glasshouse site first: a few years ago the parishioners at St. Clement chose this for their Parish sheltered housing but the deal was that the Parish would buy the houses at £160,000 and get £1 million worth of real estate thrown in for free, but the crux of the matter is that there would have been a covenant in favour of the Parish preventing building on the neighbouring fields. Subsequently that plan was overturned, no development took place. But what is before us today is vastly different for many reasons. As I said, there would be no covenant, so with the present way that we rezone things in revised Island Plans, how long before we take one field next to it and the one after that, and the one after that until we have got one huge estate. Remember it joins on to the Jambart Estate, of which the previous speaker mentioned. Of course there is also a vast difference between sheltered housing and first-time buyer. Sheltered housing means very little noise, few car journeys, people of that age do not have parties at 2.00 a.m. or rev up motorbikes, at least not usually. Category A is completely different so there will be problems in that area. Of course one of the major problems is infrastructure. Category A has a high demand for services. Where will the children play given the tiny amenity space that is allowed in developments these days, highlighted by the Constable of St. Helier? Where will they go to school? Le Rocquier and the primary school we have heard about and neither could be extended. I cannot see where the children are going to go. Le Rocquier is already the biggest school on the Island and I am advised it cannot be extended because the school is at a maximum size, so what are we going to do? Are we going to build a new school somewhere because, as Deputy Martin said, it is all very well thinking we might be able to provide for the junior school, they do get older, they do grow, they do go to secondary

school. Where is that going to be? More traffic as you drive the children to St. Saviour, which has already got a problem with school traffic. Category A has far greater transport requirements than sheltered housing. I have to say the bus service along St. Clement's inner road is pretty poor. There is no bus at all on Sundays, or at least there did not use to be, I am not sure if there is now. Road traffic: given there are 3 schools along St. Clement's inner road is already saturated, already there are long queues, not only on the inner road but the coast road as well as a result of the school run in the morning. Do not get me started on cycling as an alternative. I can just imagine 50 residents starting out every morning with little Sammy on the crossbar dropping off at school before they cycle into the office. It is not going to happen. As my Constable reminded us, the last Census identified 3,000 unoccupied properties in the Island. I know of several lovely properties to rent, at very competitive prices, at the present time where the landlord cannot find tenants. We see, as we drive along, many properties for sale. Then there are developers sitting on, as we know, hundreds of planning permits because they are not proceeding with development because there is no demand. So I have to wonder why the Minister for Housing cannot find the properties that he says he requires. I agree with my Constable, there is no housing shortage. We do not need these houses, except, as again one or 2 other speakers have said, maybe it is to house the immigration the Ministers appear to want as part of what appears to me to be a pension Ponzi scheme. I do get, in fact, a feeling that the Minister for Planning and Environment might have been bounced into this rezoning of land in order to assist his fellow Ministers. We know that St. Clement is the smallest Parish in the Island by some margin and it is also one of the most densely populated. Perhaps when he sums up my Constable could ... he compared us with St. Mary. I think we are the third, if certainly not the third, the fourth most densely populated after St. Helier and St. Saviour. We need to keep what few greenfields we have left. My parishioners do not want this field built on and I urge Members to respect their wishes. I come to Samarès Nursery. I am disappointed with the proposal to rezone this field, not least because there are a number of potentially misleading comments regarding the site suitability. For example, there is the suggestion that it cannot resort to agriculture because of hard standing on the site. That is not true. It would have to be removed anyway to build houses so what is the problem? It is possible. I know because on my farm we returned over an acre of glass back to agriculture, it is not difficult, it does not take a long time. I will cover the other issues as I go along. Now, at first glance this site looks ideal for housing, you cannot see it from the road and it is in St. Clement, and we dump all our building in St. Clement. Why is it whenever rezoning comes around St. Clement, the smallest Parish, is asked to accept more than anyone else? As far as I know it has happened on every ... it certainly happened in the 2002 Island Plan. In the past some of the excuses for attempting to develop in St. Clement have been the bus service and the drains. I notice the Constable of St. John is not here to comment on that. The bus service along St. Clement's inner road is pretty poor, as I have said. Admittedly the service along the coast road is pretty good but so is the airport bus service so why do we not build in St. Peter. Anyway this site is not near St. Clement coast road, so there are no regular bus services. It is therefore, I find, disappointing that Transport and Technical Services comment suggests, and I quote: "There is frequent public transport service for both commuters and shoppers." I am afraid that is not correct. T.T.S. (Transport and Technical Services) then go on to promote the idea of a cycle track. I have to ask, what is the point of a cycle track from one end of an estate to another leading nowhere. It is about as much use as a bus stop on the beach. What access is there for 200 homes? There is a narrow entrance to that field on the north-west corner. If you have the residents of 200 homes coming in and out of that new estate, that rezoned greenfield, they will be driving along the back edge of the residences of Manor Close. So you are going to make about half a dozen properties there virtually inhabitable. Drains: only part of the St. Clement inner road has sewers, most goes down to the coast road where one ageing, I think it is, about 18-inch diameter pipe takes everything from as far back as Gorey. There are several pumping stations along the route, each with large holding tanks to cope with the flow. How much more they can

handle or even how much longer the system will last given the number of recent failures is anyone's guess but I certainly would not want to be adding to the problem. Surface water, which my Constable referred to, well given the fact that water normally flows downhill, the water from this site will go to Le Marais. As most people know, Le Marais means the marsh. So storm water from Samarès Nurseries would have to go past Field 40, which, as the Constable has already highlighted, has created more problems. The water conditions there were known and it was all going to be sorted out by the developer. Well, it was not and is not. Of course Field 40 is next to Rue du Maupertuis, which the water would have to flow under, and we already have serious problems there. I think the road has been closed for a couple of years now, is it 3 years, while engineers try and resolve the problems of the ground conditions and the drain and water-logged area. Developing those nurseries would only make matters worse. One other matter that may be of interest at the present time is that Samarès Nurseries has a rather large reservoir on site which, to some extent, must attenuate the water flowing from the site. Of course that would not exist if houses were built there. I am pleased to note that the Island Plan recognises most of these issues but I find it sad, especially in the case of Transport and Technical Services, these problems seem to be dismissed with a few comments like: "Oh well, we will sort it out, we will deal with that when we get there." I do not think that is good enough. What about traffic? This site is fairly large and the proposal is for houses of up to 4-storeys high. I find that amazing. Suggested density of up to 200 dwellings. Certainly more than 100 extra cars and, as I have said, the traffic going along the St. Clement inner road is already problematic. There are 3 schools along the road. It is already saturated and the development would obviously make this substantially worse. One of the other comments in the proposition - and I am not referring to the amendment by the Constable, the main proposition - I disagree with, the capacity of schools to handle the children likely to live in this area should the development proceed. I do not believe Samarès Primary School has enough capacity to deal with a 100 or more extra children. Maybe it can but I do not believe it. But, as I have said, what about the secondary schools? Le Rocquier could not cope with the expected increase so we are going to build another school? Tell me where? Are we going to take another greenfield to build another school? I am very disappointed that these serious issues are just flushed away with no answers, just hope for the best. But by far my greatest concern is of social consequences. This is already a heavily populated area with virtually no facilities. Starting in the south is La Bénédicte estate, next is Le Marais High Rise and the privately-owned low rise next to it. Then we have Le Squez currently being rebuilt at vastly increased density, all that lovely open space that used to be there is fast disappearing. Next to Le Squez we have private estates, Marina Avenue, Manor Close, effectively they comprise the biggest housing estate in the Island. With the exception of the area around Le Marais High Rise, there is virtually nowhere for children to play. They are not going to go to the beach, especially in the winter, and here we propose making that combined estate even bigger. Not by a few houses, by up to 200. Here again I dispute the information given in support of rezoning the site. It lists amenities such as the golf club, the Eastern Good Companions Club, squash and tennis court, which are some distance away, and I ask how many are going to use those facilities? The beach is mentioned, which is not exactly close to the estate, because since T.T.S. discontinued the No. 18 bus service... Again, how many children will play on the beach? Maybe in this kind of weather, yes. They need other facilities. Why are facilities not provided on site, because whenever ... I made the same comment in the 2002 Island Plan to the Minister for Housing of the day, when La Bénédicte as was later developed, I said: "Please let us not have wall-to-wall housing, let us have some play areas, let us have some amenity space." So what did we get? Wall-to-wall housing. Oh, another thing, Le Squez Youth Club is given as a facility. Well, it serves not only Le Squez and Le Marais but the whole Parish, and serves Clos de Roncier near the Grouville boundary. It only caters for about 30-odd children, 35 children. I am on the management committee and with the Le Squez development under way we were promised better premises, we

were going to be relocated on the other side of the road. More capacity. Well, the Housing and Education - and I am still not sure exactly who is to blame - vetoed the idea.

[15:15]

So the suggestion that there are adequate facilities, even for the present estates, is misleading. To consider adding yet more people on to existing facilities is, in my view, an abdication of our responsibilities. I urge the rejection of both sites. I think the idea that one could take one site and maybe have one of the others is a bit like asking somebody: "Do you want a headache?" "No." "Well, I will give you half a headache." Really it is not helpful because either separately or together they will both create infrastructure problems, traffic problems school problems and social problems. Let us not forget the increased density of Le Squez. We do not know yet whether that will result in more social problems. We really do not want to be causing this sort of issue in a Parish which is still essentially rural. I would ask Members to respect the wishes of the residents of St. Clement and not impose this extra burden upon them.

2.12.15 Deputy S. Pinel of St. Clement:

The phrase "caught between a rock and a hard place" could not be a more appropriate description of where I find myself. As a caring and concerned member of this society and with insight and information that being Assistant Minister for Social Security has afforded me, I am well aware of the need for social housing and affordable housing in Jersey. However, as Deputy for St. Clement it may come as no surprise that I am very strongly opposed to any further large developments in our smallest Island Parish. This is not N.I.M.B.Y.-ism. Other Members that I have consulted appreciate that this is not the reason for my opposition. The 2 sites being recommended in the draft revision of the 2011 Island Plan - Samarès and Le Quesne Nurseries - would combined have potentially 265 units of housing. A mix of social rented and affordable purchase homes. The breakdown of these is Samarès Nursery, 180 to 200 homes, with 80 per cent social rented and 20 per cent affordable to purchase. This gives an estimate of 425 people in social rented and 140 people in affordable housing. A total of 565, of which half to two-thirds would be children. At Le Quesne Nursery the anticipated build of 65 houses would be a combination of 52 social rented homes and 13 affordable purchase units. This would equate to approximately 200 people in social rented and 46 in affordable purchase units. The total population of both sites would amount to some 811 people, at least half of whom would be children. There are 2 States primary schools and one secondary school in St. Clement, all 3 of which are now almost filled to capacity. While I understand that an environmental impact assessment would not be undertaken without the areas being rezoned, it is fairly obvious that the impact of an increase of almost 10 per cent of the current population of our small Parish would be enormous; 265 units with a minimum of one car per household, not to mention the water, sewage, disposal of waste, noise impact, obvious traffic implications and loss of green open space. We are very grateful for the Minister for Planning and Environment giving a presentation on the subject to a packed Parish Assembly. The Assembly was unanimous in its rejection of any further large development in St. Clement. This is what I am standing here to represent. I am sympathetic to the family who owns Samarès Nursery, they have been treated badly by government over the last 10 years and have incurred considerable costs in maintaining and providing security for the land involved. In answer to a previous question by Deputy Martin over removing the glass from the greenhouses at St. Clement, it cost the owners of this land £30,000 in answer to an enforcement order to remove the glass. However, other Members need to understand the enormous strength of feeling against any more large scale development in St. Clement. Our little Parish simply cannot take any more. The Minister for Planning and Environment has been tasked by the Assembly to deliver more social and affordable housing. The scheme suggested in St. Clement would be a short-term answer to a long-term problem. I strongly believe that we should use States-owned land for further development in order to keep the costs

down. The Jersey College for Girls site, the Youth Centre in La Motte Street, Norman's old timber yard are just a few that spring to mind. For instance, as mentioned by the Connétable of St. Clement, the proposed 300 units in Gas Place would negate the need for 265 units in St. Clement, in spite of the opposition of the Connétable of St. Helier. I fully support my Connétable in this amendment and would ask Members to seriously consider what the impact of another 265 households in an already densely populated Parish would have when there are very clearly alternative options. Judging by the mood of the House, would it be reasonable to ask if the Minister for Planning and Environment would be willing to accept the amendment of the Connétable of St. Clement? May I ask for the Minister's response?

The Greffier of the States (in the Chair):

The Minister may or may not want to give that indication. It would not prevent the debate continuing and Members voting as they saw fit. It is only one viewpoint, it does not mean the amendment automatically accepted. Do you wish to add anything, Minister? Not another speech, just a yes or no will do.

Deputy R.C. Duhamel:

I think we have had about a third of Members speaking so far, I have been keeping a rough record, and it looks as if the majority of those support the Constable of St. Clement. If indeed there is going to be a late surge on the other side ...

The Greffier of the States (in the Chair):

Are you willing to give an indication whether your position has changed or not?

Deputy R.C. Duhamel:

If this position is going to be repeated, and from the way the debate is going at the moment it is likely that it would, then I might well be inclined to support the request to ...

The Greffier of the States (in the Chair):

That was all you were asked. Thank you, Minister. Have you concluded your remarks, Deputy?

Deputy S. Pinel:

Thank you, Sir, I welcome the Minister's response.

2.12.16 The Connétable of St. Lawrence:

I am going to support the Connétable of St. Clement as well because I do not know who is right on this at all. I just do not know. I have heard today from the Connétable of St. Clement, as we all have, who I think told us that if all agreed developments were to go ahead and if all empty properties were to be used, we would have enough housing to supply the demand that has been recognised. I do not know if he is right. I do not know if the Minister for Housing, who has told us that there is a desperate need for this social housing and we need these developments, is right. I have heard the Connétable of St. Helier, who has told us with appropriate design his Parish can take more development. I recall in previous debates that the Deputies of St. Helier have stood and said their Parish cannot take any more development. The Connétable and the Deputies of St. Helier do tend to be at odds on that one. So what I do know is that I do not know. I would be very surprised if other Members were not in the same situation. Something else I know is that I grew up in St. Clement, I recall the loss of the marsh area to the development of the estate that became known Le Marais. I grew up at Le Squez, I have seen it change beyond all recognition to the Parish in which I grew up, certainly in that area. I used to walk to and from St. Clement school on a daily basis and going along the lane there I am absolutely delighted there are still some green fields in that area, but I do not want to see any more eaten away. I do not want to see any more concrete poured in that

area. I know or I certainly believe that St. Clement has already accepted its fair share of social housing and we just heard Deputy Baudains say his parishioners do not want it, they have reached the stage where they feel that they have had enough. I am inclined to agree with him. I have not spoken to any of them but I do feel that St. Clement has taken its share and I will conclude by saying I really do not know who is right, however I believe it right for me to vote with the Connétable on his amendments.

2.12.17 Senator L.J. Farnham:

The dynamics of this debate are not at all surprising and it takes me back to when I was Deputy in St. Saviour No. 2, where we had exactly the same problem, I think the current Deputies in that district will understand fully, for 2 decades now the Parishes of St. Saviour and St. Clement have been put upon greatly, not only with housing but with schools and so on. Now, I was pretty sure at the start of this debate that I was going to be supporting the Minister for Housing and that policy but some very thought-provoking speeches have made and my resolve, I think, is crumbling slightly, because I think back over the last 2 to 3 years and the promises made to these Parishes that enough is enough. Something the Constable of St. Helier said struck a chord with me, and that is about perhaps we need to think smarter about building these properties. We cannot go on with this ribbon development. We have to draw a line somewhere. Maybe when we do draw a line it will make us focus on becoming cleverer with what we do when we provide homes for people. It strikes me that St. Helier and other Parishes, with the proper planning and the proper infrastructure back-up, with the right types of houses, would welcome a new housing development; if it is done properly can really enhance a community. So I am beginning to think we should be bold and say: "Look, we have to draw a line somewhere. We have to do something that is going to be a catalyst for us to suddenly start doing something that is really intuitive" if that is that word. Something that is really clever. We are a small Island with limited resource and there are superb examples, if you look at places like Singapore - I am not saying we want to look like that in any way, shape or form - there are opportunities for us to do something really special. Until we challenge ourselves or make ourselves have that challenge, are we going to set our mind to doing it. I think Andium Homes now, in the new structure, is probably a good vehicle for some extra creative thinking. I think they do it better than committees of politicians have done in the past. I am still undecided but I have to say that I am leaning towards supporting the Constable of St. Clement and saying: "Enough is enough, let us do something that is going to force us to think a bit smarter on this one."

2.12.18 Deputy J.H. Young:

Like other Members one is caught in a conflict of view. Nothing can be more important than the provision of housing in the Island and we have got ourselves in a real mess in terms of availability and affordability of homes. So it is right that we have that opportunity to discuss it today. The starting point is that, of course, we have an Island Plan and Policy H1 of the Island Plan, as we are having this debate, is quite clear. The States-owned sites will be developed to provide affordable homes and those sites are listed there.

[15:30]

There are 2 conditions set down which would mean that if they were triggered, those conditions about the number of planning applications and consents given, that the Plan would be reviewed. My understanding is that those 2 events have happened and we have a review. So what I am listening for is what is the case that has changed to justify us repeating those arguments, about those same sites, that took place in 2011 and - as the Constable of St. Clement said - made it clear that one of those sites would go into a Green Zone and not be developed at that time. I am listening carefully to the debate to hear what is coming across. When I read the inspector's report - that I re-read, I was at the planning inquiry and I have been re-reading the inspector's report - for example

on the Le Quesne site, it says here that they are pretty lukewarm about it. They say that it would be less sustainably located but nonetheless would be on a “better side of satisfactory”. Not exactly a ringing endorsement for a planning inspector, is it? It says here: “When we looked at this site previously” that was the Island Plan before this one, 2002, I suppose: “we concluded that it merited further appraisal.” So they are really not excitedly convinced that that site is right, and they make the point that the site’s relationship to the open countryside is not the best. So there are quite a number of doubts but my biggest area of trouble is a policy, which we now have and it is contained in the paragraphs in the Minister’s review, paragraph 679 and the next 2 paragraphs on, talking about the need to develop these sites at the highest density. This is something I have spoken of generally about how wise it is to develop any of our sites in built areas at the highest density. It raises issues for me of what the quality of life is for residents. It raises the issue of open space, amenity space, play space and just general room to breathe and enjoy a sense of wellbeing. I asked for some figures. I asked the planning officers outside for what densities are being proposed, the number of units. So what we are having to agree here under the review is the Le Quesne site will deliver 180 to 200 dwelling units and Samarès 55 to 65 ... sorry, the other way around. But the density for Samarès is, I am told, 45 to 50 dwellings per hectare. I use that measure because that is the standard measure that the planning professional bodies and government now recommend. That is the U.K. Government. On Le Quesne it is 31 to 37. Obviously which of those ranges you take depends on how many units you finish up with. I ask myself: how does that compare elsewhere? Of course the previous government before the U.K. Coalition set a standard for the U.K. in new housing developments because they have a major housing problem in the U.K. Their policy was that new housing developments should not be less than 30 dwellings per hectare. On average though, people were not obeying, planning authorities did not like that, communities did not like it because of exactly the same feature of overdevelopment and so on. So the average was 25. This question is coming to me, we have a proposal or a view of an Island Plan that proposes up to double the density which has been adopted during the pre-Coalition Government. Why is that important? Because 2014 the Coalition Government recognised that forcing high density housing was a mistake. So community planning, sustainable communities require that communities buy into these decisions to develop their neighbourhoods and they abandoned that and local authorities and planning authorities are free under the rules of the 2014 coalition to set their own density levels. Yet we seem to be adopting here a policy that says: “Maximum density, a dated policy” which I think has the potential to cause severe problems for people in the neighbourhood. There are those who say: “Let us have the highest density.” For example, I read the Council for Protection of Rural England says: “Let us have density levels of 150.” Like central London or even Barcelona that is 400 or something. But, of course, you must recognise the nature of our community. So that is the question: if we develop this Island are we really required, as this review says, to develop these at those high density levels? What alternatives are available? In the past we had policies of acquiring, government acquiring, privately-owned sites and developing those. Some of those outworn hotel sites on the urban fringes and they were developed at densities that I think people could accept. That has, of course, all stopped but we have got, of course, a States-owned site in the pipeline. I am disappointed to find in the review document that we are considering a number of sites that were listed in the original policy - that one that, as we speak now, is agreed - are gone, i.e. the former d’Hautree site. I personally believe that there are other opportunities within that urban area, in the States-owned sites, which were supposed to be triggered in the whole of the first 5 years. I am afraid I am really struggling with this and I suppose the key question is: if this level of density of development was being proposed in my constituency area, what would I do? For me, the answer is, no, I could not do that. I might be persuaded if the site was suitable, an approach that would go for sustainable development, which is of the right density levels, with all those amenity spaces and so on, but I absolutely do not go with these high-density developments. I am going to

listen to the rest of the speeches, but I am seriously struggling to support the Minister's proposal here and I am leaning strongly towards the amendment.

2.12.19 The Deputy of Grouville:

It has been difficult to know where to come in on this whole debate, but as the proposer of the amendment seemed to address the bigger picture and greenfields and housing and the Minister for Housing came forward with what he put forward as a desperate, urgent need in the Island for Housing, I am going to speak generally now, which will hopefully take us through the next few amendments because I do not plan to speak again. In the draft Plan that we have before us I am going to be referring to page 248. The Council of Ministers is purported to say that it is extremely concerned to support delivery of housing across all tenures in Jersey at all times but particularly in the current downturn, which is good. It is good to hear that. The Minister for Planning and Environment this morning outlined 4 different mechanisms we can use to fulfil the need for housing in the Island, one of which was in the open market and use a proportion of the open market's build. He then went on to say that this was and has been strongly resisted. Using this particular mechanism, requiring the open market in developments to require a proportion of their build to provide for social need, has been strongly resisted. I would like to read from a proposition I brought forward to this Assembly in 2008. In clause (e) of that I was requesting the Minister for Planning and Environment to bring forward a policy that requires planning applications of over a certain size to provide a percentage of their build for social need, whether that be social rented, first-time buyer, retirement, sheltered housing or a mix, whichever is the most appropriate for the site. The proposition was supported but that particular clause, because I had a separate vote, was overwhelmingly supported. I think there were only 4 Members against, one of which was the Constable of St. Clement and, in fairness, the Minister for Planning and Environment. I never expected that mechanism to solve our Island housing need. However, I expected it to have a small impact; possibly the sort of impact that it could have had over these past 6 years that would not require the density that Deputy Young has just alluded to in his speech. We have now gone for 6 years and I believe this mechanism has never been implemented. In fact, I know it has not been implemented because I then go on to read, in the Draft Island Plan proposal, proposal H3: "The policy requiring the provision of affordable homes as a proportion of private housing developments is proposed to be set aside." So, hang on a minute, this Assembly agrees to a mechanism 6 years ago. It then gets approved in the 2011 Island Plan when it was brought forward by the then Minister. A few years after that we then learn from this draft that it has been difficult to progress: "... and the risk that land owners may not bring sites forward for development the Council of Ministers, therefore, no longer supports the implementation of Policy H3 of the 2011 Island Plan and it is to be set aside." I thought this Assembly was the sovereign legislating body and we now learn that a mechanism that was approved when I brought it forward in 2008 that then went through the Island Plan. That was approved, but we now learn the Council of Ministers have set it aside because it has been strongly resisted. Now, we can guess who is strongly resisting this, can we not? I think this is absolutely astonishing. We have a mechanism. It was not prescriptive when I brought it in. It was a certain size to provide a percentage of their build, whatever the need best suited that particular site. If it was near amenities, walking distance, it could have been sheltered housing. It could have been social rented in other areas. But we have had that mechanism available to us and the Council of Ministers, not this Assembly, have decided to set a decision that we made aside. I think that is absolutely outrageous and sometimes I really wonder what I am doing here.

[15:45]

That having been said, I have always supported the Constable ... not the Constable of St. Clement. I have always supported retaining greenfields wherever possible and I will support him, but I have

wanted to flag this up. I really do not know whether I can support this entire draft revision of the Island Plan because I am outraged that the Council of Ministers can just set something aside and if I vote pour with this then I will be sanctioning that decision and we have not debated it. We have not debated to set it aside. I will leave it there. If people want to read my proposition, it also brought various other issues on glasshouses, which were also approved. It was 26th February 2008. I will leave it there.

2.12.20 Senator F. du H. Le Gresley:

Looking around the Chamber, I think we have heard from 4 residents of St. Clement. We have not heard from the fifth. Check if I am wrong. This Senator is the fifth. Now, I have an Island mandate and if my colleague on the left was here he would say: "If we all had Island mandates it would make this decision easier because we would not become too parochial." This is what is happening, of course. We are becoming parochial. There is nothing wrong with that. The Members who have spoken from St. Clement are representing the parishioners who put them into office and I daresay St. Clement would never vote me into office again on the basis of what I am about to say, but that is politics and it is what is called making decisions. So I have stood here before, same speech almost. I did not look up what I said last time, but it was the Island Plan in 2011 and there, on that day, I realised that the then Minister for Planning and Environment was copping out of his responsibilities. He did not want to bring rezoning sites to this Assembly, particularly in glasshouse sites or Green Zones. He did not want to do that. He did not think that would stand him in good stead come the elections, which were imminent, and a lot of Members were in the same position. They did not want to vote for zoning of greenfield sites because elections were coming up. Where are we today? Let me think now. **[Laughter]** Oh, sorry, some of us have elections coming up. Yes, it is difficult and, sorry, States Members, but you do have to make difficult decisions sometimes and you have to think about the Island and the people of the Island. We heard from the Minister for Housing saying there are 863 families or individuals in urgent need, top of his priority. They have passed all the bands. There are people below them who are not quite so urgent: 863. Now, does this Assembly want to walk away from this debate on the Island Plan doing nothing to help those people? That is what you are doing. **[Approbation]** I have great respect for my Assistant Minister, but to challenge the Minister for Planning and Environment to see if he is going to accept this amendment was ... Well, I cannot find the right words, so I will leave it at that. We have to have the debate. We have to listen to all the arguments, not curtail this debate, because I can tell you what will happen and we had it last time on the Island Plan. As soon as one site goes, they all go. Members will say: "That was the best site." Who said this was the best site, Samarès Nursery? I am sticking with that one for the moment. The planning inspectors say this is the best site for social housing. Right. So, if the Constable wins his amendment, forget all the others. They are all going to go. As for St. Ouen wanting a greenfield currently ploughed and cultivated; my goodness me, that will go in the first wave of discontent. They are all going to go. We will have no more rezoning. There will be no more help for these people and we will hope and pray that States-owned sites will eventually deliver some housing to these people. Get real. Get real, it is not going to happen and that is why we are here today. I knew this in 2011. The Back-Benchers had to bring these sites up for debate. The Minister for Planning and Environment of the day did not want to do it. So Back-Benchers brought these sites, the ones we are talking about today in the main, certainly Longueville and certainly Samarès Nursery are the 2 I remember particularly, both of which I supported because I knew the H3 policy that the Deputy of Grouville has scolded the Council of Ministers for realising the reality ... it was absolutely pointless, that policy. It was never going to get the agreement of the building industry and never going to get the agreement of landowners. Absolutely rubbish that policy. It would never work and do not pin your hopes that a new H3-type policy will deliver some housing for our residents because it will not. That is fact. Now, I loved the speech of Deputy Martin. She said she

was sitting on her balcony looking at Samarès Nursery and Deputy Baudains has told us that if we build on Samarès Nursery she will be like being Venice because below her will be this mass of water floating down the road. **[Laughter]** So the value of Deputy Martin's property will go up because she will be like living in the middle of Venice with all the water flowing by. **[Laughter]** Where I live, for the last 4 years I have sat behind a housing development going up called Le Clos de Charriere, 15 new units. The Constable of St. Clement thought this was a good development. He supported it. Well, it is very high. It is one of the highest developments in St. Clement, apart from the very tall blocks. It blocks out my sunlight and when I look out my garden all I see is this great big skyline of buildings on my south boundary. Did I complain? No. Did I complain when the plans went in? No. Why? Because I believe we should be doing our best as Islanders to house our community. That is the responsibility of all Islanders and this is N.I.M.B.Y.ism. Call it what you will, it is N.I.M.B.Y.ism. I do not mind those people living in those 50 units. Good luck to them. I want people to have decent housing and I want the 863 people on the waiting list to have decent housing. I do not want them sleeping on other people's settees. I do not want them waiting because they are disabled, because their house is inappropriate. I want them housed decently and that is what we said we would do in the Strategic Plan. We said we would help these people, but today it is: "Oh, it is not possible. We could not do this. No. Go back, Council of Ministers. Think of another way of housing our community." Unbelievable. Where am I on this? Well, I think I made my point. It is an Island problem and St. Clement, unfortunately - close to town, good communications, good bus service - is part of the urban sprawl of St. Helier. I said this to somebody the other day: "Look, where is the boundary of St. Clement?" Does anybody know where St. Clement's boundary is, where it divides up from St. Saviour and St. Helier? Where is it? If you forgot about boundaries, St. Helier sprawl, urban sprawl, would be the whole of St. Clement virtually, partway up St. Saviour and a little way into St. Lawrence; although they are lucky because they have got a hill, so nobody wants to live up the hill. But it is sprawling and why? It is because our population is growing. The people who said that it is all to do with the immigration policy, they are probably right. Of course they are, but we cannot have the best of both worlds. Grow the economy, grow the population, provide decent housing; that is what you have got to do. Now, there is one other policy that we are all forgetting and I was reminded of this ... I think it was a bit below the belt to read out bits of the speeches from Senator Norman back in 2002 because that was a different day and a different scenario, but I would say to him that ... and I cannot remember because I am making this speech without any notes or preparation, as probably you can tell. Back in 2002, how many years did it take to get your housing qualifications? I suspect it was somewhere between 20 and 15. It may have been the full 20 back in 2002. **[Aside]** I have just been told it is 20. What is it today? Ten years. Who has reduced the period down to 10 years, tell me? **[Aside]** This Assembly. Ah, so we need permanent social housing, affordable housing, for the residents who we said after 10 years should be entitled to it. Until then we were quite happy for them to live in lodging houses or in bedsits or whatever and over the years this Assembly has agreed to reduce the housing qualifications down to 10 years. Well, there is a payback time and payback time is now. You have a duty, and I am looking at you all, to house these people. Samarès Nursery in particular offers the best opportunity for social housing. We have to make tough decisions. Please make the right decision today. **[Approbation]**

2.12.21 Senator P.F.C. Ozouf:

Can I say how delighted I am to follow Senator Le Gresley? This is an interesting debate because I totally respect the constituent representatives of St. Clement for the remarks that they have made. They are doing absolutely the right thing and they are doing absolutely the right thing that their constituents and their parishioners need them to do. At the end of the day, when it comes to a vote, we need to assess the interests of the parishioners of St. Clement together with Island-wide interests. It is quite interesting. The day after we have had a debate on having a Constables'

referendum and after having this morning met the Constables on some tricky issues about the push and pull of the urban versus rural Parishes, there is some wake-up time. Members of this Assembly who want to have a constituency-only representation and Constables who want to sit in this Assembly and be part of a national legislature, we are here to, of course, look after the people that elect us, but when we push our voting buttons we have to judge what is in the best interests of the overall Island. This is difficult and I say to my colleague Senators who have got an Island-wide mandate we need to be voting on this amendment with our Island-wide mandate. It is a shame that Senator Farnham is not here because he seems to be wobbling. He must not look to the next election. He must look to his responsibilities over the last 5 years or 4 years or however long he has been here. He is no longer a Deputy of St. Saviour. He is a Senator and he must take responsibilities for the overall Island. **[Aside]** No, no. I am being very polite to my good friend Senator Farnham, but I am just reminding you we have Island-wide responsibilities and it is not wrong and I will not criticise. I will say in some remarks perhaps some jovial things because, of course, the then Senator Norman was an Island-wide representative. Senator Le Gresley said it was a little unfair to use the 2002 speech that he made on the Carter land, but they were the right remarks for the Island at the time. It was the right remarks to say that we needed supply, that it was the best site that was there. It was the right speech then and it is the right speech today for people with Island-wide responsibilities. He could not give it, but we certainly should because we have Island-wide responsibilities. This is difficult. This is really difficult. I have sent an email round to Members of the Barker housing review, which is at the very heart of the arguments about why things go wrong in housing supply. I quoted this in the Andium Homes debate, but I will just remind Members of 4 things of why the Kate Barker review was so right in 2004 when it was proposed and why it is so relevant in opposing Senator Norman.

[16:00]

She said: “Dear Chancellor and Deputy Prime Minister. Housing is a basic need which is fundamental to our economic and social wellbeing, yet housing provision is often controversial. It often provokes strong reactions. My review of housing supply highlights the tensions that surface when seeking to promote an adequate housing supply with a more responsive provision” and set out all of the arguments about why housing policy, housing economics, housing social issues and housing environmental issues are some of the toughest issues of politicians. On Friday I will be making a statement about the Budget and it will be of no surprise to Members - and this is relevant to this amendment I can assure you - it is absolutely relevant to the debate that we are having today. I say that because if Members are under any illusion of the economic difficulties that not putting in place the right overall housing policies have to economics and those are balancing ... I sometimes think, as a States Member, even with a Minister for Treasury and Resources hat, I am having to balance on the one side economic and on one side social and environmental issues. It is the tension, it is the difficult trade-off, the offset of those conflicting silos of issues that we need to consider independently and then join-up when we make overall debates. A rezoning proposition is that very issue of the trade-off of those 3 issues and we cannot ignore any single one of them. The remarks that have been said about the environmental, about green spaces, are absolutely right. That is correct. The arguments about social provision are absolutely correct. Not delivering homes that people need; not ignoring them; dealing with the implications of not providing a decent home for somebody to live in and bring up a family or that is appropriate to their needs in the time of their life that they need it; perhaps a bigger home; to have bigger wheelchair access; to allow people to be looked after at home in the twilight years of their life; bringing up a family in an appropriate home that has not got shared bedrooms with 2 different sex children. Senator Le Gresley said about the reduction in the housing supply. It is easy just to point the finger, I say to Deputy Martin, and to scold Ministers and say: “You have failed. We are here because you failed with an immigration policy.” The first thing to say is that this debate today is not about the immigration

policy debate that we had a few months ago. Every home that is at risk of not being delivered on these 3 zoned sites are people that have lived in Jersey for more than 10 years. This is not about tomorrow and yesterday's immigration debate. This is about the immigration debate to the extent that it matters of 10 years ago, 20 years ago. We are cleaning up some of the problems of the past. I thought it was a social injustice to allow people to be in Jersey, to contribute to the economy, to be a nurse, to be a doctor, to be a banker, to be a care worker and to not ever have the prospect of saying: "Jersey is my permanent home" because you do not get housing qualifications as a result of it. Where was the social justice and the fairness in that? Where was the social justice in not giving people until they were here for 20 years the ability - until the recent changes - to have the right of their exclusive access to their front door key, because they had to be a lodger without a tenancy? I will not say it was a scheme or device, but it was certainly a circumnavigation around the Housing Law. I do not see too many Members of the Reform Party here. They care about social justice. I care about social justice. I care about giving people the right to a home and this is not just about social rented properties. This is not just about over-55s. This is about providing supply in all tenures of accommodation and to deny the reality of the need of the supply that we need to put in place would simply be myopic. Members need to consider: do we really believe the arguments that have been made in this debate that there is not a need to deliver housing supply? Do we really believe it? Do we really believe Deputy Baudains who, of course, is doing his constituency responsibility, but let us have a debate on the facts not the non-facts. There is an undisputable demand for accommodation and homes in Jersey. It is absolutely beyond doubt and it is playing catch-up. It is playing catch-up because we did not put the right policies of supply in place in previous Island Plan reviews. I have been through many pre-election rezonings. I have been through the consequence and it is good to have Deputy Young here in the debate because Deputy Young and I, I think very helpfully, when we were dealing in different responsibilities, fixed the problem. We fixed the problem because the then Planning Department fixed the problem of completely crazy rezoning propositions and I am going to deal with Deputy Higgins and the Deputy of Grouville's problem. We rezoned sites without any form of control. The control that is being put on this St. Clement site is the tightest control that has ever been put in place on a rezoned site. Members would expect me to have done the research with our responsibilities for Andium, working with the Minister for Housing and the Planning Department on whether the planning obligation works. The 80:20 is the toughest that it has ever been on a rezoned site. It captures more of the uplift in value and puts it more into social housing and affordable homes than ever before and it still works. With the 90 per cent move to rentals, I have effectively been through some sketch outline valuations of what Andium might be prepared to pay for the rezoned sites. It would not be appropriate to put these in the public domain, of course, but Members would expect the Minister for Housing and I to have done our homework and to make sure that the rezoning proposition and the planning obligation that will be in the hands of the Minister for Planning and Environment will work. I can say to Members - and the Chief Minister no doubt will also confirm - I have had concerns about whether or not it works and I am satisfied that it will. I have also had the benefit of some advice in relation to how to make that work. We made a mess-up of previous rezonings. If I may say, respectfully, to former Senator Norman, now the Connétable of St. Clement, I hope that he has been up to Langtry Gardens, to that site that the Minister for Housing spoke about in his remarks, and he is pleased to see the rezoning proposition that he called for in the 2002 debate. I am pleased with the houses that have been built on that St. Saviour site. Thirty free homes for the Parish of St. Saviour, a number of over-55 properties for senior citizens or becoming senior citizens, well done and an excellent scheme for Andium Homes. Brilliant, absolutely fantastically designed. I see the Constable of St. Saviour shaking her head. Frankly, the Parish is in a very good position. We need the homes. The Constable of St. Saviour and her constituents need homes. The Constables of St. Peter, St. Mary, St. Ouen, St. Lawrence, St. Brelade, St. Clement and all of them, they need homes, every single one of them, and I respectfully say that their young people are going

to be extremely despondent if this Assembly does not make the positive decision to deliver the homes and the aspiration of a decent, safe, affordable home for the people that they represent. But, of course, it has to be in the right place. The reason why I mentioned the fiscal measures and the reason why I mentioned the Barker review ... and I would remind Members that Kate Barker was honoured in the Queen's Honours with a knighthood - she is now Dame Kate Barker - for services to economics and property matters. She is an undisputed expert in relation to housing supply and the difficulties of delivering supply on the equivalent of rezoning in the U.K. If only the U.K. Government had implemented the 2004 review that she so clearly set out. The F.P.P. (Fiscal Policy Panel) have been briefed on the budget measures that are coming forward. It is important that there are removals of impediments into housing supply, but I am afraid, to Deputy Martin and to the Deputy of Grouville and Deputy Higgins, putting in place even the most reformist fiscal measures of considering removal of mortgage interest tax relief, changing stamp duty arrangements, land value tax, tightening up on all of these issues, these things are just going to make the housing market work better. It is going to de-friction it. It is going to make it more effective and I hope the Assembly is pleased with the budget measures that we are going to be proposing on Monday, which achieve just that. Hint: getting more money out of higher-value properties, making the property market work better and having ordinary affordable homes; a twin policy which is joined-up in terms of supply, but it will not be joined-up if we do not allow that supply to happen. You have to get the economics right and you have to get the taxation system right, but you cannot escape the supply issue. The supply issue is absolutely key. I will not be dwelling on the financial aspects of not supporting the Constable's proposition, but I would just remind Members that the economic situation that we have seen in Jersey as a result of the financial crisis around the world started in the housing market. It started in the U.S. (United States) subprime market and it started because of foolish lending, inadequate supply and a failure of Government to respond in terms of supply. I want the economy of Jersey, like every Member, to return to growth. I think it is going to return to growth. We are seeing confidence returning in the Business Tendency Survey and the work that Locate Jersey is doing, the digital side of the economy. These things are beginning to look better. The indicators are now moving in the right direction, but what will happen if we do not do the appropriate joined-up measures to put in supply? We will see the same problem as has happened in the south of England. We will see higher house prices. If you do not put the right supply in place, people will pay more and they will buy early because they expect prices to go up. It is enormously important for governments and Assemblies to send the signal that we are determined to deliver supply. I can sense a frustration that some Members are sighing about what I am saying. I do not know quite where it is coming from, but I cannot understate, wearing a Minister for Treasury and Resources hat, that housing supply and not putting the right housing supply can have devastating consequences to the economy. Just look at the subprime and the effect that happened in the U.S. Look at the concerns in the U.K. about the fact that they did not do the supply side and they allowed imperfection in the housing market. It is vital that these matters are joined-up. The Constable of St. Clement understood these issues very well all the way through his position on the Housing Committee. I saw that, in the Jersey Homes Trust Annual Report, the Chairman of the Jersey Homes Trust commended the then Housing President for establishing the Jersey Homes Trust. That delivered 880 units of accommodation, many of them on the sites that the then Constable would have been part of rezoning. I mentioned Langtry Gardens. I think the only difficulty with Langtry Gardens, if I may say, is the density. On some areas we have rezoned sites that have not had an appropriate density. If you rezone, you need to maximise. We are an Island of scarce land resources. I agree with much of what the Constable of St. Helier had to say. You need to make sure that you get a good design with urban spaces and get that right. I say to Members and particularly to Deputy Young high density is not necessarily bad living with appropriate boundaries.

[16:15]

Low density is misuse of scarce land resources and the difficulty will be, if we approve the Constable of St. Clement's proposition, we are then either going to face a choice of coming forward with another site that needs to be rezoned, and that will inevitably be either another site in St. Clement or it will be in another Parish. I agree entirely with what the Constable of St. Helier is saying about the focus on St. Helier for more homes; good-designed, well-managed, well-built homes. I agree with him on the Gas Works' site from what I can see. Members must not hold on to the fig leaf that we are going to be able to, however, deliver all of the short-term needs in the next 5 years of homes because of these additional sites in St. Helier. There is no evidence of this. I say to the Deputy of Grouville, with the greatest of respect, the last rezoning proposition that the former Minister for Planning and Environment brought dumped the issue of rezoned issues. It was the reality of it and we are here today before another election because that rezoning issue was done. The Assistant Minister and I at Treasury and Property Holdings, I think, have done everything we possibly can to try and assist in terms of supply on States-owned sites and more can be done, but that will not solve the problem. It is part of the solution. It is part of the solution of delivering all sorts of tenures of accommodation. I say to the Minister for Planning and Environment, who I suspect holds a view that there is a possibility of increasing the density on some of the sites owned by Andium as a way of saying: "No, we do not need the St. Clement sites." I have looked at the numbers. I have been through all the numbers. The Minister can intervene if he wants to make a comment. If he has got something to say, I am listening.

The Bailiff:

He has not stood up.

Senator P.F.C. Ozouf:

Okay, fine, but he is mouthing something at me.

The Bailiff:

Well, wait until he stands up.

Senator P.F.C. Ozouf:

No, he has spoken, Sir. So he has not got another chance.

The Bailiff:

No, but he has the right to ask you to clarify yourself.

Senator P.F.C. Ozouf:

Fine. Okay, jolly good. I have looked through all of the Andium Homes requirements and the intensification of use of sites, Green Street. I have looked at all of those numbers that Andium Homes have done - and the business plan will be published - and they do not deliver the supply, end of. I can see a number of Members who have looked at these numbers, too. They do not deliver the supply. I am not going to go through the numbers again. I will give way, Sir.

Deputy R.C. Duhamel:

Just as a point of clarification, this is not the Minister for Treasury and Resources' remit. It is for the Strategic Housing Group and the other authorities that we have set up.

Senator P.F.C. Ozouf:

As a member of the Strategic Housing Unit, which is joined-up Government with the Minister for Planning and Environment, the Minister for Housing and the Minister for Health and Social Services, we absolutely are joined-up. Our statistical officers from Stats, from the Housing Policy Unit, Planning and Treasury are all in agreement. If the Minister is the only one dissenting from

that view, then I am afraid he is the only one to do it. I am not going to give way again, Sir. He has had his say, but it is clear. We cannot say: "Oh, it is all right, either these sites will be delivered on existing States-owned sites or it can be delivered on existing Andium sites or it can be delivered on windfall sites in St. Helier." The evidence is not there. We have been through line by line in terms of the actual supply. It cannot be done and so there is only an opportunity of coming forward with another site. I will just reflect on the fact that here have been a number of rezonings before. They have been controversial and there have been a number of rezonings that have come back to this Assembly for reconsideration. I think I faced at least 3 votes of no confidence as Planning and Environment President in relation to the 2002 Island Plan amendments when densities were not clear. The then Deputy of St. Peter opposed the development in St. Peter. Deputies in St. Lawrence opposed La Providence. Deputies in St. Clement opposed the ones on Jambart Lane. There was concern about the St. Helier ones at Mont à l'Abbé. In preparation for this debate and almost like a walk back in time I went, 3 weekends ago, and drove through all of the sites that we have rezoned in recent years, every one of them. I sat in my car and I walked around some of them and I thought: "What would have happened if the States had not rezoned these sites? Where would the families where kids were ..." and I do not want to be a romantic image-player, but I will do so. There were happy families with happy children in well-constructed estates across the Island, on which there was immense controversy in each one of those sites because the rezoning proposition made a right hash-up of the amount of densities that were there at the time. It was unclear. There was chaos. I considered: "Would we not rezone them? Would we not have developed Clos des Charmes. Would we not have done the field in St. Peter, Mont à l'Abbé?" I asked the Constable of St. Clement, would he not have done Langtry Gardens? It may be unpopular and there may be threats that elections are looming and constituency representatives and: "People will not vote for you if you have the rezoning." If you support the rezoning there is a threat there. Well, I stand by every one of those rezonings because it gave hope, homes and aspiration to people both in terms of affordable home purchase and in terms of social housing. The social housing sites that we have delivered have worked extremely well. They are a lot better and they are going to get a lot better with the new Andium arrangements. It is just appropriate perhaps to comment on the remarks of 2 or 3 other Members that have spoken. Deputy Higgins spoke about his dislike for developers and his dislike for the use of greenhouses. I understand. I was a farmer's son and I should declare I have a current planning application. It has been in the public domain. I am arguing against my own interests in relation to this because if you increase supply then it will mean that house prices do not go up as much. So I am arguing against myself. It is an indirect pecuniary interest, but it is certainly an indirect "not good" and if I am doing a hash-up of trying to defend the position of housing supply then I hope Members would realise I am not. I am passionately in favour and defending the issue of needing supply. The greenhouse site is a problem. Not all greenhouse sites can be redeveloped, absolutely not. There are blights of the countryside and solutions need to be found. Deputy Higgins may dislike developers and he may dislike subsidies given to greenhouse providers, but we did the right thing to withdraw the glasshouse subsidies because we would have simply ended up with an unaffordable subsidy system. This is a relic of that past industry and we need to clean it up. Not all can be built on, but Samarès is a good site. I would also say that the uplift in value, the proposition for a proportion of the 80:20, absolutely works. I am astonished to hear Deputy Le Fondré argue against this proposition. He is a member of Les Vaux Housing Trust. He understands the waiting lists, that all the housing trusts are desperate for supply. Deputy Le Fondré should be agreeing with this supply. How can he have 2 views, one with a housing trust hat, knowing the supply, and the other saying he is against and he is in favour of this proposition. I simply do not understand that irreconcilable position. Deputy Martin, this is not tomorrow's immigration debate. It is yesterday's immigration debate and it is not about immigration as Senator Le Gresley says. It is about births and it is about marriages. There is one other thing on supply. There is an unshakable fact that is happening in housing supply. You need more homes for the

current population than you did 10 years ago, 20 years ago, 50 years ago and 100 years ago because average number of people per house is falling. People live longer. People stay single longer because of the sad breakup of marriages, *et cetera*, and as economic growth rises you need more houses per 100. That is the reason why the lack of supply is happening and I ask Deputy Martin not to try and hold on to this debate by saying that this a failure of population and immigration. It is not. It is about reducing the 10-year qualification on social justice, births over deaths and the inextricable fall in average number of people living per house. Constable Crowcroft, I agree with his aspiration of St. Helier, but we cannot deliver all the supply in St. Helier. We have to put some certainly in the limited area in the adjacent urban area. That is why we will save. We had a debate about Plémont. I want enhanced protection for the green areas. Voting in favour of the Constable of St. Clement's amendment means that there are going to be other green areas which are going to be at risk because there is the inescapable need for the demand. Members need to understand the trade-off and where the bubble is going to be squeezed on to. We cannot hide from it. It is not going to go underground. It is not going to away. It is already here and we have to tackle it. I agree entirely, but we need the right development for St. Helier and St. Helier is going to take a significant amount of additional supply in years to come. I think Deputy Pinel said something absolutely correct in relation to the way that particularly the Samarès site and the owners have been dealt with. I know them vaguely. I have not spoken to them for years. It is just because they are known to me as this is a small Island. I think it is important to reflect about the in and out of this site over a number of years. Efforts have been made to rezone this site over a number of years and I am pleased that this debate is happening because they can at least get closure on this issue. They have been badly treated, as Deputy Pinel has said. On balance, I think that the Samarès site is undeniably the best site, as the planning inspectors have said. It is on a main route. It does have buses. It is not right, if I may say, for Deputy Baudains to talk about sewers. I went through the whole particulars of the site with Andium. Sewers can be connected. There is no doubt at all about that. I know that the Constable has got some problems in Maupertuis, but we understand about that. In fact, the Treasury has been trying to help with that and we stand ready to help again in relation to that. There is not a drainage issue and I even know the cost of the estimate of the drainage issue and how that could be dealt with. It is not a factor which should lead to a "no" to the development of this site. Access: if homes are needed you are going to need an ingress and egress and there is an appropriate main artery that can take the traffic. If anywhere can get a decent bus route, it is on this. It is one of the most bussed areas of Jersey and that means you can get it. In relation to education, I say again to Deputy Pinel, the houses are needed, the education places are there and the children are there. That is just going to be organisation. I am really surprised to hear the Minister for Education, Sport and Culture, knowing that the children are needed and the children that need to be educated need to be housed, is thinking that he is going to vote against this proposition. He knows that good children in well brought up families need decent homes and not giving them decent homes is an injustice to their education. **[Approbation]** Archaeological issues - if anything, the archaeological survey that will be done will mean that the archaeological area of this thing will be safeguarded and there should be appropriate archaeological things done. Vacancies: I am afraid that is a complete red herring. Vacancies are standard. I have a breakdown, if Members really want, of vacant possessions. We know what the vacant property rates are. There were 3,300 in the Island Plan, 2,400 were for entirely good reasons; 900 were waiting tenants, 600 were being renovated, 300 were for sale, 300 were people in care and 600 were second or holiday homes. There is nothing that can be justified in relation to vacant homes. I have even asked the officers to give us some comparable figures of vacant homes compared to other places. It is a red herring and it would be wrong to say that the vacant homes issue is a relevant reason to support the Constable of St. Clement. Rezonings are difficult. They are really tough and they require an Island-wide approach. They require the balancing of environment, social and economic issues. There is an undeniable case for the economic issues. There is an undeniable fact that this is the best

environmental site of all the Island that could be built on. I think there is an undeniable social case that we need to give some aspiration and some hope to those people who are on that waiting list that the Minister for Housing spoke of.

[16:30]

I understand Members are going to have a split vote on this. I would make the hierarchy. I will be voting in favour of both of them, against both of the amendments when it comes to it, but there may be some particular issues that Members may have about the Le Quesne site compared to the other sites. I hope not, but Samarès absolutely matters for housing supply now and I hope Members, with respect to the Constable's position and with respect to the Deputy's position, are going to vote in the Island-wide issue and not accept the Constable's amendment.

Deputy J.H. Young:

Can I ask for clarification, please? The Minister for Treasury and Resources referred to residential densities and capacities on the land for Andium as part of his speech. Is he going to make that information available to all Members?

Senator P.F.C. Ozouf:

Yes, happily. I am just the messenger of the Minister for Housing in that regard, and the Minister for Planning and Environment. The densities will be absolutely made available and the density, just for absolute clarity, that is proposed for Samarès is 20 units. I call it 20 units per acre, but that is the figure that I have. I have the densities of all the rezoned sites and 20 is the same density that was used for the Mont à l'Abbé development just at the top of Queens Road, which is one of the sites that I visited where I saw some fantastically well-built homes and great Green Zones.

The Bailiff

It is just clarification, thank you, Minister.

2.12.22 Deputy S. Power:

I am fairly reluctant to get to my feet following the last discourse by the Minister for Treasury and Resources. It was an excellent speech and some of the content was excellent, as was the previous speaker, Senator Le Gresley. The situation I find myself in this afternoon is almost ... I think Senator Le Gresley referred to it as almost a copycat debate on what happened in 2011 where the single most contentious issue in the 2011 Island Plan debate was housing and we got stuck on housing for a number of reasons, the main one being that at the time the then Minister deferred to the Constables in rezoning of particular sites in particular Parishes and we end up now, 3½ years later, in a situation where almost nothing has been achieved. I dare say it to my colleagues in this Assembly: the only producer of anything remotely like affordable accommodation in the last 3½ has been some of the Parishes and one private company. We cannot deny that. Whether you like it or whether you do not like it; that is a fact. When I look at the document that was prepared by the department that I serve under at the moment - this is the consultation draft document that was produced in March this year - and when we look on page 233 of States-owned sites and we read the list again and again and again and again of States-owned sites, the former J.C.G. site, Rouge Bouillon, St. Helier Summerland and ambulance station, and the Rouge Bouillon site. So these sites all predate my election into this Chamber at the end of 2005. J.C.G. has been empty I cannot remember how long, but it has to be somewhere in the 1990s, and it is an absolute Island disgrace that that building has been allowed to be left the way it is. **[Approbation]** Not only is it a disgrace, but it is an absolute miracle that the fundamental fabric of the building has not been damaged. We have got a massive issue with that. In the 2011 Island Plan debate a number of us tried to warn this Assembly that the housing component in its form being proposed was not going to work and it did not work. Here we are 3½ later debating exactly the same number of sites in

exactly the same time, which is in the autumn of an Assembly's life and just before an election. Somebody would say this, but you cannot make it up, we have done the same thing again. We have done the same thing again. It is extraordinary and sometimes I really do get dejected, but I am trying not to be so I can finish what I am trying to say. I live and I am privileged to live on the Island. I am also privileged to live in a Parish which has the fourth highest density of housing in Jersey. It does not compare with St. Clement. It does not compare with St. Helier, but it is up there and I represent those parishioners and I am happy to stand up here this afternoon and... and I agree with Senator Ozouf and Senator Le Gresley that we have got to stop ducking this issue. I have been long enough in this Assembly to repeat this to colleagues. The 4 issues that we keep making a mess of, the 4 issues that we keep making a dog's dinner of, the 4 issues that we keep ducking on are (1) the population issue, and I will deal with that in a second; (2) electoral reform, because we have made an absolute dog's dinner out of that and we have disenfranchised and disgusted the public with the way it has been done; (3) affordable housing and, in my opinion, since the Island Plan 2011, on the ability of this Assembly and this States to offer up States-owned sites and States-owned housing, we have produced zero; and (4) social housing and, again, I defer to the expertise of the Minister for Housing because he has painted a bleak picture as to the housing waiting lists and how we deal with that in the future. So we are in denial. This Assembly is in denial as to how we deal with these issues and until such time as we stop suffering from some sort of self-induced amnesia, these problems are going to repeat themselves all the way through. Senator Ozouf talked about the dynamics of what is driving the demand for housing. He is right about 2 of them and I disagree with him on the third. The population is inexorably increasing and it is increasing due to the excess of birth over death, and it is increasing because of the number of people and families that are here that have had children, and it is increasing because of net inward migration. Those 3 factors are causing a dynamic that we have not addressed. Now, the other issue is that, much like another country, like the United States of America, more people are living on their own; 50 per cent of Americans, today, live on their own. We are not approaching that statistic but the trend is towards that statistic and Senator Ozouf is correct in identifying that lower occupancy units of accommodation will be the norm in the years to come because of widowhood, because of divorce, because of separation, because of financial issues, because of whatever, and we have to address that issue. We have a document circulated by the Planning Department, which is the revised estimate of draft revisions, which was in March, and the first thing it says is policy context. The policy context for this debate and the review of the 2011 Island Plan that does not work, on the housing component, is what the Strategic Plan said and what this Assembly agreed in the Strategic Plan 2012. I remind Members of 6 bullet points. The first one is to put in place schemes to generate affordable housing for social rental and purchase. This Assembly agreed that in 2012 and we still have not done it. The second point is bringing forward schemes to support first-time buyers. Have we done that? We have not done that. We have not produced sufficient supply. The third one is continue work on existing homes to meet decent home standard. The Minister for Housing is on top of that one. He has given us the statistics on where he needs to be, the number of houses and units that do not meet decent home standard, and he is there. The fourth one is establish a Strategic Housing Unit; that has been done. The fifth one is address the funding for the maintenance and investment; that has been done, and the sixth one is complete the Housing Transformation Programme; that has been done. So 3 of the 6 have been done and the other 3 have not been done. The objectives in this review of the Island Plan are, (1) to ensure the provision of land and development opportunities to meet the Island's housing needs. I am not going to repeat what other Members have said, we have not met those needs, we have got the waiting lists, we understand the needs for housing, social housing and affordable housing to lead the regeneration of the Island's urban areas and to sustain the viability of rural Parish communities. We have all the housing indicators and we are falling behind again in how we achieve how this housing component of the Island Plan works. We have statistics, we have got statistics coming out our ears from the Statistics

Unit, from the 2012 Housing Needs Survey and all of those indicators show that we need further housing. The block table on page 231, but it is page 7 on this small booklet, estimates demand element produced by the Housing Department, dwellings required 2013 to 2015, additional dwelling requirements 1,000, 2016 to 2020, 1,300 and on up. The total is 2,300 for that area and affordable housing 1,000, 3,300 units of accommodation. We have got to stop ducking this issue. I, again, identify with what Senator Le Gresley said, he lives in St. Clement, I live in St. Brelade, and I agree with him. If we duck this issue this time again it will have to come back again at some other time. I believe that we have got to deal with this. So much of the notes that I have, have already been said, so I am going to truncate this and say, I beg Members, I implore Members to be brave and to deal with what the statistics are in front of you today. Whether it is St. Brelade or St. Clement or St. Helier or St. Saviour or wherever it has got to be, until such time as this Assembly takes responsibility for what we have allowed in the last 6, 10, 15 years, we duck; we duck the issue. We have a responsibility today and tomorrow to accept the net growth of the Island's population, the supply statistics that are being suggested to us and I will be opposing this amendment today and sticking with what we need to do. Thank you.

2.12.23 Deputy A.E. Pryke of Trinity:

I am a bit of an optimist, well, I am an optimist and I go back to 2008 when this Assembly took a bold step then, when I was Assistant Minister for Planning and Environment, and bought 8 sites to be rezoned. The States did take the right action then and approved every single one of those 8 sites and they have been built on by first-time buyers, over-55s and, as has been said before, you should go and see them, they are an asset. The families are happy in them, children running around, part of the community, and also the over-55s, it has made a difference to people's lives to be in the right sort of house at the right sort of age where they can live supported by each other, because, as we know, we are an ageing society. So, we took a great move there, a bold step then and I am very hopeful that we can still do that here today. The Minister for Housing has said there are now 860 people on that waiting list. Are we proud of that? I am certainly not. The criteria is high to be on that list, they need to be homeless, they need to have been evicted or live in overcrowded surroundings, or disabled. So those 860 fit those 4 criteria, nothing else. So are we proud of that? I am not. We need these sites, so are we just going to ignore the need and just hope that number just goes under the rug, out of sight out of mind? Well, they are not going to go away, they are still going to be there and that number is going to increase because we know, as I said, we are an ageing population. So, I urge Members, let us be bold, let us take ... let us make the right step and rezone these sites because it will make a great difference to people's lives. Thank you.

2.12.24 Senator I.J. Gorst:

It seems another day, another difficulty, and this appears to be one of today's difficulties. I will say that only once. Perhaps I should start by saying that I own a house around the corner from the Samarès Nurseries' site but I do not believe that conflicts me in regard to the rezoning of the site because if people are concerned about reduction in house values then I would suffer from that.

[16:45]

This debate today is difficult for me because if we go back 4 years to the previous Island Plan changes, it was on my amendment that the site of Samarès Nurseries was taken out of the built-up zone. I was not in the Assembly to present it, I was out on States business and I am not sure if it was Deputy Le Fondré or my then Assistant Minister that presented it for me but it found favour with the Assembly. If I go back those 4 years I have no doubt that today I would be making common cause with my former Deputy, my former Connétable. But this proposal, unamended, does have the full support of the Council of Ministers, for the reason that a number of Ministers have said. Having said that, of course, we have heard today that one or 2 Ministers do not appear to

be certain because they have heard other views across the Assembly. But let us be clear, it comes forward with the strong support of the Council of Ministers and that is because we have to make a decision in the best interests of the Island as a whole and balance-up the difficulties that those surrounding a particular site might find, and unfortunately I was not able to hear the Connétable's opening presentation but I am sure it was excellent, and I have got no doubt that his summing up is going to be, to use a non ... well, I hope it is a parliamentary term, that it is going to be an absolute barnstormer because that is exactly what the Connétable is known for. But I hope that we put that to one side and think about the issues, which is what the Council of Ministers did. I am conscious that it is coming towards the end of the debate and many things have been said but I want to address a couple of the issues that have been raised, particularly with regard to H3 in the Island Plan as approved back then. I was keen to make that policy work. I met with landowners, developers, architects, hoteliers, farmers, representatives of the hospitality association and industry, and each one told me it would not work. It would undermine those in the hospitality industry, it would mean that they were not able to renovate and improve their properties because they would not be able to get funding because of the process in place, it meant that landowners would not bring forward sites for development, it meant that developers would not therefore be able to develop them because there would be no money in it, it meant that architects would have no business. Every single one of them made strong coherent arguments about why that policy would not work, and after robust conversations with them, after analysis of the facts that they presented, it became apparent to me and apparent to the Council of Ministers that it was not in anybody's interest to continue with a policy that did not work. It worked in theory. It might have worked in some county in another country but it was not going to work in Jersey, and if we had hung on to that we would have been left in a very sorry state. That is why we are where we are today. This Assembly thought that that policy was going to work. This Assembly believed that we could go higher and increase density on States-owned sites. It has not worked, so we have quite a stark choice before us today. We either continue crossing our fingers and hoping that these policies that do not work will work and hoping that in the short-term we can deliver greater supply on States-owned sites, even though we have not been able to do that ... sorry, I presumed we were iniquate. Even though we have not been able to do that over the last 3 years, or we do something about it, something that the independent planning inspector told us we should have done about it last time we had this debate. That independent inspector has told us this time we should do something about it; we have a choice. We are either going to, as I say, keep our fingers crossed and hope, or make a decision to deliver. Sometimes decisions in this Assembly are easy. The decision to approve the Strategic Plan was relatively easy. The decision in that Strategic Plan to say that we were going to provide housing supply was quite straightforward because it was a political aim, it was a political vision. Today is the difficult delivery of that political aim, and I just want to touch on 2 particular things. The Connétable of St. Lawrence said that she was not sure who to believe with regard to the need for houses. I would say, do not believe the Minister for Housing, do not believe the Minister for Planning and Environment, believe the independent inspector, who has verified the need for this supply, with the Independent Statistics Unit. They are the people that we should be relying on and they tell us that at this point in time these sites are needed. Other Members have spoken about the education problems, in fact I was out of the Assembly but I understand that the Minister for Education, Sport and Culture might have given an indication that he had changed his mind because of the education issues. I was not here so I do not wish to dwell on that, I might be misrepresenting his view. The inspector is clear, the inspector's report said: "The Education Authority predicts that the relevant primary and secondary schools have adequate capacity." So you would therefore expect us to be slightly concerned if someone from Education is suggesting something else. Officers have reconfirmed with the Education Department that the inspector's view remains today as it was when he wrote the report. So do not believe the people in this Assembly, believe the independent inspector, the decisions and points made in his report have not changed. So, as I

started, I will finish. I understand that this is a difficult decision and it is particularly difficult for me because I consider St. Clement to be my second Parish: perhaps first Parish. Therefore, for me, the easiest thing now would be to support my former Connétable, it would be the easiest thing in the world to cross my fingers and support him. But I have to ask myself, when I am asked on the election trail, when I stand up on those platforms and I say to the electorate that I support increasing the supply of housing, that it is not right that there are not enough new homes for young families in our community, will I be able to hold my head up high and say I support them in their desire for home ownership, I support the need for improved and increased social housing? I will only be able to do that if I support the rezoning of these sites today. I would say political platitudes that we sometimes can get into the trap of are easy, but delivering a future and being honest with the electorate is often difficult. This is a difficult decision but it is, I believe, the right decision, and therefore, it might be with a heavy heart that I am not supporting my former Connétable, but I need to be honest with the electorate that I am going to stand before again later this year, and they need homes. Young families in our community need good quality homes because it is the foundation of a good life in our community. Is there one thing that young people say to us? Well, there is a number of them; they are worried about jobs but they are equally worried about being able to have a home and afford a home into the future. Let us ask ourselves which side of that do we want to be. Do we want to be supporting those young people and supporting young families, and therefore supporting this rezoning, which is what is needed in the short-term to supply houses, or do we want to continue with political platitudes? Thank you.

The Deputy of St. John:

May I have a quick point of clarification, please, Sir?

The Bailiff:

Yes.

The Deputy of St. John:

For absolute clarity, that no matter what any other Member has said, including the Chief Minister, the Minister for Education, Sport and Culture has not changed his mind about there being sufficient capacity for schooling in the St. Clement area. Thank you.

The Bailiff:

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

2.12.25 The Connétable of St. Clement:

I am extremely flattered to know that Deputy Green and Deputy Duhamel can recall my speech of 2002. **[Laughter]** I do remember it now. I do remember it now very well **[Laughter]** and though I only gave it once I remember saying afterwards I won the debate but lost the vote, but there you go. There you go. We have had some very good speeches this afternoon. I think the last 3 or 4, being Senator Le Gresley, Senator Ozouf, the Chief Minister, and, to a degree, Deputy Pryke, have been very high on emotion, very reactionary in a knee-jerk sort of way. But some of the things they have said, as I will show shortly, make me wonder if they have read the revisions to the Island Plan presented by the Minister for Planning and Environment because they do not coincide with the facts that are contained therein. But to Deputy Green, I would say, I am very ... I hope he has always recognised that I am supportive of the Minister for Housing, supportive of the Housing Department and supportive of the efforts that they make, and have done for many years, to help to house those people who are unable to house themselves. Maybe this is because - I am trying to think how long ago it was, I think it was in 1990 - I was President of the Housing Committee and in those days we did have 1,000 families right at the top of the waiting list and we were successful. Within 5½ years we had reduced that to 200 families and offered first-time buyer homes to the 1,000 couples who

were on the first-time buyer list. So I am supportive of what it is trying to do. What I am not supportive of is the Minister for Planning and Environment's proposal that the only way we can resolve this issue today, now - this next 7 or 8 years - is by pouring more concrete over the Green Zone. Now, the independent planning experts, according to the Minister for Housing, have told him that if we lose the 265 homes on this site they are going to have to find them somewhere else. Well, that is not actually true because, as Senator Gorst, Senator Ozouf and Senator Le Gresley have not been able to reconcile is that the revisions to the Island Plan show the need up to 2020 is for 3,300 homes. The actual provision - and it is a conservative provision - is for 3,700. So already you have got a surplus; you have met the need, you have got a surplus of 400 homes. Now, that is not me saying that, it is not anybody else saying that, it is not the Minister saying that, it is the Minister for Planning and Environment's report, the revisions to the Island Plan, which apparently are supported by the Council of Ministers, including Senator Ozouf, Senator Gorst, Deputy Pryke and Senator Le Gresley. So why do they want to pour concrete over the Green Zone when they are meeting the need already? The Minister for Planning and Environment said, effectively, it was to meet a short-term expedient, a short-term contribution to the housing need. This is not short-term because once you have poured concrete over these Green Zone fields, that is long-term, that is for ever, they are gone. They are gone for ever. As the Minister for Planning and Environment said that by accepting my amendment is not a fatal blow to the Plan, the need will still be met. But lose 265 units from this Plan, they will have to be found at another site, according to the independent planning inspectors. Talking about independent planning inspectors, I do not ... I submit they were not independent at all, in my view, because I think they have done 2 former Island Plans and on both occasions they said Samarès Nursery is a good place to build on. They invite them to come back again, have another look at Samarès, are they really... I have got no problem with them, they are experts, they are excellent, but they have made comments on these sites before. It is unlikely they are going to change their minds, that is not going to do a lot for their reputation if they do that. So they are not really independent. But lose 265, you have got to replace them elsewhere.

[17:00]

As I say, you have not really but if you really need to, if you really need to ... as I said in my opening remarks this morning, what has happened to Field 145 in St. Clement, which was earmarked in 2002 for Category A housing? Why are we not threatening to compulsorily purchase that to build the houses we need, before we start threatening to compulsorily purchase Green Zone? J.C.G: quite right. The numbers are not included in the 3,700 that they are going to provide, they are going to come after 2020, but the Minister, this morning, offered up 70-odd units in the short term. We have heard about the Gas Works' site. The gas company are looking to provide around about 300 affordable homes. Now, I do not mind, that is at the end of the day after it has been through the planning process it may be 100, it may be 150, it may be 200, but it is going to make a significant difference. I have been told - it may not be true - that Andium Homes are already negotiating with the Jersey Gas Company to acquire that site for that development. Now, that may not be true but if it is not true, it ought to be because Andium Homes have got to create the supply, and they do that by getting the sites and building them in the right place, in the built-up zone before we start pouring more and more concrete over the Green Zone. Of course, Senator Ozouf pooh-poohs my remarks about 3,000 empty homes. I did not realise it was 3,100 domestic properties that are empty and 2,400 of them have got legitimate reasons for being empty. Well, that means there are 700 that do not have legitimate reasons for being empty. Even if it is half of that, at 300 ... sorry?

Senator P.F.C. Ozouf:

Point of correction, I said they are second homes.

The Connétable of St. Clement:

Well, whatever, whatever. At 3,100, if you ... even 5 per cent of those that you could try and harness. We know some are empty waiting to be rented out, well, let us find a way of doing it. If we are prepared to compulsorily purchase Green Zone fields for housing, then why not homes that are being under-utilised or not utilised at all? Deputy Green, and, indeed, Senator Ozouf were very dismissive - very dismissive - of the drainage and flooding issues in the area. Well, do not let the people who live around there hear you talking about that. The drainage issues are serious. This is a marsh. Since Field 40 has been developed those houses have flooded, the ones that are built on Field 40, a number of times and Clos de la Mare, as I said, the gardens now flood in times of modest rainfall and the sewerage system has failed. You cannot say: "It is all right, it can be connected up." Five years ago it failed and it still has not been repaired, and up to a few weeks ago when I was speaking to Transport and Technical Services officers, they had not found a solution. So flooding and surface water problems have certainly not been resolved. Deputy Green also wondered why these 2 sites, why the land had not been used for the last 5 or 10 years. Well, I think Deputy Higgins answered that, there is a significant difference in what one might obtain for agricultural land and what one might obtain for housing land. No, I do not criticise anybody for that, that is commercial reality, but that is the reason because agriculturalists and horticulturalists have both wanted to utilise that land and they can use it again. In fact, as I said, if we want to compulsorily purchase these fields let us do it and then return it to agriculture and horticulture and buy them at values represented by agriculture and horticulture, not for housing. Senator Ozouf also spoke about how strong conditions are going to be imposed on this land to make sure that it stays in the first-time buyer bracket or the affordable home bracket. Well, it does not really matter too much because these fields, these Green Zone fields are not going to be developed for owner/occupier except for very few of them. I think there are about 50 out of the 300 being developed in the area, Le Quesne, Samarès and Le Squez, and there is no control, as I read out this morning from the very Island Plan amendments that Senator Ozouf supports. It says: "Conditions or restrictions may be imposed to ensure that the benefit may be recycled or retained. There is no requirement for such conditions or restrictions or any advice from the Plan on how it might be obtained." But getting the homes developed in the first place, I do not know how that is going to be controlled because these sites are privately-owned. So presumably once they have been rezoned, a development brief is produced and the owners then sell them to a developer or a homes trust. We have got no control over the prices that that will be, and if the owners do not get the price they want from Andium or the other housing trusts, then presumably, as I say, our policy would be to go to compulsory purchase and we will not know what then it is going to cost us. The Deputy of St. Ouen believes this to be an ideal site because it is next to an existing estate. Well, that is right, it is next to an existing estate, it is next to the Le Squez Estate and it is going to effectively double the size of the estate there. But of course once it is built there will be fields next to this part of the estate, so in the Deputy's mind, that will be the next one to go because it is perfectly okay because the field is next door to an existing estate. That is until you get the whole Island covered in concrete. Now, the other thing that Deputy Green mentioned was about my comments on education. He said the children already exist and they do not create new ones. To a degree that is true. But of course, now, those children that already exist will now all be congregating, 300-odd of them, in one area where the schools are either full or nearly full, or certainly will be full once the Le Squez development continues. It is human nature, once you get a house and you get a better house you do tend to have more children, so more children will be created by providing better homes. I have got no problem with that, but the reality is this is supposed to be an Island Plan. It is not just supposed to be putting a group of social rental houses in a lump and placing them on a greenfield. One should be thinking about the infrastructure, about the recreational infrastructure, about the educational infrastructure, about the social infrastructure, but there is nothing in here at all. We are going to increase the population of St. Clement by some 10 per cent but no increase in educational facilities, according to the Plan, no increase in recreational facilities and no increase in

social facilities. Deputy Martin was hovering. I hope she may have decided to come down on the side of the angels, but can I ask her, please, do not vote against this amendment just because she does not like some of the ways I voted in the past. That would not be fair because St. Clement, as I said this morning but I think it is worth repeating, particularly in view of Senator Le Gresley's remarks, is not opposed to development. I am not opposed to development in the Parish. We certainly do our bit. He mentioned Le Clos de Charriere, and I am sorry, I really am sorry that the sunlight has been blocked out, Senator, but the Parish supported that. Fairways, L'Industrie not yet built but former farm buildings: we support the redevelopment of that appropriately. Samarès Coast Hotel, again we do not want to lose the hotel but we are not going to object if Planning decide that is an appropriate use for housing, that housing should be on that site. Of course, 54 retirement homes on Field 274, which, as I said, we are providing social housing. We are really doing our bit. We are not N.I.M.B.Y.s; no way can we be called N.I.M.B.Y.s. Somebody asked about the density levels in the Parishes. It was Deputy Power who pointed out how densely populated St. Brelade is with 803 persons per square kilometre. St. Clement is 2,142 persons per square kilometre as of the last census, considerably more if this Plan is to be approved and amended. Deputy Power also used the emotional phrase "ducking the issue". We are not ducking the issue. The Plan provides for more social homes than are required up to the year 2020 and we know subsequent to that some of the sites like Summerland, the police station, Rouge Bouillon and so on, should come on line. There is no way we are ducking the issue. The homes that are required will be provided by this Plan and subsequently. I really do not think I am going to go on any further. I ask Members to support the amendment. The developments in both cases are inappropriate. I ask Members once again to look at page 5 of my comments, I think it was page 5, which shows this gross intrusion into the Green Zone, totally inappropriate. The Samarès, as I say, is extending Le Squez Estate by a significant degree, almost doubling it, as I say, with no additional recreational, social or educational facilities provided or commented on in the Plan. But the most important point of all I really think is the figures in the Island Plan show that it is not necessary. We can meet the need with a little bit of imagination without pouring concrete over the Green Zone in St. Clement. I maintain the amendment and I ask for a vote separately on each proposition by appel.

The Bailiff:

The matter before the Assembly is the proposition to the amendment of the Constable of St. Clement. We are going to have 2 separate votes. Sorry, Deputy, are you trying to get my attention?

Deputy J.A. Martin:

Yes. I was just going to ask if the votes could be taken first on Le Quesne Nurseries before Samarès. I know it is not written that way but I wonder...

The Bailiff:

No, I think we have got to do it in the order it appears. The first vote will be in relation to Samarès Nursery, the proposition being to exclude that from the list. The Greffier will now open the voting in relation to Samarès Nursery.

POUR: 15		CONTRE: 30		ABSTAIN: 3
Senator L.J. Farnham		Senator P.F. Routier		Senator A. Breckon
Connétable of St. Clement		Senator P.F.C. Ozouf		Connétable of St. Mary
Connétable of St. Lawrence		Senator S.C. Ferguson		Deputy R.C. Duhamel (S)
Connétable of St. John		Senator A.J.H. Maclean		
Connétable of St. Saviour		Senator B.I. Le Marquand		
Deputy J.A. Martin (H)		Senator F. du H. Le Gresley		

Deputy J.A.N. Le Fondré (L)		Senator I.J. Gorst		
Deputy M. Tadier (B)		Senator P.M. Bailhache		
Deputy T.A. Vallois (S)		Connétable of St. Helier		
Deputy M.R. Higgins (H)		Connétable of Trinity		
Deputy J.M. Maçon (S)		Connétable of St. Ouen		
Deputy G.C.L. Baudains (C)		Connétable of St. Brelade		
Deputy J.H. Young (B)		Connétable of St. Martin		
Deputy S.J. Pinel (C)		Deputy R.G. Le Hérisssier (S)		
Deputy S.Y. Mézec (H)		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 K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy of St. John		
		Deputy J.P.G. Baker (H)		
		Deputy of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		
		Deputy N.B. Le Cornu (H)		

The Bailiff:

Very well, then the voting machine will reset. The second vote is in relation to Le Quesne Nurseries, and the Greffier will open the voting.

POUR: 29		CONTRE: 17		ABSTAIN: 2
Senator A.J.H. Maclean		Senator P.F. Routier		Senator A. Breckon
Senator L.J. Farnham		Senator P.F.C. Ozouf		Deputy R.C. Duhamel (S)
Senator P.M. Bailhache		Senator S.C. Ferguson		
Connétable of St. Helier		Senator B.I. Le Marquand		
Connétable of Trinity		Senator F.du H. Le Gresley		
Connétable of St. Clement		Senator I.J. Gorst		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of St. Mary		Deputy of Grouville		
Connétable of St. John		Deputy of Trinity		
Connétable of St. Ouen		Deputy S.S.P.A. Power (B)		
Connétable of St. Brelade		Deputy K.C. Lewis (S)		
Connétable of St. Martin		Deputy A.K.F. Green (H)		
Connétable of St. Saviour		Deputy of St. Mary		
Deputy R.G. Le Hérisssier (S)		Deputy of St. Martin		
Deputy J.A. Martin (H)		Deputy R.G. Bryans (H)		
Deputy of St. Ouen		Deputy R.J. Rondel (H)		
Deputy J.A. Hilton (H)		Deputy N.B. Le Cornu (H)		
Deputy J.A.N. Le Fondré (L)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				

Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy S.Y. Mézec (H)				

[17:15]

The Bailiff:

Before we move to the next matter, can I just say this from the Chair. There was a very wide ranging discussion on that amendment, quite properly, as to housing need and so forth. It does not seem to me that it is necessary for Members to repeat all of those arguments when we come on to the other sites. It will be more perhaps relevant to discuss the merits or otherwise of those particular sites.

2.13 Island Plan 2011: revised draft revision – approval (P.37/2014) - second amendment (P.37/2014. Amd.(2))

The Bailiff:

We come to the next amendment, number 2, lodged by Deputy Le Hérissier. Its terms are before the Assembly and it relates to Longueville Nurseries, New York Lane, St. Saviour, and I invite the Deputy to propose the amendment.

2.13.1 Deputy R.G. Le Hérissier:

I am glad you sounded that note of brevity, Sir. I do not wish to range over the big issues. This was, of course, debated at some length and rejected. I think it was rejected in the last Island Plan. Just to place it in context, obviously each of these Parish amendments, as was writ large in the last large amendment, so to speak, will be seen as a form of N.I.M.B.Y.-ism. What I would say is that the Parish made a very big effort in terms of Belvedere and Langtry, which has been quoted at some length by the Minister for Treasury and Resources, and at meetings there has always been this understanding - perhaps an over-generous understanding - that it would allow building in areas. Certainly when it came to Langtry there was a great reluctance because there was a feeling once a field had been conceded then the inevitable infilling would proceed, and that is precisely what happened. With Belvedere, of course, it was the redevelopment of a large industrial site. But the point I am making is that in both those instances there was a contribution of very large numbers of housing. So for us to oppose this one, which is about 25 to 27, should be seen in the much broader context of what has already been agreed to, what has been conceded and what has now been built. The main point in specific terms about this site, as people know, it is an old nursery. It is currently a car stocking place. It has had a brief ... when it closed under its main ownership as a nursery, it reopened with some retail and it reopened briefly also again as a nursery. The main point to be made about it is it is on the edge of the Parish, it obviously is on the edge of a very densely industrialised as well as housing area, and really it is again the possible last bit of infilling because of what started off Rue Le Bernage on the back end of the Longueville Manor Hotel. Building then proceeded along New York Lane and this would, to some people, be the last part of the infilling. They will notice as a slight concession it has been suggested from time to time that the whole field, which is the area of the nursery, be built on. In fact all that is being asked for at the moment is the bottom end of the field but in reality it will obviously put the wedge in and will mean that the full field would eventually be built on. If you look at the little map on page 17, you can see it is totally surrounded by agricultural fields. It is a wedge into the countryside, even though I described it

earlier as the last bit of infill, but there never is a last bit of infill because by definition once you build over one field you have created the possibility of building around the surrounding fields and so the process goes on until indeed we are joined-up totally with Grouville. That is the prospect that would face people were this to be conceded so, as you can see, there are deep cultural as well as physical reasons why it must be resisted at all costs. **[Laughter]** Deputy Baudains will be relieved to hear that there is a good bus service. The infrastructure is not collapsing as we speak, so we can still communicate with people, so to speak, at that end. The interesting thing is, and I suppose in case I am seen as a defender of glasshouse developers, it was in the last Island Plan discussed as a brownfield site. In fact one of the people, in his St. Saviour capacity, who spoke at great length about that - and I have very usefully been given the transcript of some of those main speeches - was Deputy Duhamel who did believe that it could be returned quite quickly to agriculture. In fact, the structures on it now, although there was a great argument last time about how permanent they are, it must be said there is a retail licence on the site and an owner could go there and simply restart a retail business at any time. That, I understand, cannot be revoked except by the owner simply not using it. But if people were to study the structures on the site, they are quite lightweight structures. There is not a big supermarket type structure, even though it was designated as retail, and they are easily removable. But as I said, to be fair to the owner, there is that possibility of restarting a retail business. Last time it was also rejected on the basis of a much smaller number of homes, around 15. We have now moved the number to 25, 27, so it strikes me that the traffic arguments which were put most particularly by the then Constable of St. Saviour, and of course this is supported fully by the current Constable. They are just as strong. There was talk, for example, that the traffic out of Rue des Pres has slightly eased because of the closure of the fulfilment industry, or parts of it. I did ask for a report and I was told that there has been no real change in traffic flow, that T.T.S. have remained to their earlier position. So the notion that there has been a dramatic decline in traffic from Rue des Pres, quite obviously a lot of the empty sites there are being filled up by other operators, and there is surprisingly still some residue - more than a residue - of the fulfilment industry still operating on that estate. I would invite people to go there because there is quite a lot of work being done by T.T.S. to try and improve the traffic and the Parish within the estate. But the bigger point is it is still a very busy road which creates an enormous amount of industrial traffic. So, on those grounds it is yet again infilling, by putting a wedge into the countryside it will create yet further demand, people will say: "You have only conceded a relatively small number of houses. We can fill in the fields that are around your wedge." The traffic arguments have not changed according to T.T.S., in fact I would say they have probably got a little worse. Deputy Duhamel of St. Saviour, as he then was... and as he may remain indeed, and long may he remain so as is said in some places. **[Laughter]** He argued the case as a Deputy, not as a Minister necessarily, he argued the case that it was quite easy to remove the structures. I would add, that is my position on glasshouses. I am not for vast estates covering former glasshouse sites, but I am for a modicum of sensible development if it will return the monies to enable the sites to be cleared and returned to agriculture, to the developer. I am for that. Or for the enforcement of disrepair and disuse orders. But for political reasons we do not seem to be in that place at the moment. That would give much more clarity to the owners of these sites, but for political reasons we are not at that place. For those reasons I would like to move the proposition.

The Bailiff:

Do Members second it? **[Seconded]**

Senator P.F.C. Ozouf:

Sir, may I declare an interest. I, together with family members, own a piece of land immediately to the north of this, in the corner, which is a potato field, unlikely to be ever built upon but as I am

immediately adjacent I am going to be taking part in the debate but I just want to declare the interest.

2.13.2 Connétable S.A. Rennard of St. Saviour:

The Deputy brought this proposition because it is in his area but we are all behind him 100 per cent. We asked for a meeting with Planning and they granted us that and all of us went, for which we are very, very grateful. One of our concerns was obviously the building, also the traffic because if we are coming out on the Longueville Road from New York Lane it is extremely dangerous. Another problem was the schooling that we believed Plat Douet Road could not take the school and when we asked they said they could not, but now I believe they are having an extension so they are going to be able to take this. We have a lot of development and we have done a lot - like St. Clement - for housing. The Langtry Gardens site has been praised to the hilt and it is an absolutely beautiful site and we do have lots of lovely homes and lovely people living there. But the retirement section from the social housing and the Parish side, we had to have the lists from Gateway, or Housing, or Andium, whatever they call themselves now, and it had to be okay. We have downsized a lot of their people and put them in our area, which is not a problem, but it has freed-up a lot of homes for housing, 2 and 3 bedrooms, into the social network that they can now use. We have the people who only need one or 2 bedrooms with us. As I say, not a problem and they are moving - and they will be by the end of this year and the end of next year - into beautiful homes. But we have helped Housing, Gateway, as I say, whatever they are now, we have helped them by freeing-up a lot of their homes. So for that I am very grateful and I am also thinking that the 32 bungalows that the Parish have, we were guided by Housing as to who was eligible to occupy these premises. I do feel that the Parish has done quite a bit. Sorry, I am just reading my notes here. As the Deputy from St. Saviour has already said, this has been through the previous Constable, Peter Hanning, he refused it. I have met with these people twice and I have turned it down for the same reasons as Constable Hanning had turned it down. It is not practical. You are going to put more people there, you are going to have more homes, more cars, and they are going to have to come on to one of the most dangerous roads we have. The thing I find absolutely incredible with Longueville Road is that we are told it is not a dangerous road and it is not a speeding road. Now, every time you read in the paper somebody has tried to cross it or been injured, and yet according to the powers that be it is not a dangerous road. Well, if it is not a dangerous road, good on you, but I do not know whether they are reading the same newspaper I am, but I do feel it is a dangerous road. To add more traffic to it is not going to help the people who are living there. As I say, the other Deputies and myself, we asked for a meeting with Planning: it is unfortunate the poor man is one of my Deputies. [Laughter] But he was very good and we had one of the other officers with us and we went through it and we did raise many concerns and those concerns still stay with us, I am afraid. As a Parish like St. Clement we think we have done enough. I have to laugh because every time homes or money to spare comes up the Constable in front of me keeps saying: "We need the drains." Trust me, you do not. No, you do not because if you are looking at these plans that have come out in the report, Parishes have so much space that they could accommodate but they cannot be built on because they do not have the infrastructure. I can say stay like that, my sweethearts, because you are very lucky. [Laughter]

The Bailiff:

I have Deputy Duhamel that I see next but it is 5.30 p.m.

Deputy R.C. Duhamel:

I was going to propose perhaps that we sit for a further hour to clear this one down.

Senator P.F. Routier:

I propose the adjournment.

The Bailiff:

Is the adjournment agreed? Very well, then the Assembly will adjourn and reconvene at 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:30]