

STATES OF JERSEY

OFFICIAL REPORT

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[9:30]

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

PUBLIC BUSINESS - resumption

1. Island Plan 2022-25: Approval (P.36/2021) – forty-fifth amendment: Night-Time Economy (P.36/2021 Amd.(45)) - amendment (P.36/2021 Amd.(45)Amd.) - resumption

The Deputy Bailiff:

Members were considering the Minister's amendments to the 45th amendment lodged by the Connétable of St. Brelade, and I think we were about to receive some advice from the Attorney General in respect of questions asked towards the end of yesterday.

Mr. M.H. Temple Q.C., H.M. Attorney General:

Deputy Tadier asked me for advice as to whether the Minister's amendment to paragraph 1 of policy ER4, which concerns daytime and evening economy uses would have the effect of stopping activities in relation to restaurants, bars or pubs opening in the defined centre at Les Quennevais. My answer to that question is that the Minister's proposed amendments would restrict planning permission being granted for new bars or pubs where those new bars or pubs would involve a change of use of existing land or buildings and those uses are defined in schedule 2 to the 2011 general development order. They would also restrict the extension of any existing buildings which are currently used for bars or pubs but if those buildings wish to be extended or further used for pubs or bars that would also involve an application for planning permission. The effect of this proposed amendment would be that those sorts of applications would not be supported. As regards restaurants and cafés, those are in a different use class under the 2011 order - they are in use class B - and so the Minister suggests that his amendment would not restrict the applications for planning permission for new bars or restaurants, and I would agree with that. They are in a different use class order and he also suggests that he would be able to ensure the opening of cafés or restaurants later into the evening through planning conditions. I would also agree with that suggestion. I hope that answers the Deputy's question.

The Deputy Bailiff:

Deputy Tadier, a further question?

Deputy M. Tadier of St. Brelade:

I thank the Attorney General for considering that overnight and answering. I guess the question that arises from that for me is that the orange part on the map, which is quite closely defined, that was circulated yesterday, in that case if a new application for a change of use for a pub came in, for example, let us say ... I am not saying this would happen, but people might be familiar with the Freedom Surf Shop, which is now vacant, let us say they wanted to convert that into a pub, that could not be converted into a pub under the new rules if we pass this amendment but the pub that does exist right next door to it could convert into a sports shop selling surf equipment. That would be allowed so the area would be effectively left without any pubs. Is that the case? A further question is that outside of the orange area, which is not defined by this proposition, of course you can presumably have a pub set up even though that is in the residential area and it would not be appropriate. I am just asking what the intention is that I think we want to preserve the residential nature of the area. Is this really achieved by this amendment? I do not know if the Attorney General can add to that.

The Deputy Bailiff:

Attorney, are there any issues of law you want to respond to in relation to that particular question?

The Attorney General:

In relation to the first part of the Deputy's question, he is correct in his example. So, yes, it would restrict the opening of a pub in the surf school but it would not restrict the opening of a surf school in what is now a pub. As regards the second part of this question, the policy simply does not apply outside the defined centre at Les Quennevais. Normal planning considerations would apply. If an existing property is proposed to be used as a pub, that would involve a change of use and would require planning permission but that is outside the terms of this policy.

The Deputy Bailiff:

Does any Member wish to speak on the amendment to the amendment?

[9:45]

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

I think Members are probably aware that I put an amendment to the Island Plan in relation to Les Quennevais becoming the Island's second town. I described it in that amendment as driving a coach and horses through the concept of sustainability in Jersey, harmful to not only Les Quennevais and St. Brelade but harmful to St. Helier. I withdrew that amendment because the inspectors were not impressed by it and nor was the Minister and I saw Deputy Tadier's amendments were in there to get a masterplan and so on, and get things moving. So, I find it quite ironic really to be listening to this debate. I wonder what the public are thinking as they heard us last night debating whether a restaurant in Quennevais should be able to open in the evening or not. That is where the bridging Island Plan has got to. I am beginning to think perhaps we should rename it and we should call it the bridging St. Brelade Plan because we seem to be spending an inordinate amount of time micromanaging how Quennevais is going to develop under this new document. I am not really impressed. I feel that the Members for St. Brelade, and I include the Minister for the Environment in this, have got what they asked for. They want St. Brelade, they want Quennevais to turn into the Island's second town and I am afraid that will bring adverse consequences to those areas. But that is what they are going to vote for. Deputy Tadier has his masterplan agreed. Jolly good. In 2011 I got a masterplan agreed for the north of St. Helier and, guess what, just this month work is starting on phase one of the north of town masterplan. That is 11 years ago. Members will also probably have seen that my amendment to introduce a tougher policy on planting our trees in the ground and providing more water in our urban areas, more water features, has been approved without comment. It is quite, again, ironic or funny or a bit of both that when I was preparing that amendment and I looked up the old Island Plan I discovered that I had had that very amendment adopted in 2011 and it made absolutely no difference to the fact that trees had been planted in St. Helier in the last 11 years in containers where they should have been planted in the ground. That provision made no difference at all. All I am really saying, in contribution to this amendment, is I do not think much of what we are discussing is going to make any difference at all.

1.1.1 Deputy I. Gardiner of St. Helier:

I am pleased to follow my Constable as a St. Helier Deputy. What I would like to raise, there are Island-wide policies which are extremely important because we can see the Island as a whole. At the same time there are policies that are concentrated in certain areas. As a Deputy of St. Helier, and from what I know from my parishioners, I cannot see my parishioners travelling to St. Brelade to have a night out; maybe once a year, maybe twice a year. They will be in St. Helier, it is cheaper, it is easy, it is walkable distance. So, what is important for me, as a States Member, that currently needs to vote on this amendment, and amendment on amendment, to understand what are the stakeholders in St. Brelade thinking about it. When I am talking about the stakeholders, that is residents, business owner, hospitality that is in this district, because they will be the main users. As a St. Helier resident, I do use once in a while Les Quennevais during the day, and I enjoy using it and

I would like this to be developed during the day, fine, and that area to use. What is coming to my mind, we had all ... and I apologise by the way in advance for all residents of Grouville that I did not respond to their emails but I think I received approximately 50, 60 - I do not know how many emails - which clearly stated to me, as a States Member, we do not want housing on green fields in Grouville. It was very clear from the residents, it was representation, and it is clear how I, as a States Member, will vote on it. On Saturday, and I am grateful for the Constable of St. John who invited us and showed the full consultation that has taken place in St. John. So, I could see the whole process of engagement with the residents, businesses, and all the people who are connected to this area what they think. So, it was presented to me and I have a clear vision how I can support or not support this or that proposal around St. John. What I would like to ask from the Deputies of St. Brelade who did not speak yet, from the Constable when he will be summing up, from the Minister who is also connected to St. Brelade, would you please indicate if any consultations on these matters have taken place with stakeholders in this Parish, around Les Quennevais, and if yes, what was the outcome and what they would like to see at their area. This is important for me to understand the views of the people who will be immediately affected by this vote.

The Deputy Bailiff:

Deputy Gardiner, there is a point of clarification from Deputy Tadier. Will you accept that?

Deputy I. Gardiner:

Yes.

Deputy M. Tadier:

Does the last speaker accept and is it her understanding that this is not an amendment put forward by any of the St. Brelade representatives, this is a last-minute amendment from the Minister I think trying to do the best of a bad job? Does she understand that point?

Deputy I. Gardiner:

I completely understand. We are currently debating an amendment of the Minister to the amendment of the Constable of St. Brelade regarding Les Quennevais. So it is an amendment to an amendment to the bridging Island Plan and because there are 2 amendments on the same matter I would like that anybody will indicate what, if any, consultations have been taken.

The Deputy Bailiff:

Does anyone wish to speak on the amendment to the amendment? Accordingly, I call upon the Minister to reply.

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

I think Members raise very good questions. I must admit, hearing the debate I am beginning to wish that perhaps I had not put the amendments, but nonetheless I think I need to see it through. My approach to this was driven by the fact that we have proposed quite a big change in this Island Plan. We are proposing that we start to treat the area on the west of the community area in the St. Brelade region, not just this particular zone, but a secondary centre. That is a very new policy. The Constable himself said that as soon as he saw that in the draft plan he banged in an amendment to kill it, as it were. I am very grateful that the Constable withdrew that because what everybody agrees, I believe, is that we need to be able to refresh our policies for that area, and I think that is what the Island Plan draft attempted to do. It is a bridging plan so those policies in 3 years' time can be reviewed. Deputy Gardiner is right. There is going to be a masterplan. We made that commitment, and I will deal with the question of getting it done in a minute, but that is where the consultation, which residents, stakeholders and businesses and so on will take place. That is going to have to be done throughout that area. As we speak at the moment, no; it is like a start but there will have to be this big process and I expect these policies will evolve. The question is how far do you go to start that off? We can

either do as the Connétable of St. Brelade says: “Let us just not do any. We can leave it as it is.” Or we can have a halfway house where we start to try it out and see how those policies work. We have heard from the Attorney General that if you approve this there is a legal status of vires to make it work. Yes, currently planning policies override and are still there. It does not stop existing buildings. It will not stop any of that. In relation to the pubs in that area, then I am afraid that is an example where you get lots of anomalies in the planning system and I am afraid it is all over the Island where you can point to similar things. There are a couple of pubs within 100 yards of each other in that area. Nothing in this will do anything about that or attempt to. They do carry on. The other thing is, I want to try to keep it to the big picture and not go into a St. Brelade’s planning meeting. The Constable rightly complains, and I think it is disgraceful that past Island Plans have had commitments to do things and they have not happened. If I was staying on in politics, I could tell Members now I would be forcing amendments to the Government Plan to find and deliver resources; resources to make sure all these things that are labelled “proposals” in this plan happen in the lifetime of the plan. I could list 50 things that have been said in past plans that are just dreamlands. What has happened is budgets have been cut and there has been no money and people have just had to make the best of a bad job. That needs to change in our future Government. I know the Constable of St. Helier is passionate about this and whoever is Constable of St. Helier drives this forward. I am presenting these proposals in here as real proposals to really do. It is Members’ choice. Yesterday, one little minor issue I want to bring up, the Constable sent me a note and said he has no problems with pubs being open to late and they can always have late extensions. There we are. I am sure the Constable will speak in a minute. Members have a choice. I maintain the amendment.

The Deputy Bailiff:

Is the *appel* called for? The *appel* has been called for.

Senator S.Y. Mézec:

First, could we raise the *défaut* on Senator Farnham?

The Deputy Bailiff:

Do Members agree to raise the *défaut* on Senator Farnham? The *défaut* is raised. Members are invited to return to their seats. Those joining the meeting via the Teams link are invited to cast their votes in the chat channel. I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes, I close the voting. I can announce that the amendment has been rejected.

POUR: 19	CONTRE: 19	ABSTAIN: 2
Senator L.J. Farnham	Senator I.J. Gorst	Connétable of St. Helier
Connétable of St. Lawrence	Senator S.C. Ferguson	Connétable of St. Ouen
Connétable of St. Brelade	Senator K.L. Moore	
Connétable of Grouville	Senator S.Y. Mézec	
Connétable of St. Peter	Connétable of St. Saviour	
Connétable of St. Mary	Connétable of St. John	
Connétable of St. Martin	Deputy J.A. Martin (H)	
Connétable of St. Clement	Deputy G.P. Southern (H)	
Deputy S.J. Pinel (C)	Deputy of Grouville	
Deputy of St. Martin	Deputy K.C. Lewis (S)	
Deputy of St. Ouen	Deputy M. Tadier (B)	
Deputy L.M.C. Doublet (S)	Deputy R. Labey (H)	
Deputy of St. Mary	Deputy G.J. Truscott (B)	

Deputy J.H. Young (B)		Deputy L.B. Ash (C)		
Deputy K.F. Morel (L)		Deputy of Trinity		
Deputy G.C.U. Guida (L)		Deputy M.R. Le Hegarat (H)		
Deputy of St. John		Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		Deputy R.J. Ward (H)		
Deputy I. Gardiner (H)		Deputy K.G. Pamplin (S)		

The Greffier of the States:

The Connétable of St. Helier and the Connétable of St. Ouen both abstained.

1.2 Island Plan 2022-25: Approval (P.36/2021) – forty-fifth amendment (P.36/2021 Amd.(45)) - resumption

The Deputy Bailiff:

We now return to the amendment. Does any Member wish to speak on the amendment lodged by the Connétable of St. Brelade?

1.2.1 Deputy R.J. Ward of St. Helier:

We are now at a point where we have an amendment and I could not see how either of these amendments were ... again, similar to some of the words I said yesterday, I do not see why this is necessary. I do not see why it is necessary, because policy ER4 states at the end: “Will be supported where the proposal does not have an unacceptable impact on neighbouring residents and uses.”

[10:00]

Already within the policy is a check and balance about unacceptable impact on the surrounds. What we are now talking about is the removal entirely at the defined centre of Les Quennevais from any development. I have no idea how this will work. I think about some of the businesses near where I live. Along the front of St. Helier, there are one or 2 who survive because in the daytime they were used for one particular thing, as a café, serving one particular type of food and it was great. They were shared use, because in the evening there was a different form of restaurant. That worked. That was the way they could maintain businesses there; by sharing the rent, by sharing the facility, and by sharing the responsibility. I am concerned that what this will do is it will stop that change into the evening. It will therefore cajole businesses into not existing, because they do not have that flexibility. Plus, again, there is a negativity to this night-time economy, this negativity towards people having the freedom to go out and enjoy themselves towards ... and I am not going to say young person, because it is not young people alone who want to go out and enjoy themselves; people of all ages. What we should be looking for, for our towns and our areas, are models such as Barcelona, one of the places that I love to visit when things are more normal. All hours of the evening there are places open and all generations are there. It is not an aggressive atmosphere in some of those places. It is a really wonderful economy. We have the beaches and we have the climate, very frequently, where we could be doing that. However, what we are saying is: “We will not be doing that. We will close down and we will limit that.” To some extent, and I may be wrong here and I am happy to stand corrected, it is as if we do not trust our population to be able to behave in a way that is acceptable when they go out for the evening or late at night. This is a parental state, ironically, from those who are perhaps more conservatively minded. This is a strange argument for me to be having. I simply do not see the benefit of this. I want to repeat again, ER4 states: “Where the proposal does not have unacceptable impacts on neighbouring residents and uses.” It is already there. Why would you give planning permission to something that is going to ruin a neighbourhood with noise and pollution and mess? You would not. It needs to be organised. There are 2 other points that came from yesterday, sorry to say again. There was talk about people queuing up for the bus to get back to town late at

night. The solution there is to have a bus service that works for everybody. Unless we start addressing those things, those late nights, then we are never going to have that change on the Island. In terms of: “Well, we cannot police this” then that is an issue for policing on the Island and whether we have the right number of police available at the right times. I am sure the police, who will do a wonderful job in policing, will appreciate that support from this Assembly, to say: “Look, it is not about closing everything down, because all you are going to do ...” as somebody else mentioned, is put those problems behind front doors, privately. That is particularly perhaps young people who have got nothing to do. We have to be realistic. This is 2022. It is not 1952. The world has changed. The only way you can do that is to allow intelligent, sensible development. I welcome Deputy Tadier’s masterplan; although the word “masterplan” does lead us to think of things that never really happen. There you go, let us hope it does this time. Perhaps with the correct Government that will happen. Anyway, let us move on. I am concerned. This has already been covered and this is unnecessary and it is an unnecessary straitjacket on development, which could be intelligent development and make a vibrant area, as opposed to one that is unacceptable to many.

1.2.2 Deputy M. Tadier:

I do not disagree with a lot of the general points my colleague made just now. The devil is in the detail on this one. What we just saw was a well-intentioned but very last-minute amendment from the Minister. As Deputy Gardiner pointed out, of course, it was not possible to consult on it, let alone even understand necessarily the full implications about what it meant. I can answer some of the questions that she put about representation and the views of stakeholders. Of course, we have not necessarily consulted directly on this particularly ... well, we could not on this last one, but for my part I have been doing 13 years of consultation with the residents of that area. All of the representatives have strong bonds with the community in St. Brelade and Les Quennevais. I do not apologise to the Constable of St. Helier for making this part about Les Quennevais, because it is an Island Plan and we are the representatives for that area. When we have finished debating this we will move on to other parts of the Island. I sympathise with the Constable of St. Helier if he has had to wait 11 years. All I can say is it is just as well I put the amendment in for the masterplan now if it takes 11 years, because I do not want to wait another 4 or 10 years to do that, if that is the waiting time. What I can tell Deputy Gardiner is that I know what the general feeling is from the residents. It goes back to the point that as things stand it works. It is a largely residential area. It has pretty much all the amenities that it needs. It has seen some demographic and social changes over the years. I will give an example, this is perhaps something I was thinking about during the fishing debate, initially. I spent a brief time, a few months, on the west coast of the United States of America in Oregon. They had a natural park there, a coastal national park. I was walking on the beach and I was really surprised that all you could see on the beach was mussels and starfish. You might ask what does this have to do with Les Quennevais. It shows sometimes what the unintended consequences can be of a particular policy. Over there they wanted to say this national park has to be preserved and therefore you cannot do any fishing and you cannot take anything. I was walking there ... I have never seen mussels that big in my life. I suppose the Jerseyman, the fisherman in me, wanted to go and grab a load, take them home and cook them up with some garlic and lemon and a bit of white wine. I was not too interested in the starfish. Clearly what happened is that this ecosystem had grown up whereby there were no other predators so the mussels flourished. The only thing that ate them were the starfish. So there were loads of starfish and loads of mussels. It makes me think a little bit of what Les Quennevais is and Red Houses is at the moment. It is not quite that bad, incidentally. It could be that you only get bookies and pharmacies. There is no shortage of pharmacies when you come to Red Houses. How many pharmacies do you need in a small area? How many bookie shops do you need in a small area? It used to be the case, of course, that years ago you had the pub up at La Moye, the La Moye Inn. The Constable of St. Saviour will probably remember it for line dancing. There was some really good music and social events that went on up there. The Mermaid was just up the road. Not in St. Brelade, but it was all part of that offering. Now

you effectively have 2 pubs in the centre of Les Quennevais. You have Miller's Bar, which is next to Freedom, which I mentioned to the Attorney General, and you have the Horse & Hound. They both offer a different type of offering. I am not going to offend anyone by saying which one is the best or which one you should steer clear of, because they offer different services. However, there are not different types of restaurants like where you could go in the past, like you could go to Roosters and eat somewhere. If you are lucky you can go down to On the Rails and depending on the time of day and how they are feeling with restrictions or if they have just been broken into they may not be in a great place. It is really delicate sometimes about how businesses and how the community thrives or just functions. What seems to me the case here is there are some unintended consequences. I came into this debate wanting to support the Constable. To answer the question in a roundabout way to Deputy Gardiner: people in the area do not want to see nightclubs springing up in Les Quennevais. They do not need that. If they want to go to a nightclub they go to Five Mile Road; they will go down to the bay; they will go down to St. Aubin; or they will go to town if they want to on the very good bus service. We do not need nightclubs up the top of St. Brelade, in the Les Quennevais area. That does not mean we are N.I.M.B.Y.s (not in my backyard), it is just that you would not have the nightclub in the middle of Maufant, would you? You would not have a nightclub in the middle of St. Peter's village, in La Grande Pièce or La Petite Pièce. That goes without saying. You might have one down the road at the Watersplash. In fact, you do have one down the road at the Watersplash for occasional use. This is all about being sensible. It comes back to the point that there are other mechanisms in place. I would not want to get into the situation whereby the 2 pubs that we have in the area ... and this is not all about pubs, of course, but let us look at that for now. What if the Horse & Hound decided it wanted to close, could not sustain itself, or Miller's Bar, which is in the precinct, right next to that Freedom Surf Shop, which is shut now? What if they said: "We are closing" and someone else came along and said: "Okay. Well, that pub is no longer available. I want to open a pub in the surf shop." Under the current planning restrictions, if we pass this amendment, that probably would not be possible, even though it is illogical nonsense, because there was always a pub there. There is no point in making changes for well-intentioned changes that are going to have potentially perverse consequences. I want to see the area flourish. I want to see more restaurants, more activity in a sustainable way. I want to see more greenery in that area and I want to see some give and take. It would be welcome to hear from the Constable of St. Brelade what he thinks. As things stand, we do not need this amendment now, but we do need to keep a close eye on what permissions we give to businesses as and when they require renewals, extensions or changes of use. That should be done through the proper democratic systems of the Parish, the Licencing Assembly and general consultation. I am inclined to ask Members, if they want to know what I think the residents of that area want, it is pretty much to leave it the same but give us more resources, give us more consultation in future so that we can be in control of what goes into our community.

1.2.3 Deputy J.H. Young:

Although we have gone now into a very localised debate, some useful principles are being raised here. I agree with most of what Deputy Tadier said. I have to accept that since the amendment I put to try and find a middle way, a way that I thought we could all live with, and find out how this new policy works. Since that has been rejected, I have to make a choice. I have accepted now the criticisms that perhaps I have been influenced by being a Member for St. Brelade and also one member of my family operated a shop in that area for many years. I do know the area pretty well and I know the troubles that have gone on to try and achieve those units in that area, with very, very high rental levels, which has proved a great difficulty and has resulted in long periods when these premises have been closed. I need to make my choice now and I need to say this now. Yesterday I said if you do not like the amendment, I will vote with the Constable. I have changed my mind. I need to stick with the plan. The plan has been worked up and the advice I have had from the officers, and even though what we are doing is a policy in the plan, it does get encouragement for these range of different types of businesses to come into this area. But nonetheless, the planning system is

capable of making sure that the individual decisions that go ahead on planning applications are robustly done with full stakeholder and community engagement and there is every procedure to be able to make sure that it is controlled. We are not here in the draft plan to go for an uncontrolled situation, merely whether we have a policy that gives some encouragement for an area which does something. It is a difficult choice for me, but I want to make it clear to Members that I will not be voting now for the Constable's amendment, despite what I said yesterday. When you have 100-odd amendments and the complexity of this, hopefully Members will agree that as a Minister I am allowed to be influenced by debate and it is right and proper that I should be.

[10:15]

1.2.4 Deputy G.J. Truscott of St. Brelade:

I am sure Members will be pleased to hear that I am not going to speak too long on this. Deputy Tadier has encapsulated my thoughts really well on the subject. I was half-minded to support the amendment to the amendment. That was a doable halfway house. However, on reflection, certainly listening to the Attorney General, the consequences of doing that would have, in my mind, been unacceptable. I, like the Minister for the Environment and Deputy Tadier, will be voting against this amendment in front of us. I am an entrepreneurial spirit at heart and I believe I will rely on the planning process and the Parish Hall licensing process to really govern what goes on in St. Brelade.

The Deputy Bailiff:

Thank you, Deputy. Does any Member wish to speak on the amendment? If not, I call upon the Connétable to reply.

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

I thank those Members who have spoken on this amendment. I do perceive that some Members are reading more into what I am proposing than is the case. The devil is in the detail of an Island Plan and I do not apologise for bringing this forward. It would have been easier, of course, to do absolutely nothing. I brought the amendment as a result of representations from parishioners on the street who had picked up that it was proposed that Les Quennevais would become a second town, with all that might go with such a policy. Postings on the Parish Facebook page indicated a distinct lack of support for a secondary urban centre. This is where the phrase night-time economy has come to the fore. As we heard yesterday, that can be open to interpretation in itself. My focus was on establishments such as night clubs or *boîte de nuit*, as they may be referred to. I do not deny they have a place in society and are popular with many, but please not in the middle of a suburban area. I am keen to support the pubs, cafés and other hospitality outlets in the area. Some will have live music events during their normal hours and they are all part of a vibrant community and should be encouraged. However, excessive noise, smells, fume extractors and glass bins will all have to be managed. When this takes place late into the night it gives rise to the complaints from residents, which I have to address as part of my role. This is simply what I would ask Members to consider. Those of us who have been involved with honorary policing duties will doubtless agree that managing late night establishments require additional resource, which we simply do not have. Given the rejection of the Minister's amendment, which cast a different light on the operation of the aforementioned pubs, cafés and so on, that is certainly something which I do not wish to condone. In the light of that, I would ask Members for their permission to withdraw this amendment.

The Deputy Bailiff:

You wish to withdraw the amendment? Is that seconded? **[Seconded]** Does any Member wish to speak on the Connétable's proposition that he withdraw the amendment? No. Accordingly, can the proposal that the amendment be withdrawn be adopted on standing vote? Those in favour, please, show. The against? Accordingly, the amendment is withdrawn.

2. Island Plan 2022-25: Approval (P.36/2021) – fifty-seventh amendment: Tourist Economy and Public Amenities (P.36/2021 Amd.(57)) - as amended (P.36/2021 Amd.(57)Amd.)

The Deputy Bailiff:

Next is the 57th amendment, lodged by the Connétable of St. Brelade. There is a further amendment to this amendment lodged by you, Connétable. Do you wish to have this amendment read as amended, if there is no objection, Connétable?

The Connétable of St. Brelade:

Yes, please, Sir.

The Deputy Bailiff:

Thank you. I invite the Greffier to read the amendment as amended.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that (a) within Policy ER4, at the end of sub-paragraph a. of paragraph 5, before the semi-colon, there should be inserted the words “including, with respect to buildings in St. Brelade’s Bay, if refurbished or redeveloped through further investment for such purpose”; and (b) within Policy ER4, after the final paragraph there should be inserted the following new paragraph - “6. Any proposed design for the replacement of the whole or part of any site in daytime and economic use in St. Brelade’s Bay shall be supported by an independent professional assessment of the functionality of the design for its stated commercial purpose (including, without limitation, viability of the proposed operations with respect to storage, delivery areas, adequacy of car parking facilities, quality of disabled access (if relevant) and, in the case of a design for a restaurant or café premises, any other impediments to customer and kitchen service), highlighting any proposed design features that are likely to discourage commercial interest.”

2.1 The Connétable of St. Brelade:

I apologise to Members for polarising the debate towards St. Brelade. I shall be silent later on. This is a further proposition seeking to improve protection of the local visitor economy of St. Brelade’s Bay. This has been losing land and premises to luxury housing development. It seeks consistency in the way that hotel owners are treated under the Island Plan compared with other owners of visitor amenity premises, although only with respect to a few remaining visitor accommodation premises in St. Brelade’s Bay. The proposition responds to another policy recommendation of 2 sets of consultants, engaged at public expense, who produced core evidence for the draft bridging Island Plan. The Arup economy study referred to the loss of visitor accommodation in the Island. This is 50 per cent of hotel beds in the space of 20 years and nearly 10 per cent last year alone. It recommended that hotel owners, Island-wide, be restricted from converting their properties into housing without seeking further planning permission, subject to a market test, in an event that there is no market for their property. The Minister responded to this by proposing a restriction with Island-wide application, similar to that opposed on owners of other hospitality premises, which can be read in policy ER4 of the draft plan. The consultants who conducted the St. Brelade character appraisal with reference to public opinion sought in connection with the St. Brelade’s Bay, similarly recommended that such a restriction be applied to hotels in the bay. The Minister has never proposed a specific restriction, despite that recommendation. The report accompanying my original proposition has paid careful attention to the Minister’s post-consultation report and the report of the planning inspectors. It is anticipated that the Minister’s objection ... and I regret that the Minister does not appear to have given the same level of attention to the report accompanying the proposition. For example, in his consolidated response to this proposition, the Minister has referred to and extracted from the planning inspectors’ report the planning inspectors’ reasoning for rejecting the area specific policy for the bay, yet he has failed to respond to page 10 of the report accompanying my proposition, which explains why the inspectors’ reasoning is flawed. I will spare those States

Members who have afforded me the courtesy of reading the detailed report accompanying my proposition, from hearing its context in its entirety. Suffice it to say, the inspectors contradicted their own argument by saying: “A location specific policy might be appropriate if supported by evidence prepared for the St. Brelade Bay improvement plan.” The evidence already has been provided for a location-specific policy. It was one of the policy recommendations in the St. Brelade character appraisal that was produced as part of the bridging Island Plan, core evidence at the public’s expense. Like the Minister, the inspectors failed in their reasoning to mention the St. Brelade character appraisal. The proposal for a St. Brelade improvement plan has been included in the draft bridging Island Plan before the consultants’ recommendations had been published. They recommended the St. Brelade’s improvement plan be developed in addition to their other policy recommendations. Unfortunately, the bridging Island Plan and the planning inspectors have clearly ignored these policy recommendations. Perhaps, like the draft plan itself, their focus has been on enabling more land to become available for housing development, which I fully understand, and protecting the natural environment, which I fully understand, than on preserving the Island’s future visitor economy, including that of St. Brelade’s Bay. Either way, this does not justify ignoring the recommendations for proactive policy interventions for the bay. In fairness to the planning inspectors, they had a lot of information to process in a short time. We were never directly asked by the Minister to consider a bay-specific policy. However, the Minister has referred to the lack of industry support or the Minister’s proposed Island-wide restrictions on hotel conversion that appears to have influenced the planning inspectors and so shall I. Allowing hotel owners to convert their properties to residential without needing further planning permission clearly allows them to instantly increase the value of their property without having to undergo the same process as farmers or restaurant owners. In that respect, the lack of restriction is clearly unfair, as it gives hotel owners a potential windfall on exit that the owners of other commercially used land do not have. It is a windfall that many hotels are unlikely to be willing to forego. Representatives of hotel owners predictably objected. The reason argued before the planning inspectors for that potential residential value of the property for an unquantified percentage of unidentified hotel owners has been or might be used to secure financing for their business operations. To lose that uplift in value could jeopardise the financial arrangements of certain hotel owners. Who are these hotel owners? I have no doubt that some exist who have arranged their affairs in this way, but bearing in mind how those in hospitality were put to proof before Government handouts were given during the pandemic. What is the difference here? No evidence was given to the planning inspectors as to the number of hotel owners across the Island, who would suffer any hardship if the restrictions were imposed, rather than forego a nice windfall of profit on disposal of their property that other business owners cannot have. In short, the evidence provided to the planning inspectors was anecdotal and unsupported by hard data. I submit it is not in the public interest for planning policy to be developed in this way. Indeed, the amount of money spent on producing evidence for the draft bridging Island Plan in the form of consultants’ reports, would suggest the opposite. However, for those seeking new sites for residential development, regardless of the impact on the Island visitor economy and the Island’s connectivity, the lack of evidence may be less of a concern. Conversely, for those who would prefer to see hotel premises in the bay taken over by new hotel operators, once a hotel owner retires, rather than have the hotel owner cash in at the expense of the Island’s visitor economy and the Island’s economy, the evidence does matter. Research into the potential impact of a restriction on hotels in the bay was provided to both the Minister for the Environment and the Minister for Economic Development, Tourism, Sport and Culture well before the draft bridging Island Plan was produced, with a request that they follow up the matter, given the significance of the bay to the Island’s tourism industry. Given the unsubstantiated statement that the planning inspectors regarded to be adequate evidence for their own position, it is ironic for the Minister to argue that research constituted inadequate evidence. I can make no comment on whether the lack of response by the Minister for Economic Development, Tourism, Sport and Culture was related to the declared interest he has in St. Helier, it may have been. Nor do I know if he has spoken to the same owners of visitor accommodation in the bay as I have,

subsequent to my amendment being lodged. Six establishments in a small area of the Island supported roughly a tenth of all hotel beds. The same proportion as the Island lost last year. Reasons have already been provided in the report accompanying my proposition, why St. Brelade merits a location-specific policy for its own registered visitor accommodation. Its local tourism industry needs those numbers to survive. Consultants and the public have said so. Nevertheless, I agree with the Minister in one respect. I must respect my own demand for hard evidence, rather than anecdotal evidence. Having had further discussions with the owners in the bay, I now accept it is unfair for my original proposition to exclude any visitor accommodation from its scope. No evidence of hardship arising from Senator Ferguson's amendment has been provided. For this reason, I will be supporting the Senator's amendment to this proposition and I remain aware that the Planning Committee has a statutory power to approve planning applications that are inconsistent with the Island Plan in any event.

[10:30]

Finally, I will mention that the structure of the amendment intentionally follows the form of the Minister's original amendment, adapted to exclude what is not relevant to the bay. It is a similar format to the restriction on other types of hospitality premises that are already found in policy ER4, with the additional wording I proposed to amend that policy to avoid evasion of its scope by allowing a premise to become dilapidated and unattractive to future potential operators. Albeit complicated, and I fully understand that, I urge States Members to support this as one. This is in the public interest.

The Deputy Bailiff:

Thank you, Connétable. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

2.1.1 Deputy J.H. Young:

Yes, I was waiting for somebody to follow. I am a little bit puzzled by the Connétable's speech. A lot of what he said seemed to be very relevant to the debate to follow, which is on the 85th amendment, about hospitality, change-of-use hotels and so on. Amendment 57, which we are on, is about daytime and evening economy uses and this time we are in the bay. I did struggle to get clarity from the Constable's speech. I think the gist is proposing that we again pile on to the planning system a whole lot of checks on viability and the way in which businesses would work. Reading the proposition, if these facilities for daytime and evening economy uses, if they are being refurbished or redeveloped for investment and it says it needs a new paragraph: "Any proposed design for the replacement of the whole or part of any site in daytime and economic use in St. Brelade's Bay shall be supported by an independent professional assessment of the functionality of the design for its stated commercial purpose (including, without limitation, viability of the proposed operations with respect to storage, delivery areas, adequacy of car parking facilities, quality of disabled access (if relevant) and, in the case of a design for a restaurant or café premises, any other impediments to customer and kitchen service), highlighting any proposed design features that are likely to discourage commercial interest." I do not know what Members feel about that, but I really, really struggle that we would write those words into a planning policy for anything that is done within such daytime or evening economy uses within the bay. Even if you were going to do this, on what basis would you select a little area and say: "These are the rules for the bay, but everywhere else they are not"? Also, is it necessary? Is this really justified? We already have in the policy ... in this policy, we need to be clear, we are dealing here with policy ER4, which sits on page 152 of the plan. We were talking about that earlier, because this policy applies also to Les Quennevais and St. Helier and, of course, at a tourist destination area. St. Brelade's Bay is a tourism destination. Therefore, ER4 applies. It sets out there quite a workable set of tests. It deals with issues, like noise, which we spent quite a lot of time on. Then point 5 of that policy says the change of use away from daytime and evening economy will only be supported where it can demonstrate that there is no market demand for the

continued use of the premises for daytime and evening economy uses. In the case of tourism destination areas there was no unacceptable adverse effect on the character of the tourist destination area and the overall benefit to the community demonstrably outweighs the adverse loss of daytime or evening economy. From my point of view, that is an entirely workable policy in ER4. To add to it, as this proposition 57 proposes, it seems to be a very, very complex set of things. Some of those things in that list in the proposition are covered already. Disabled access strikes me. That is in building regulations. It is the law. For evening and daytime use, you have to provide that. It is not a question of planning policy. It is law. Car parking is obviously related to normal planning considerations, so the planning process will deal with that. When we get on to commercial viability, we have this market test, which means if you are operating a venue such as this in a tourist area before you change it out to anything else you need to demonstrate that there is no market interest for somebody else to take that up. That is what is in that policy. That is part of the rules. It has been that case since the last Island Plan, so that is normal. The Connétable has not made a good case here for adding in, in St. Brelade's Bay, this extra provision. Throughout these Island Plan debates on these policies, Members say: "Where do we pick up the issues of detail?" I would like to remind Members that the Minister has the power in every one of these policies to issue what we call S.P.G.s (supplementary planning guidance). What that does is it sets out a bit more explanation of the policy, and the way it is meant to work and the way planning decisions will put it into practice, in a lot more detail. In every policy where you have a complex thing like this, you can have S.P.G.s and everybody will be pleased to know that a Minister, before they can issue a S.P.G. is subject to statutory consultation. There are real safeguards. Going back to the proposition we have, if we were going to have these extra tests in St. Brelade, why not put them in Gorey? Why not put them in St. Aubin? Why not put them in St. Ouen's Bay? I am sorry, I do not think the case is there. The independent planning inspectors, what did they say? They say: "Amendment 57 seeks changes to policy ER4 to include additional requirements for market demand for testing and functional suitability tests regarding changes of use. We agree with the Minister that such requirements would be unduly onerous and preclude visitor accommodation." In that case, I urge the Constable's amendment 57 ... there is an amendment to the amendment from the Constable. I am not sure.

The Deputy Bailiff:

We are debating the amendment as amended.

Deputy J.H. Young:

I will be voting against the amendment as amended.

The Deputy Bailiff:

Thank you, Minister. Does any other Member wish to speak on this amendment? If not, I call upon the Connétable to reply.

2.1.2 The Connétable of Brelade:

I thank the Minister for his comments. Yes, it is a complex amendment. The Island Plan is a complex document and I have tried to address the complexity of it to the betterment of the visitor economy in St. Brelade's Bay. I am not going to speak any further than this on that. I would simply move to ask for the *appel*, please.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting by the Teams link are invited to cast their votes in the chat channel and I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I am going to announce the amendment has been rejected.

POUR: 9		CONTRE: 25		ABSTAIN: 0
Senator S.Y. Mézec		Senator I.J. Gorst		
Connétable of St. Saviour		Senator L.J. Farnham		
Connétable of St. Brelade		Senator S.C. Ferguson		
Connétable of St. Mary		Senator J.A.N. Le Fondré		
Connétable of St. John		Senator S.W. Pallett		
Deputy of Grouville		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of St. Lawrence		
Deputy R. Labey (H)		Connétable of Grouville		
Deputy K.G. Pamplin (S)		Connétable of St. Ouen		
		Connétable of St. Martin		
		Connétable of St. Clement		
		Deputy J.A. Martin (H)		
		Deputy M.R. Higgins (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy G.C.U. Guida (L)		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		

Deputy R.J. Ward:

Sir, I did not register my vote, it did not make any difference, to be honest, as it goes, but I did vote *pour* but I missed my button, I was a bit late, apologies.

3. Island Plan 2022-25: Approval (P.36/2021) - eighty-fifth amendment: Policy EV1 (P.36/2021 Amd.(85)) - as amended (P.36/2021 Amd.(85)Amd.)

The Deputy Bailiff:

Next is the 85th amendment lodged by the Connétable of St. Brelade. Connétable, am I right in understanding from your comments in the last debate that you wish to have your amendment read as amended by Senator Ferguson's amendment, is that correct?

The Connétable of St. Brelade:

Yes, please, Sir.

The Deputy Bailiff:

If Members are content with that, then the 85th amendment will be read as amended by Senator Ferguson's small amendment to it.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “, except that within Policy EV1 the following paragraph should be inserted after the sixth paragraph - “Changes of use of visitor accommodation offering more than 58 beds will not be supported in St. Brelade’s Bay unless it is demonstrated that: (i) there is no market demand for the continued use of the premises for visitor accommodation including if refurbished or redeveloped through further investment for such purpose; and (ii) there is no unacceptable adverse effect on the intrinsic character of St. Brelade’s Bay as a tourist destination area.”

The Deputy Bailiff:

Greffier, can I have a quick word about what you have just read out?

The Deputy Greffier of the States:

Apologies, I read out the wrong one.

The Deputy Bailiff:

The Greffier will read the amendment again as amended.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “, except that within Policy EV1 the following paragraph should be inserted after the sixth paragraph - “Changes of use of visitor accommodation offering will not be supported in St. Brelade’s Bay unless it is demonstrated that: (i) there is no market demand for the continued use of the premises for visitor accommodation including if refurbished or redeveloped through further investment for such purpose; and (ii) there is no unacceptable adverse effect on the intrinsic character of St. Brelade’s Bay as a tourist destination area.”

3.1 The Connétable of St. Brelade:

Once again this is an amendment to enhance the provision of visitor accommodation in St. Brelade’s Bay. I am not going to expound at length on the matter. It is simply that it is proposed to formulate a policy to enable the continuation of hotel provision in the bay. It is an important part of the Island’s economy and we have seen hotels falling away significantly, as I referred to in my previous speech, and I am keen that that does not continue.

[10:45]

I look forward to hearing responses from those who have been in the hotel business or who are familiar with the operation of it and, likewise, I am sure Senator Ferguson will support her proposition, which I do too. Without further ado, I make the proposition.

The Deputy Bailiff:

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

Deputy R.J. Ward:

Sir, can I just check, this is 136 beds that we are talking about, of offering more than 136 beds? I am looking at the right amendment to the amendment.

The Deputy Bailiff:

No, the words “offering more than 58 beds” have been deleted. The Connétable has accepted the amendment of Senator Ferguson. Connétable, I understand you are not going to propose your second amendment, are you?

The Connétable of St. Brelade:

No, Sir.

The Deputy Bailiff:

The wording is: “Changes of use of visitor accommodation will not be supported.” The reference to any bed numbers has been removed.

Deputy R.J. Ward:

Thank you, Sir. I am glad I asked.

The Deputy Bailiff:

Before I ask Members to speak, yesterday I gave a ruling in relation to a declaration of interest in relation to St. Brelade’s Bay on another amendment, which indicated that the declaration in that context did not amount to a financial interest preventing a Member from voting. This is a different amendment which relates to 6 specific premises; they are listed in Senator Ferguson’s amendment. I think that a Member indicated yesterday that he was a shareholder in one of those premises. I think that that shareholding should be declared and would amount to a financial interest shared with a small number of other persons in the context of this debate. Accordingly, any Member affected should not vote on any proposition relating to this matter. Do you want to make a declaration again?

Deputy S.G. Luce of St. Martin:

I do, Sir. I am a shareholder in the Biarritz Hotel and I will take your advice. Thank you very much for that clarification.

The Deputy Bailiff:

Thank you, Deputy.

Senator S.C. Ferguson:

Yes, Sir, I am also a shareholder in the Biarritz Hotel, as well as a director. But I would point out that there are 127 shareholders in the Biarritz Hotel, so I am not sure that our shareholdings are particularly significant in the context of this.

The Deputy Bailiff:

It is a matter of fact a degree in every case. I know that the Bailiff’s guidance refers to the number of 100 but I think in the context of this particular debate that does amount to a direct interest and, accordingly, any Members with such an interest in relation to these 6 premises have an interest, as defined by Standing Order 106.

Senator L.J. Farnham:

It was only to say, Sir, I do have an association with a hotel on the Island and I thought I would just remind Members for the record but I do not believe I am conflicted in any way because it is not located in St. Brelade, Sir, but I just wanted to remind Members of that fact.

The Connétable of St. Brelade:

Sir, I am similarly associated with a hotel but this hotel is in town.

The Deputy Bailiff:

Thank you. Yes, does anyone wish to speak on the amendment?

3.1.1 Connétable M. Troy of St. Clement:

I feel I have to speak because in regard to hospitality business in general and tourism in the Island we do realise that St. Brelade's Bay is one of the jewels in the crown of the hospitality business. However, hospitality owners and managers are only able to continue their work if the hotels are viable and this is dependent on many factors. Hoteliers in general do not want to sell their hotels. We trade, some of us, for life. We are like teachers; it is what we do. We accept long hours, limited profitability, et cetera, et cetera, and I cannot stand and allow a situation to unfold whereby hands are tied when a hotel becomes unviable. I have had 2 different experiences in hotels. In 1989 to 1992 I owned the Kalamunda Hotel in Gorey. During that time there was a huge recession. I was badly advised, I took the advice that was given to me by lawyers, accountants and bankers and we know that in 1989 to 1992 there was a huge recession based basically on huge increases in interest rates, which I think went up to 15 per cent base; I was on 17.5 per cent. Technically I tried to trade through it and I probably had about 2 months to go and I had to sell up and, technically, I was bankrupt. But I was like a little phoenix and I got back to my trade and went forth and managed to get another business together. You cannot tie the hands of people who struggle to make money, no matter what their trade is. The situation in hospitality is dire at the moment because of COVID. We have had help from Government, good help from Government, and that has worked and various businesses, including our own, I am greatly indebted to the Government for help along the way. But as far as making a prescriptive law, effectively, that says you cannot dispose of your hotel; I cannot stand here and allow that to happen. I do realise that St. Brelade is one of the jewels in the crown. Hospitality is polarised to Gorey, St. Helier and St. Brelade. We do need those hotel beds. From my point of view I think the hotels in St. Brelade are pretty viable because of the beautiful location there but as far as tying the hands to hoteliers and not enabling them to get out when the time is right, I cannot agree with it.

3.1.2 Deputy J.H. Young:

I am very grateful for the Connétable of St. Clement because I think that reflects the feedback that I have had all along in dealing with planning issues, as far as hospitality visitor accommodation. Obviously this debate now is about EV1; it is a different policy. It is about policies for visitor accommodation. For those Members that want to have a look at it, I think it is page 159. I think as long as I can remember, going right back, certainly to 2002 when I think really, we started to lose tourism hotels when we had, I think - I cannot remember the exact number - from my recollection it was pretty close to 30,000 beds in that time. Of course, the reality is that we saw a very large number of those hotels go, a lot of them were acquired by Government in those days, Government used to intervene and used to buy those hotels and develop them for social housing. All those left-wing ideas have all been in the bin for the last 10 years and we rely on the market. But, nonetheless, the market still is healthy and where those hotels are not viable, they have gone into residential development in town. We could all walk around, there is hardly a site now in town where there was not a hotel ... where it was previously a hotel is now an apartment block. The reality is had that not taken place we would be even in a worse situation for housing; that is the reality. Throughout the time now there has been this question: can we have safeguards in a planning policy to try and put restrictions on hotel owners from changing their use? That of course now is the proposal we have, the amended proposal from the Constable of St. Brelade, entirely understandable because the wonderful hotels in St. Brelade's Bay they are the gems. I cannot think what this Island's tourism industry would be like if we lost these very top level of hotels. I accept there are other top-level hotels that are not in St. Brelade's Bay, other hotels are available, as it were, as they say in the media. But, nonetheless, the reason why I feel those are so important to us is because I think if we were to lose those places, the jewels in the crown in those sites, those special pieces, special parts of our coasts, I do not see future Ministers for Planning come along to say: "We now need to give up another prime site on some unspoilt coast and make it into a hotel." I do not see that ever happening. Looking after those assets and trying to work with those owners and support them in sustaining the viability is essential. The

feedback that the Connétable of St. Clement has given has come at me loud and clear, all along. But I did feel it necessary to ask for the planning inspector's view of whether or not I should consider putting in what we call a market test. In other words, some kind of procedure where we have to market the hotels to make sure they just could not be lost without that test. The advice of the inspector is absolutely it is not appropriate to buy a market test and so I did not proceed with that. There were a lot of representations at the planning inquiry, I listened to them, and I have to concede that. Also, there are the practicalities, I think, and this is perhaps a personal view and it is not really a planning view, and I may be slightly adrift on this, but our tourism industry, I think, in its early forms in the 1970s and 1980s, people grew up with that and they have reached older years and the issue of retirement came. Very successful businesses but obviously if the business was not viable they have had to go from the industry. What we have seen then is that a 50 per cent loss of beds in the 22 years to 2014, a reduction in tourist premises, the number of premises this is, from 387 in 1992 to 120 in 2021 and during 2021 there has been inquiries about a potential change of use of a loss of another 2,000 bed spaces. But, of course, against this we have seen growth and investment in new and extended hotels, like Premier Inns. Also, we have seen proposals for a part of hotels, which kind of responds to the change in the market. Then of course we have got niche hotel products, for example, Millbrook Manor. I would add to this list, it does not say it in my notes, I think the policy now explicitly encourages self-catering visitor accommodation. That is, I think, something which is important as well because we are, I believe, short of that. Those things are within the policy. They thought that the inspector advised us that a series of tests that was proposed as is here would be unlikely to achieve the objective of supporting the tourism industry and it would create great difficulties of implementation and how you would even do it. To try and make a viability test would be unlikely to be effective and can work against the very thing that we are seeking to do. Of course, in my view, that is generally a sound conclusion, certainly if there is no case for the rest of the Island then I do not see that there can be a case for hotels in St. Brelade's Bay. I do not think there is any way we could do it. Therefore, they are saying stick with the current drafted plan. I think that is probably as much as I need to say. In closing, I do accept the Constable's good intention in this. It is a debate we need to have in this place because I do not think we have had that debate previously. I think the reasons for not having such market tests are very useful to air. If Members have other views on that matter, I think it is important to have that debate.

[11:00]

But I would ask it to be focused on the terms of policy EV1 on page 159, unamended by the Constable at the moment because I shall not be supporting it.

3.1.3 Senator I.J. Gorst:

I think really the Minister and the Connétable of St. Clement have summed up the points that I wish to make. I do understand the Connétable's desire to maintain the bay as a tourist destination and have beds in that bay. But I fear that the proposal before us will hasten, potentially, hoteliers leaving the marketplace. Because what they may find themselves with are distressed assets; assets that they cannot invest in because the capital value has been amended by this proposal. Therefore, if they cannot invest in them they become less attractive. Ultimately, what potentially happens is it hastens the day that those hoteliers then leave the tourist arena. They are not going to be able to then use those assets for residential because the planning restrictions will be onerous in this particular way. They then have a choice of either selling a distressed asset at below previous market value or sitting on the property in vacant form until there is a change of policy and people become so frustrated with the vacant eyesore that they allow a different planning use. These are not just thoughts plucked from the air, this is a policy that has been tried in the past, as the Minister for the Environment himself indicated. All of the advice I have received is that it did not work in the past, I see no evidence of it working now, rather I fear it will hasten the very thing that I know that the Connétable is wishing to avoid. It is for those reasons that I cannot support this amendment today. Does there need to be

thought about how beds are maintained in the bay and are coming together? I think there does and I think we see over the course of this Island Plan that the Connétable of St. Brelade is absolutely committed to that. I know that the Minister for Economic Development, Tourism, Sport and Culture is also committed to that. I think there is value in the Connétable and the Minister giving further consideration to policy interventions which would enable what the Connétable is desiring to achieve. Because I do not believe that this amendment achieves it, and I fear rather the reverse, that it hastens the reduction of beds in the bay for all of the reasons that the Connétable of St. Clement has indicated.

3.1.4 Senator S.Y. Mézec:

The longer that this Island Plan debate goes on, the more I begin to fear that we are sleepwalking into developing an Island Plan which fails to protect all that is special about Jersey. I feel that way, having listened to some of the speeches against this amendment. When I read this amendment, I was particularly enthusiastic to support it, precisely because I have been so appalled in the last few years at parts of our coastline being taken out of a use for which the public can enjoy and instead being put into the use for which only a tiny number of extremely wealthy people can enjoy. I want to support anything I can to stop that from happening in the future because I want our coastline and the premises that exist on it to get maximum use from those who want to enjoy what Jersey has got to offer locals and visitors alike. I think that the wording of this has appropriate safeguards in it to accept what may be the reality of a situation from time to time for particular venues and their owners. It says: "Unless it is demonstrated that there is no market demand for the continued use of the premises for visitor accommodation." That does not exclude the possibility of a particular business and venue becoming unviable for whatever reason. If the economy changes or if it is a particular type of visitor accommodation offering that is no longer desirable and if a business simply cannot be made to work, then this does not stop its use being able to be changed. It will be able to do so, it will just have to demonstrate that that is the case. If, however, it is not about the use of that site objectively for its purpose but instead about the circumstances of the owner, the owner may well run into financial difficulties that are not necessarily to do with the wider economy and the wider desire for use of that site but whatever may arise in their personal business affairs that mean they cannot be in that business anymore, it just means for one of those people they will have to sell it on to a business person who can make it work, who does have the ability to continue it in that use for visitor accommodation. It means they cannot seek to have a massive capital gain by selling it off or developing it into luxury housing or what have you and the Island and St. Brelade's Bay in particular lose out on that type of business in that special part of the Island which we ought to be trying to preserve. I see this as striking that balance between trying to be realistic and accepting that not every business will last for ever, circumstances can change and things may need to change along with it and balancing that with protections to stop us losing sites that could be viable if they were run, potentially, by a different owner or if some investment was made into them to keep them desirable. If that is not possible you could prove it, you just have to make that part of your application to get it changed. This amendment strikes me as totally reasonable and at its heart is about trying to preserve a special part of our Island. We have had this with this amendment and the previous one as well where some of the arguments from the Minister for the Environment seems to be the objection to treating St. Brelade's Bay as a special case. In the previous one he said: "Why not Gorey and why not elsewhere?" Good question, and that is for him to answer why he has not put greater protections in the Island Plan as he has lodged it. Because I am extremely worried about those other sites as well. I would dread to think what would happen if we allowed greed to take over and the Gorey village at the foot of Mont Orgueil Castle were able to lose all of the hospitality offerings there and simply turn it into luxury mansions instead; I would absolutely dread that. But what we have is taking St. Brelade's Bay, which is a unique part of the Island, and at least try and apply that principle there to ensure that it can continue to be a particular offering for the Island, a tourist destination but also a place for locals to enjoy as well. I see nothing wrong with doing that. If treating it as a special case is some sort of problem, I think that is a problem with the Island Plan as it is lodged instead. I urge Members to support this

amendment, to try to protect the future of St. Brelade's Bay and balance that with the realistic expectation that sometimes some premises may have to change use. But we require that to be done objectively and try to rein in the behaviour of some business people who may seek ... quite understandably because people want to make money and people want to try to do what is best for them and their family but to rein that in when it is not in the wider public interest of preserving this part of the Island and the economic offering that is provided by having visitor accommodation there, to say if we are going to lose it you have got to prove that there really was no alternative. I urge Members to support this amendment.

3.1.5 Deputy M. Tadier:

I am sorry, I missed the first part of Senator Mézec's speech, so I am sorry if I repeat any of it; I do not know if I will. But as I see it, even with this amendment, there is still a possibility for changes of use. It just means that it has got to be demonstrated according to the criteria that Senator Ferguson has put in; that there is no market demand for the continued use of the premises and that there should be no adverse effect on the character of St. Brelade's Bay as a tourist destination. I do not see why we would not all sign up to those words because it seems to me it provides the best of both worlds. It says, look, we are not trying to freeze the bay in aspic, we are also aware that economic changes can take place and there can be industrial shifts in one of the major industries in Jersey and we have seen that over decades and centuries of course. I am a bit bemused by some of the strong opposition to this. Of course, if it were the case that everything in the garden was rosy and that we did not need this, we might not be inclined to support this or entertain it but let us put this back in the context of what is going on around the Island and the public uproar that there has been. Because we only have one coast, it is a strange thing to say because of course, as mathematicians will know, any coastline is infinite but land is not infinite. Whether we are looking at places like Greve de Lecq or we are considering Bouley Bay, both are areas that I also love as much as St. Brelade's Bay for different reasons, it is about wanting to protect the character of the bay and also the fabric and the economy of the bay. There are real examples of where this has gone wrong and it is not like in decades ago. I am not talking about Portelet now, I am not talking about the Plémont headland, where it could have been a completely different story. We do remember Plémont and the way it divided the Island and it was really controversial, and there was such a strong desire from an amazing lobby group led by the National Trust who saw the vision for that area to put it back to nature. But it could have quite easily been a big development up there or a development and it was down to States Members to say, no, this should be put back to nature, and so that was about a change of use. It is about a defunct holiday park and it was right that there was some intervention from the States there. But what has happened at Greve de Lecq is that you have got a café area, yes, it was privately owned but it was a public amenity and it was a place where people could go, it was their area. They might have to pay, you can buy a cup of tea or an afternoon cream tea or an ice cream, whatever, but that was a public amenity and facility. The same with Bouley Bay; the hotel there is Water's Edge I think it is called. What does it come to when that has just gone from being a hotel, it has been left vacant for ages and now that is just one sole private residence? What does that mean for the Island? This is happening now under the current policy and it will continue to happen if we are not careful. When the Minister says: "I cannot see a future Minister for Planning allowing this kind of thing to happen", it has happened under the current Minister for Planning, it has happened under him on his watch. All of these places around the coast have been lost. Luckily there are people in the Assembly and perhaps outside of the Assembly too who are saying: "No, we want to make sure that this kind of thing does not happen." Because I could quite easily see a scenario where one of the hotels just says: "You know what, I want to sell up, now is the right time to get out of the market", like the Constable of St. Clement has said: "I am just going to turn these into apartments." I do not think the Planning Department is going to specify what kind of apartments they can be, they are not going to be that interventionist. They will be luxury apartments and they will either be for people who are H.N.W. (high net worth), I do not even like that expression, that is probably why I get it wrong but the

2(1)(e)s, do we want to see that area just being bought up with luxury apartments, big concrete and glass buildings, subjective of course? But Senator Ferguson has compared them to the bunkers, interesting block-offs, as they would call them in French. They are big blocks on the front which are not going to enhance the bay's character at all.

[11:15]

For me, this is something which probably does not go far enough but we should certainly be supporting this amendment as amended. Yes, otherwise when we get those buildings and the changes of use and we all throw our hands up in the air and say: "Them is the rules, we cannot stop people from having a legitimate enjoyment of their property and disposing of it." The economy has shifted, tourists are not coming here anymore. I do not buy into the fact that, if they do change use, they are all going to become tourist apartments and even if they do you do not get the facilities there. Whether it is St. Brelade's Bay Hotel with the DW Sports Club behind it, whether it is Les Ormes Resort, which is used not just by tourists but by so many locals for functions, for weddings, for the gym, for afternoon teas there and the other offerings we have got across there, which I am not going to name all of them, they add to the richness of the bay for all of us. This is about putting reasonable protections in there, so it certainly has my full support as a St. Brelade Deputy.

3.1.6 Deputy G.C. Guida of St. Lawrence:

I would like Members to reminisce of their trips abroad and think about walking in the centre of town. You are in Paris, you are in one of the really nicer areas of Paris and look around and you will find that in the most expensive places, hotels are what you find. Basically, a hotel is the most lucrative use of real estate. There is absolutely nothing else that makes more money than a hotel. You cannot rent a one-bedroom apartment, a studio room, not even an apartment, no kitchen; you cannot rent a studio for £50,000 a year anywhere. But you can rent a hotel room for £50,000 a year. There is nothing that makes more money than a hotel. Of course, if you are in the business you know that renting rooms is only half of your business, the rest of it, the food is the other half. Out of your real estate, out of your square metres, the hotel is the best investment you can make anywhere. That is why in the centre of the most expensive towns in the world what you find are hotels, where it is really difficult to have an office, where it is impossible to have an apartment, there is going to be a hotel. They are the most expensive locations all over the world. If you cannot make money with a hotel there really, really is a reason. It is completely obvious, we do not need to intervene in this. If a location in Jersey cannot make money as a hotel, the hotel cannot work. It does not mean that somebody else can come in and turn it into a different hotel and that will be so successful. No, there are just not enough people walking around to use it; that is all it is. Why would we need to intervene in something where the market does its own adjustment? We do not, we do not need to regulate and indeed risk damaging that business because all of a sudden the premises upon which they borrowed money have just changed now. We have changed the rules and all of a sudden the collateral that they offered to get a loan does not work anymore; it is not possible. That chance of getting a return on their investment does not work anymore. Senator Gorst was perfectly right, the only thing that we are going to do here is to hasten the demise of those hotels and that is it. The other thing of course is that the one thing that we could look at - but it is of course extremely difficult - is how those sites could be preserved in the future because we do have a problem now, we have a decreasing need for beds, but that may change in 30 or 40 years. How we take care of that, how we make sure that the lands can be turned back into a hotel, it could be important; that is something that we could look at. Of course, the really ironic bit of this is that it is much, much easier to turn an immense villa back into a hotel than 200 apartments, which you have to wait until the building is completely derelict and nobody can possibly live there before there will be a change of use. I think that here we are really fighting against what would naturally occur in the economy. We do not need to help it. We are only going to damage it.

3.1.7 Deputy D. Johnson of St. Mary:

Certainly, the last speaker has addressed the point I was going to make. Like other speakers I have every sympathy with the rationale behind the proposition made by the Constable of St. Brelade but, again, I do query whether it is going to be counterproductive. The obvious point I will make - and I am not sure it has been stressed quite enough - is that in seeking financial assistance from a bank to develop a hotel or anything, the bank will be concerned to know that they have free right of disposal at a certain time. As the last speaker has mentioned, if this restriction were made the nature of the security has diminished overnight, that is one thing and that might introduce pressure brought on existing businesses. The greater concern I have is any new business starting out might have difficulty in finding a financial backer, given that they will not have a free right to disposal at certain stages. I align myself very firmly with the excellent contribution made by the Constable of St. Clement in the first instance, that this restriction is unnecessary and I fear will be counterproductive.

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

I am pleased to follow the likes of Deputy Guida and Deputy Gorst and others because their approach to the Island has always been laissez-faire, let the market rule, supply and demand. No one looks at the strategic interests of the Island. We have an economy that is based on finance and, yes, we have 12,500 people employed in it, which we are grateful for, and it does generate a lot of money. But if we look at the contribution of the finance industry to economic growth in this Island over the last decade or so, it has basically flat-lined. We also do not know what the future of finance will be. We see many things going on in the world at the present time, many changes, and we do not know what is going to be around the corner. One time Jersey's economy was based on a 3-legged stool; there was agriculture, there was tourism and there was finance. What we have done is we have allowed finance to dominate. If anything happens to finance this Island is up the creek. In a number of ways, firstly, 12,500 jobs could be at risk, equally all the money that these people have been paid and they have put into housing will cause a run on housing. We need to be looking at this Island strategically. Tourism, I still think has a future and the important difference between finance and tourism is the fact that the Island has many natural attributes, which means if we can develop those attributes we can still have a place for tourism. Finance, the decisions will be made in London, New York and elsewhere, not necessarily in Jersey. As any of those in the States who have been in finance know, the decisions are made at the head offices and it is their interests and not the Island's interests that are taken into account. I do believe in tourism, I have always believed in tourism. Now I lamented back that we have allowed so many sites on the seashore effectively or on the coastline to be sold into very expensive flats and I agree basically with Deputy Tadier. We have an Island now that is basically for sale. Anybody who wants to come in and wants to spend an awful lot of money will get what they want. So what we have then is a strategic interest in supporting tourism. Now we need a policy for that and in the absence of a policy - and I blame a successive Council of Ministers for that lack of policy - I believe that we should perhaps be given favourable homes to hoteliers to develop. We should be developing the tourism industry. It does offer alternative employment. Maybe not at the moment and they may have trouble filling those jobs but if anything happens to finance, people may have to make the decision: "Do I go into hospitality or do I leave the Island?" So, there are many choices going forward, so the point I am trying to make here, although the proposition is concerned with St. Brelade's Bay, which I accept is the jewel in the crown and is my favourite of all in the Island, we need to protect it. As I say, it has just sold to the highest bidder and taken away from the people of the Island because that is what is happening. I have had people coming to me about rights of way where they have been allowed to walk on certain land as part of their walks and we have now found we have new owners coming in who are buying up all the surrounding fields and preventing people going on their traditional walks. The Island is changing and we need to take a stand at some point and say: "No further." So, I would say I support the Constable of St. Brelade with his proposition. It may not be the very best but it is the best thing we have in the absence of a policy at the moment to stop losing hotels and stop losing the ability of Islanders to enjoy their own

Island. So, I urge Members to support this. Look at the wider picture. It is not just St. Brelade's Bay. It is the future of this Island and what we are going to leave our children.

3.1.9 Deputy G.J. Truscott:

This has been an interesting debate and there have been rumours abound recently that a developer has purchased one of the larger hotels in the bay. Many people have emailed me and contacted me with great concern over that and understandably. I understand that is not the case. I have spoken to the developer involved or certainly indicated as being involved and they totally denied it. Yes, the bay is a wonderful bay. One of the best in Europe. I can go back to the 1960s where you could hardly move for the amount of people sunbathing from the hotels there and it was a very vibrant area and still is to a degree. One has to make the comment that if a hotel in such a wonderful location cannot make a profit, then there is either something wrong with the offering of that hotel or we have a major problem with tourism going forward in general. Of course, over the past 8 years, I have sat on Planning and really voted on the demise of many of our hotels. The most recent one was the Apollo. I am a free marketeer and do believe in letting the markets, to a degree, determine what goes on and I also believe in a level playing field. So, it seems a little unjust, one could argue in some ways, on the hoteliers and owners of the hotels in the bay that they are being singled out for this policy, albeit that it is designed, plainly, to protect the bay's vibrancy and tourist options. Just over the headland, you have another sizeable hotel that is in the free market so it does seem a little unjust in that respect. Of course, I have been contacted by certainly one of the owners in the bay and he quite plainly stated that his borrowing is geared against the open market value of his hotel. I am not sure of the other major concerns in the bay and what their borrowing has been geared against. I presume it is a similar thing. I think there are always consequences of agreeing to something like this on the businesses involved. I look forward to the Constable's summing up for the amendment. It is difficult going forward trying to get that balance right in cases like this, so it will be interesting to hear what the Constable has to say. I just have to add that, raising the bar slightly and just prove redundancy, prove that your business is not viable is something that I can latch on to but the bit that worries me is that that should apply for all hotels throughout the Island going forward.

3.1.10 Deputy K.F. Morel of St. Lawrence:

It has been a really interesting debate and one of the reasons it is interesting is because you have 2 different views obviously coming up against each other. The view from the amendment's perspective is one that a family member asked me recently.

[11:30]

She said: "Why do you not just protect all the hotel sites and why do you not stop them going out and being turned into flats?" which is obviously the main alternative source for them. So, I explained what I am about to explain now which, to be fair, we have heard, but it is reason why I cannot support this amendment as well-intentioned as it is. It is definitely the sort of amendment which I think, for most people, it is instinctive. You want to stop something happening so you just ban it. You just prevent it happening. You put in a law or a regulation to stop it happening. That is how most of us, particularly politicians, tend to react to things because we think it is all within our power. This amendment speaks to the lack of power that we have as politicians. This amendment butts up against - and Senator Mézec said this very well - reality and the reality is this. Every business in the Island is a business that has taken risks. I think that is something that some States Members do not quite understand. Business people, whatever their business, take risks and they take risks because they put their money and their assets down. They invest it in something with a view to making that investment make more money. Obviously, the flip side is the investment they make may not make the money they had hoped for for various reasons and if it does not make the money they had hoped for, obviously the business will collapse and they need to leave. Now the thing with hotels is they are highly capital-intensive businesses. So let us say you are a hotel chain in the U.K. (United Kingdom)

and you are looking at Jersey as a possible place for investment and so you identify a property and you think: "That would be a really good property. It is in St. Brelade's Bay and it has a beautiful sea view. Let us look at buying that property and turning it into a hotel or making the hotel it currently is even better." So that hotel chain in the U.K. looks at the Island, looks at St. Brelade's Bay and thinks: "It will cost £1 million to sort this out. We want to go and borrow the £1 million or we want to borrow part of that £1 million to make this hotel project work." They obviously go to the banker. They go to their lender and say: "Would you lend us this £1 million please?" The banker has one thought in mind. "If this business does not work, if the risk that this hotel chain in the U.K. is willing to take in Jersey does not work, what will I, as the banker, have in return when that business fails?" If that property is protected in the way that the Connétable is suggesting, that asset that the bank will be left with, should that business fail, is worth markedly less than that asset if it is not protected in the way that the Connétable is saying. So, the banker turns around and says: "Sorry, we are not going to lend you the money to invest in this hotel in St. Brelade's Bay" because it is the sad reality that the bankers care about one thing and one thing only and that is protecting the money that they lend. This protection that the Connétable wants to put on St. Brelade's Bay in terms of hotels removes the protection for the bankers and the lenders. That is the reality of this amendment. It is not a nice reality, it is not one that I endorse, it is not one that I live happily with but it is the reality. It is exactly the same for existing hoteliers and there are some fantastic hotels in St. Brelade's Bay. I assume, and it is entirely an assumption, that those properties, particularly for the bigger hotels, are entirely paid for. I assume that there is not much lending on those properties because they have been hotels for a long, long time. It is only an assumption and I could be so wrong. If any of those hoteliers at the current hotels in St. Brelade's Bay want to refurbish, want to extend their offering and want to make the product that they offer to tourists coming to Jersey even better, they will usually do that with borrowing. It is then exactly the same story. They go to the bank and they say: "We want to refurbish our rooms to bring them up to a 21st century standard. Not that they are not but bring them up to the highest possible standard so we can offer a 5-star service in Jersey in St. Brelade's Bay." The banker will look at their offering and say: "Okay, you want to borrow £1 million to do so. How much will we get back should you fail, should this investment not work and should the risk you are taking as the business owner fail? What will we get back as the bankers?" With this protection, the banker will not get back the same money that they put in. They, as the banker, will look at that and say: "Sorry, the property you are talking about is restricted in how it can be sold. Therefore, it is worth a lot less than it would be if it was on the open market." So, the banker turns around and says: "Sorry, we are not giving you that £1 million to invest in your property." So, what happens? Jersey is left with people not investing in Jersey's hotel accommodation. As a result, Jersey's hotel accommodation offering slowly declines. Remember, we are up against Majorca, we are up against Ibiza, we are up against Cyprus, we are up against Greece, we are up against Spain and we are up against Italy. We are up against all of these amazing places where it is sunnier and warmer and you can guarantee that you will get a suntan which, sadly, is not something that you can guarantee in Jersey at any time of the year, as much as I wish we could. If those hoteliers who take those risks are not able to invest to either buy a new property and turn it into a hotel or invest in their current hotels, as Senator Gorst said, Jersey slowly exits the visitor accommodation market whether it likes it or not. That is what happens. That is why it is so difficult to vote, in my view, for this very well-intentioned amendment. It takes Jersey out of the market and so, at the end of the day, a distressed asset will be sitting there, the people who own it or the bank which has taken possession of it will be trying to sell it on and they will not be able to. So, you then end up with a redundant building in St. Brelade's Bay which slowly falls apart and decays because it is unable to be sold on because it is unable to work as a business. I did find one thing interesting with one of the previous speakers where they said: "Well, if the business is not working, sell it to someone who can make it work." That, to me, shows a fundamental lack of understanding of how businesses work. Sometimes that is the case. Deputy Morel runs a business. It does not work because he is not a very good businessman. That is quite possible. Somebody else will look at it and say: "Deputy Morel has not made a good job of

this business so I will take it on and I will run it better.” There is a truth in that, sometimes when things are not working it is not because the businessperson is not running it properly. It is because they have not been able to get investment to keep it at the top of the market where it needs to be to compete against Majorca and so on, or it is just that there are not enough tourists coming to Jersey anymore in general because they want to go to warmer climes further south and guarantee their suntan. So, there is no guarantee. This idea that one hotelier who does not make it work will be able to sell it to another hotelier who will make it work is absolute pie in the sky thinking and it really does show a lack of understanding of how business can work. If the business fails as a hotel because Jersey is not attracting people anymore, then no businessperson will make that work and so this is a case of unintended consequences. If we do this, there is a genuine possibility that investment in St. Brelade’s Bay hotel accommodation will dry up. As a result of that, we will not have hotels operating in St. Brelade’s Bay but we could end up with empty shells decaying in St. Brelade’s Bay. We have spoken to and heard from one person who is a hotelier. They, as a hotelier, were saying: “This is not the right course of action” and so I do say that is the person we should listen to, in my view. The person who has run a hotel and knows how it works. The rest of us are laypeople trying to get the best understanding we can but we are in danger here of saying: “Do not invest any further in St. Brelade’s Bay” because that is, in my view, the very likely unintended consequence of this amendment.

3.1.11 Senator L.J. Farnham:

I feel I should just say a few words as Minister with responsibility for tourism, and I am pleased to follow the Assistant Minister who has been a great asset. His views are very, very helpful in the department. I concur with most of them, but all of them on this issue. I have spoken to the Constable separately about this issue but I just wanted to share a little bit of further information that I think Members might find helpful. I first want to say that it always has been the aim of the department with our tourism policy - and we are working on a new tourism strategy at the moment which will be published during this form of Government - not only to promote Jersey but to ensure we have the right number of hotel beds and bed nights available in the right type of accommodation. The consumer appetite for accommodation has changed considerably since the 1980s and the 1990s with a more modern consumer seeking out far greater hotel and hospitality experiences. Of course, the industry suffered greatly from what we used to call the prime site policy which practically forced all hotels to stay in the industry which led, as we know, back in the day to significant underinvestment because of the Constable of St. Clement. A well-regarded member of the industry pointed out earlier when markets begin to fail and you do not have the value in your assets to invest, you simply cannot invest. That led to a number of hotels and guesthouses being forced to stay in the industry long after the consumer had moved on to a better product. When the policy was ended, although we saw a lot of the older stock leave the industry and, in most instances, create much needed housing, we also saw hundreds of millions of pounds of new investment in the refurbishment of hotels; expansions to hotels, extensions and of course brand new hotels, and there is still an appetite both in the Island and off Island for sites to build new hotels. I very much hope that Ports of Jersey and the States of Jersey Development Company will embrace that and allow some of their land to be used for that purpose so modern hotel stock can be created. We have seen a number of applications from Premier Inn to the aparthotel being proposed for Broad Street, which are most welcome. Tourism, essentially, could be classed as a numbers game outside of the thread of tourism which runs through just about everything we do over here. The benefits of tourism brings not least very strong air and sea links which, incidentally, we have seen increase significantly with the current reduced number of beds but it is not the reduced number of beds we need to focus on. It is the available bed nights that are available. Currently, we have somewhere in the region of 3½ million bed nights available and I am not sure of the exact percentage of those we are filling but when we had 30,000 beds, a lot of those beds closed for the winter. So, while we might have utilised those beds during the summer months, the majority of them were laying empty for the winter in either closed hotels or hotels that just were not able to

fill them. Now that is not a very productive way to develop our industry so what we are aiming to do is get a much better occupancy and yield from our 3½ million bed nights and we are beginning to see visitors to the Island on a more year-round basis as we develop, as I think people are generally taking more holidays now than they used to. There are a lot more weekend breaks and short breaks. When I was a boy, not that long ago, we used to have one holiday a year as a family but when we were bringing our children up, we were away 4 or 5 times a year, and so that is the trend we need to adapt to. That is why we need to ensure we have the right number of bed nights available and work hard to fill those beds year-round. The new tourism strategy will help to address that by, for example, developing a strong events programme right through the winter months aiming to utilise that capacity at the right time. We are fortunate in that the hotels that remain in St. Brelade's Bay are good quality 4/5-star hotels that offer really good facilities and are performing well but of course if we were to put restrictions on them, then I fear, as other Members have said, we would dampen the appetite of the owners to invest. We might not dampen it.

[11:45]

We might remove the ability for them to invest as their lenders reassess the value of their assets and decide they are not going to lend any more money. Then we go right back to the beginning which led to the removal of the prime site policy in the first place so I hope that is helpful to Members. Clearly, I will be voting against the amendment but I hope that has been useful.

3.1.12 Deputy R.J. Ward:

It is an interesting debate when we talk about the free market and the way the free market works because we seem to have a real catch-22 situation here. There is this faith in the free market that everything will work itself out but, in the end, there is a protection of free marketeer asset at the end. I go back to this amendment that says: "Changes of visitor accommodation will not be supported if there is no market demand for the continued use of the premises of visitor accommodation." "No market demand." We seem to be saying that is okay to not change anything, as we are now, even though we are seeing evidence of hotels being developed for luxury apartments more and more. It is a slow but steady change to our coastline and to our Island but, in the background, we can say: "It is nothing to do with market demand" but it is to do with market demand because you have to go to the bank and have an asset at the end. Well, if you cannot get this to work and you still have this asset, the bank will still loan you money because you will have to sell it in the end because there is, as the amendment says: "... no market demand for the continued use of the premises of visitor accommodation." It is interesting to hear the Minister for Economic Development, Tourism, Sport and Culture talk about the tourism strategy because, again, we have a contradiction. We have a tourism strategy that is putting lots of money into attracting tourists and I believe Visit Jersey has a target of a million visitors to the Island but, at the same time, we are saying that we cannot guarantee some sort of demand for these hotels and protect these hotels. We have to be able to let them be sold up whenever we want and that is okay. We cannot have both. You cannot have your cake and eat it in this circumstance. You cannot try to attract a million visitors a year and not have hotel accommodation. This is a small Island and I think this is the myth of this free market. Unfortunately, we are not in a huge country where there is so much choice. There is not and there has to be some protection. I looked on the website for Visit Jersey and looked at the accommodation in St. Brelade's Bay and there were about 7 places came up to stay on the Visit Jersey site so it is not as if there is a huge wealth of opportunity there to stay. If one or 2 of those hotels is sold up, or one of the larger ones, it is a significant decrease in visitor accommodation in that area and very rapidly that can change. That is a different reality I think from the one we have seen. I suppose what Members have to decide is whether they think that, in this small area, specifically St. Brelade's Bay, there needs to be a greater reason for selling up these hotels for luxury accommodation because that is what it will be or whether we want to say, with this amendment, we need to have some protection in there to protect that part of the tourism industry for this Island. If we do not do that, it will be lost and it will

go and it will become a more exclusive bay for a few individuals who can own this. I have a slight concern over Premier Inn and aparthotels. I have stayed with them many times. They are reasonable, et cetera, et cetera, but they are large conglomerates from outside the Island who are coming to the Island making an investment and they are not going to make that investment as a charity to the Island. They are going to make that investment because they can see, in the long term, they can make a lot of money out of this Island and they can come and go as they please. At a point where they decide: "It is not as viable for us anymore. We are off and we will sell up our Premier Inn accommodation as luxury accommodation in the centre of town" or wherever and they will be gone and there will be no loyalty to this Island. So, I think we have to try to unpick this free market argument at the moment because you cannot have it both ways. I think that this amendment I can support because it does say there is that backup of no market demand. I think the fear mongering regarding banks saying: "We are suddenly going to withdraw all investment" does not make sense because this visitor industry which we do need to support, otherwise we will lose it, needs some sort of protection. I do not see why we are spending so much money on Visit Jersey if, at one and the same time, we are going to allow hotels in a pristine area of the Island at a whim to be sold off for luxury accommodation and for those who want to bring wealth to the Island and have their own personal playground. I just think it is a contradiction and I do not see how that is going to work. It is up to Members to make their own decision on that one but I think we need to consider that as part of this debate. It has been a very interesting debate, I will say.

3.1.13 Deputy I. Gardiner:

Yes, at the last moment, I decided to speak. I follow the previous speaker when he mentioned 6 or 7 hotels at St. Brelade's Bay. When I moved to Jersey, lots of friends of mine and family approached and said: "It is a new place. What do you have? Do you have a place to stay on the beach and do you have places just to have a nice, relaxing holiday?" I did not want to stay in town which sounds brilliant, and I do not have any problem with Premier Inn and other hotel chains coming to town. I think they are bringing a great product to town. St. Brelade's Bay was the only place where people can have this type of holiday. Six or 7 premises is not even enough if we would like to develop ourselves as a destination for beach holidays. We have to make sure that none of these hotels will disappear. The moment they disappear, you cannot build another place and sit at the terrace, have a glass of wine, enjoy our seafood and see children running on the beach. I understand it is complicated and I understand the situation in the industry is changing and maybe it is overprotection but I would rather have overprotection for the 6 or 7 properties for visitor accommodation on St. Brelade's Bay than to be sorry later.

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

Just briefly, because we have had a fair old whack at this particular amendment. I think what we are witnessing is the privatisation of the seafront. That is what is happening. It is becoming accessible only to a few. The best sites, the best places and limited access because the hotel or the café has become private accommodation and, increasingly, that is what is happening to our Island. We are selling all the best sites off to the private sector and I think it is something that we should, as we are responsible for the Island economy, be doing something.

3.1.15 Connétable A. Jehan of St. John:

It is an interesting debate. We hear about the requirement to list all sorts of buildings around the Island, many of them we were talking about yesterday, protecting windows, some of these businesses do not give any value to the economy and yet here we have a small number of properties which provide a great opportunity for our visitor economy. I support the Constable's efforts to try and offer them some more protection. The banks are businesses just like the hotels. I disagree with Deputy Guida's comments that if you cannot make money out of a hotel you are a useless business person. There can be lots of contributing factors and I really think that we should be offering this special area

of Jersey some more protection than we currently do and I would urge Members to support the Constable's amendment.

3.1.16 Deputy J.A. Martin of St. Helier:

I will try and be brief because I think there have been some excellent speeches and I would like to cite Deputy Morel's, the Minister for Economic Development, Tourism, Sport and Culture and the Constable of St. Clement's. I spoke because I just cannot let the likes of Deputy Higgins and Deputy Southern there telling us if we do not support this we literally have no interest in tourism, we do not have any interest in St. Brelade's Bay. Literally, we are trying to hold back the tide. Deputy Ward read out if they are not economically viable or not making any money - I am paraphrasing around - then obviously they can be sold. Well, how do you do that? You have absolutely done everything you can in your hotel or your business, so you shut for a year. The next year you can prove there was nobody interested in coming because you were shut. For Members who have not been around long enough we tried this policy between 2000 and 2005. Any hotel that had a sea view was not allowed to be sold; they all shut. Deputy Tadier talks about - and I loved it when it was a holiday camp - Plémont; Pontins, the best view that Pontins ever had. When they shut because, as everyone else has pointed out, we went into battle, if you like, with the likes of the Costa del anywhere that you could fly to so cheaply and our drinks, et cetera, were going up. It is unrecognisable the Island today but we cannot tell businesses that you cannot sell because the first thing they are going to do is to look at their books today and say ... and especially we are trying to pick off one place. We have lost some beautiful ... and the Mayfair, places like that where they used to have a brilliant nightlife every night of the week. Not for just the tourism; I have been there many a time, locals, I have had family staying. We are losing these places and it is not to the highest bidder. It is because we are competing with so many other places. I had to speak because I am not being told I do not support tourism, I am selling to ... it is only interested in bringing in 2(1)(e)s and selling them these places. Some of the hotels in St. Brelade's Bay do the most fantastic deals for locals in the shoulder months. I do not want that to go for locals. I have seen it over the last 35, 40 years that I have been here. I was at a funeral last week and it was for a publican who was here in the late 1970s, early 1980s and a lot of people came over who had not been back to the Island, and especially had not been in St. Helier, for over 30 years and they could not believe how it has changed. Where was that pub they used to work in; where was that hotel they used to stay? It was depressing. But to pass this today you just, I think, go back. It was many hours ago that it feels like Senator Gorst made some very pertinent remarks on what you can do to business and you cannot do to business and it was followed up by Deputy Morel who made an absolutely brilliant speech. I thought: "Well, should I add my 2 penn'orth" but I had to because I am not not supporting tourism but I cannot support the Constable and maybe put a nail in the coffin of another hotel. Maybe not this year but possibly next year because they just cannot survive. They will go out of business and this way we are helping them along because they cannot even invest because the banks are now seeing their investment as a bit dodgy. So I will leave it there, I see the Chief Minister wants to come in. We nearly thought we were at the end of this debate but there you go.

3.1.17 Senator J.A.N. Le Fondré:

I apologise to Deputy Martin because I thought after a couple of the speeches I would come in and then she obviously beat me to it. I absolutely agree with the sentiment of what the Connétable, what Senator Ferguson are trying to achieve, but I, like a number of other speakers, this is really not the right way to do it. There are 2 flaws: one is why just St. Brelade's Bay versus why not St. Aubin's, for example, as in the village rather than the bay or both.

[12:00]

So, number one, I think there is a flaw in that approach. Number 2, which I think Deputy Morel was probably the most eloquent on the subject, basically if we threaten essentially the security of any

lending we will really be causing massive problems within the industry. So, for all those reasons unfortunately I will not be supporting this amendment either. I do absolutely agree with the sentiment being proposed. I will absolutely set the point that in my view if we lost some of those key hotels, whether in St. Brelade's Bay or other bays or around the Island, that would be a catastrophe in my view from the point of view of the tourism economy, particularly those where they have done a lot on investment over the last few years, the last many years, to bring the product up to what is generating a very good hospitality offer in the 21st century. That has been in the forefront of our minds as well on C.A.M. (Competent Authorities Ministers) as we have come through the pandemic about how do we support those businesses to try and make sure that they survived what has been a horrendous time. I think we used to say we are probably up to about 5 winters now and hopefully we are now coming out of the other side and hopefully we can now recover. So let us make no accusations that we do not support the industry. I do agree in certain circumstances, slightly reminiscing - I have not seen a photograph of you though, Sir, in the photographs I have been looking at - but I was looking at some photographs from the 1980s and 1990s very recently online which we are talking about the sense of fun that we used to have. I think the industry, life has moved on, but I think that people do look back at the heydays of the 1980s and the 1990s and the sense of fun that we had. Perhaps that is something else for the hospitality industry. Other than that, in trying to put the clock back to those very sunny days and Bergerac, et cetera, and when Deputy Lewis was helping out with the filming of the car and all the rest of it, I think the best thing we can do to support the industry is not support this amendment. On that basis for the 2 reasons (a) why just St. Brelade's Bay and (b) it will seriously threaten the security of the hotels that it is trying to save.

The Deputy Bailiff:

If no other Member wishes to speak, I call upon the Connétable to reply.

3.1.18 The Connétable of St. Brelade:

I thank all Members who contributed towards the debate. I respect the views of the Constable of St. Clement as having had first-hand experience, which I think is useful to understand. I too, going back years, had close family connections with a large town hotel, albeit seasonal hotel. The staff were let go at the end of the season and taken on again in the spring. Ballrooms, dancing, having fun and all that sort of thing but the owners got to the stage in life where they wished to retire and the choice was it was put on the market at a valued price, and the first to come along were developers, so now on that particular site there are apartments. Of course, it is very easy to do and that is the natural process, I suppose, when an owner wishes to pull out, you are going to take the best offer. I think without any intervention, which I am suggesting to a degree here, that will continue to occur. I suppose one could say that the present situation whereby the hotel stock, hotel beds in the Island is so much diminished, it is possibly, apart from the effects of competition from other resorts and, indeed, of late various global circumstances, it is a result of us probably not doing enough earlier. Visit Jersey recognises St. Brelade's Bay as a key tourist resort and perhaps if you cannot survive with a hotel business in the bay, you are not really destined to survive in business at all. How much should we be protecting the smaller business person to survive when they probably would not survive in the real world? A couple of points I would just like to pick up out of Members' contributions, and one was Deputy Ward's comment about no market demand. That is often used as an excuse that really needs to be distilled down into detail and evaluated because you can use market demand if you have not put the effort yourself into the marketing. Has it been as a result of global circumstances or other in your particular market? Without knowing that detail, it is too much of a broad comment, and I think, he rightly says, it needs to be taken with care. Because very often the lack of market demand I think in the hotel business, and those in it will confirm, is because people are not coming to your establishment because you have not invested. It is quite easy not to invest, it is easy to pull too much out of a business and not put the money into, as in the past, our suite facilities, even updating the place to what people want these days. I do not dispute the fact that hotel business has moved on,

as I mentioned earlier. We have moved on from the full board offer. We have now the situation where cafés and restaurants surrounding hotels have picked up the distilling down from the hotel into the economy throughout and it is all much appreciated. I think the Island is very well-equipped to do that in terms of boutique hotels and hotels mentioned by others. Yes, that is the appetite for the market today, we can support it with the cafés and restaurants round and about, and I think we do that very well. So, what are Visit Jersey doing to enhance that? What are they doing to enhance that particular offering in St. Brelade’s Bay? I am sure the hotels down there would appreciate any help that they can be given. With regard to borrowing, yes, I am in business, I know the process of having to borrow from banks or financial institutions and there are lots of methods of doing this. I suspect that borrowing will be, in order to perhaps secure finance to expand a hotel, that could be the ideal solution and we would like to see that. But borrowing to buy a new hotel is probably going to be difficult so we need to encourage those that are still there. It was mentioned that hotels may get converted into private accommodation and could they be converted back? I suspect that would never happen. We look at St. Brelade’s Bay, once again, and down at the western end we used to have the hotel which was sold, converted into private residences, Les Creux Hotel, that went years ago. We have seen La Valeuse Hotel go to, once again, apartments. In each case, I can tell you it is because the owners wanted to retire and there was not really an option for them to move their premises into further accommodation. The question I ask is, how can we deal with this? If this, as some suggest, is the wrong proposition, I accept that, but let us think of how we can stop this, what seems an internal decline in hotel bed provision. I look to the Minister for Economic Development, Tourism, Sport and Culture to do that, it is his task to do that, it is Visit Jersey’s task to do that, we cannot let this go unnoticed. If this proposition or amendment does nothing, I would like it to make a mark with the Planning Department and say: “Come on, we need to be aware that our hotel stock is diminishing and we must not allow that to happen.” I do not think there is any advantage in me continuing any further with regard to the detail, you have heard enough from me, but I would thank Members for speaking once again and ask for the *appel*.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting via the Teams link are asked to cast their votes in the chat channel. I invite the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I can announce that the amendment has been rejected.

POUR: 14		CONTRE: 27		ABSTAIN: 0
Senator S.Y. Mézec		Senator I.J. Gorst		
Connétable of St. Lawrence		Senator L.J. Farnham		
Connétable of St. Saviour		Senator J.A.N. Le Fondré		
Connétable of St. Brelade		Senator K.L. Moore		
Connétable of St. Martin		Senator S.W. Pallett		
Connétable of St. John		Connétable of St. Helier		
Deputy G.P. Southern (H)		Connétable of Grouville		
Deputy of Grouville		Connétable of St. Peter		
Deputy M. Tadier (B)		Connétable of St. Mary		
Deputy M.R. Higgins (H)		Connétable of St. Ouen		
Deputy of St. John		Connétable of St. Clement		
Deputy R.J. Ward (H)		Deputy J.A. Martin (H)		
Deputy K.G. Pamplin (S)		Deputy K.C. Lewis (S)		
Deputy I. Gardiner (H)		Deputy S.J. Pinel (C)		
		Deputy of St. Ouen		

		Deputy L.M.C. Doublet (S)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		

The Deputy Greffier of the States:

Those voting *pour* in the Chamber: Senator Mézec, the Connétables of St. Lawrence, St. Brelade and St. Martin, Deputy Southern, Deputy Ward and Deputy Gardiner. In the chat: Deputy Higgins, the Connétable of St. John, Deputy of Grouville, Deputy Pamplin, the Deputy of St. John, the Connétable of St. Saviour, Deputy Tadier. Then those voting *contre* in the Chamber: Senators Farnham and Moore, the Connétables of St. Helier, Grouville, St. Peter, St. Mary, St. Ouen and St. Clement, Deputies Lewis, Pinel, St. Ouen, Doublet, St. Mary, Young, Morel, Guida, Le Hegarat and Ahier. Those voting *contre* in the chat: Senator Le Fondré, Senator Gorst, Senator Pallett, Deputy Martin, Deputy Ash, Deputy Perchard, Deputy Truscott, the Deputy of St. Peter, Deputy of Trinity and that is it.

4. Island Plan 2022-25: Approval (P.36/2021) - nineteenth amendment: St. Brelade's Bay Improvement Plan Time Frame (P.36/2021 Amd.(19))

The Deputy Bailiff:

We now move to the 19th amendment lodged by Senator Pallett. I note from the chat that Senator Ferguson has withdrawn her amendment to this amendment. I ask the Greffier to read the 19th amendment.

The Deputy Greffier of the States:

After the words "the draft Island Plan 2022-25" insert the words "except that within Proposal 17 (St. Brelade's Bay Improvement Plan) after the words 'improvement plan for St. Brelade's Bay' there should be inserted the words 'by December 2023'."

4.1 Senator S.W. Pallett:

Hopefully, this will finally move us, after this proposition, away from St. Brelade which I think we will agree is high time but not before hopefully we can agree this proposition. This proposition has been agreed by the Minister so I am hoping there should not need to be a great deal of debate on this. I also want to thank Senator Ferguson for withdrawing her amendment which did limit the amount of time that would have been available to what I believe to be an unreasonable amount of time to try to provide an improvement plan. As I say, I hope we all agree that there is a need for a St. Brelade's Bay improvement plan. It has been long-needed, it is something that we have had to wait a considerable amount of time for to some degree. I want to hold my hand up now and say to some degree I am culpable. I was Assistant Minister in the Environment Department between 2014 and 2018 and unfortunately other priorities took precedence at that time and I can only apologise for that

but there is a chance I think today to put that right and finally get the work underway within a reasonable timeframe.

[12:15]

I think from what we have heard over the last few days there is a need for a holistic St. Brelade's Bay improvement plan. There was almost a risk that we were trying to do that by stealth and for me anything that we bring forward needs to be done through consultation. I think the Minister has been clear that in the wording of the draft bridging Island Plan, the improvement plan should be developed by engaging the local community. That should be all the local community, be it business, residents, the Parish or other interested key stakeholders because consultation is absolutely vital and it has been mentioned today within other propositions. There have been, as we all know, for some time now tensions in the bay around development of various sites. They are all well-known, I am not going to go into them in any great detail, some of which, from a design point of view, have been disappointing, others I think less so. But nevertheless, there does need to be I think a better understanding of what is desired in the bay, not just by residents of St. Brelade, but I think all Islanders generally into what is our prime tourist destination. I just want to dwell very briefly on one site. The Wayside site has been mentioned a few times in the last few days, more as a residential development. I think it is too easy to forget that there is a commercial element going back into that site by the way of a restaurant and a shop. In terms of the economy in the bay, that has not been lost. Now whether you agree with the design of it and the style of it, I suppose, is subjective but, at the end of the day, it is a mixed site. Yes, there is residential on it and to some people not the type of residential that some may really desire but nevertheless it is not just a residential site. One of the things that my hobby - and I think most people know what my hobby is and that is swimming in the sea - one of the things that that has given to me over a period of time, and people have talked about perspective from the sea, is a perspective of the Island from the sea. Now, do not get me wrong, when I go out swimming I do not spend a lot of my time looking around at the Island but there are times when I do stop or when talking to friends I am swimming with and look around and look at some of the bays that we swim in, and it does give you a different perspective on the Island. Sometimes that disappoints me when I see some of the things that have gone on around the Island and others that make me extremely proud of the fact that we have got an extremely diverse coastline and one that deserves protecting and deserves protecting for the long term. There has been some criticism around why we are concentrating in St. Brelade so much. I think St. Brelade is an important Parish, not just in terms of its diversity, but in terms of what it offers economically from a tourism perspective and many other perspectives as well. I know it has been said that St. Brelade's Bay is the jewel in the crown but for me the jewel in the crown is the Island, is the Island's coastline, and it needs to be protected, not just in St. Brelade's Bay but further afield. I should not say as somebody from St. Brelade but probably my favourite bay to swim in is St. Catherine's. When I look around in St. Catherine's and Gorey, it is a unique, absolutely spellbinding, beautiful part of the Island and it is something that we do not want to see destroyed in any way, shape or form. Maybe there should have been more emphasis within this draft bridging Island Plan around ensuring that St. Catherine's and Gorey has more protection. What disappoints me, and I am only going slightly off track just for a second, is that when you drive around to Gorey there have been some absolute monstrosities built around Mont Orgueil Castle, in fact, in plain sight of Mont Orgueil Castle which I think most of us would agree does not particularly improve the view or the environment. But it has gone on, it has been allowed, but I think we do need to keep a closer eye on some of our beauty spots such as Gorey so that they do not get damaged in the way that they, in my opinion, have been to some degree. I just want to comment a bit, again just going slightly off track, around the shoreline zone yesterday, and I know I did not vote for that. But the reason I did not vote for that yesterday was I felt it was blighting some properties within that shoreline zone and for me it was a blunt tool to deal with the shoreline zone. I just could not agree with that but I just wanted to be clear about why I had done that. Getting back to this particular proposition, it is important that we do have a holistic, long-term vision for St. Brelade's Bay. There is an

opportunity I think to do that in what I believe is a reasonable timeframe, that is to December 2023. It does give the new Minister ample opportunity to put the wheels in motion and ensure that the consultation that is required can take place. I thank Senator Ferguson, in some ways in her amendment, because she is as frustrated as I am that it has not been done up to now but I think, I am hoping, that we can all agree that it is time to move on, get this work done and give an opportunity for the next Assembly and Islanders more generally to comment on what they want for St. Brelade's Bay in future years. I think I will leave it there.

The Deputy Bailiff:

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

4.1.1 Deputy J.H. Young:

Just to say that I accept the amendment. It is an improvement, it puts a timescale on this work. I think for a long time it is true that there has been talk of having a plan for St. Brelade's Bay. I think that is my advice to whoever is Minister in the new Assembly to progress that now we have a date, is to make sure you get the resources and bring that forward to the States to give affectability for not being in the position that has happened before where a lot of work has been done, the community has put a lot of effort into it and the whole thing has fallen flat. That is the past record; I take no responsibility for that. All of that pre-dates me but there is no question, it should not happen again. The Senator makes lots of other points that are probably off-piste but I would say I would be very hopeful that the other parts of the plan do exactly what he seeks, protection for this special coast and so on. We had that debate the other day so those measures are all in there. But I support this and I accept this amendment.

4.1.2 The Connétable of St. Brelade:

I just stand to give support to the proposition and to bolster what the Minister has just said. If a report comes out, let us take note of what it says and do what it says and not ignore it as we have done in the past.

The Deputy Bailiff:

If no other Member wishes to speak, I call upon the Senator to reply.

4.1.3 Senator S.W. Pallett:

Just very briefly, I just want to thank the Minister for his comments, his supportive comments, and thank my Constable in St. Brelade again for his positive comments. I am sure he will, like many others, want to see this improvement plan developed as soon as possible and with the greatest possible consultation. With that, could I ask for the appel?

The Deputy Bailiff:

The appel has been called for. Members are invited to return to their seats. Those joining the meeting with the teams link may cast their votes in the chat channel. I invite the Greffier to open the voting for Members in the Chamber. Yes, the votes in the Chamber has malfunctioned. If Members are agreeable, we could proceed on a standing vote in relation to this because so far everyone has voted in favour. Those in favour, please show. Thank you very much. Those against? Thank you. The amendment is adopted on a standing vote. Deputy Gardiner, do you have a proposition to make now or not in relation to a matter you want to take out of turn? Perhaps I am wrong about that.

Deputy I. Gardiner:

I said about after item 32 but I am happy to make a proposition.

The Deputy Bailiff:

We can wait until later on, it is a matter for you.

Deputy I. Gardiner:

I will do it now so Members will be aware. I have amendment number 7 listed as 53. It is about the Parish connection, that any Parish development will be an allocation of 50 per cent to the Parish links and 50 per cent to anywhere else on the Island. The Minister has accepted my amendment but when the proposition was read out, it was read out without this amendment. I would like to debate, first of all, if the Minister accepted the amendment, if Members are happy to accept the amendment so we can just accept and go through. If the Members would like to have a debate on this amendment, I would request to have a debate after item 32, before we debate in any fields, because it is important for all parties to know where we are standing to bring it forward.

The Deputy Bailiff:

After 32 ...

Deputy I. Gardiner:

After the Minister's amendment about the housing before we debate any fields. So the first question, would we like to have a full debate as the Minister accepted the amendment?

The Deputy Bailiff:

Do you mean you want it before amendment 91? I cannot see we are about to reach amendment 32.

Deputy I. Gardiner:

No, apologies. Item 32 after we have debated the 90th amendment, to have a debate on amendment 7, if Members would like to have a full debate on it.

The Deputy Bailiff:

So, you are inviting Members to agree that this can be dealt with after the debate on the 90th amendment?

Deputy I. Gardiner:

Correct.

The Deputy Bailiff:

Is that proposition seconded? [**Seconded**] Does any Member wish to speak on this proposition?

Deputy G.C. Guida:

Could we start with the debate on whether we want this to be debated at all? Or was it to just accept it since the Minister has accepted it?

The Deputy Bailiff:

Well I am reluctant to start a debate, not knowing if Members want to speak on the subject, because Members are entitled to debate any matter at any length. I cannot tie the hands of Members. I think that the proposition is that ...

Deputy I. Gardiner:

First, I would like to support Deputy Guida's request because my first question to the States Assembly to the Members, would we like to have a full debate? The second question, if we would like to have it because the Minister accepted it.

The Deputy Bailiff:

Yes, but I do not think we will have a debate on whether or not there is a debate. You can propose that the matter is debated now, if that is your wish, or you can propose that it is debated immediately before the 91st amendment, after the 90th. It is a matter for you but I do not think it would be in

order for there to be a proposition that there is or is not a debate because that is tying the hands of Members who may wish to debate a proposition that the debate has not begun yet.

Deputy I. Gardiner:

Thank you for your clarifications because there were 4 amendments that were missed at the beginning of the sitting yesterday that were accepted by the Minister. This is the reason that I raised the question.

The Deputy Bailiff:

I follow that and those matters need to be debated in the usual way. The debates may be very swift but they do need to be debated. The proposition has been read as amended.

Deputy I. Gardiner:

No problem. I would like to debate it after the 90th amendment, please, if the Assembly will agree.

The Deputy Bailiff:

After the 90th amendment?

Deputy I. Gardiner:

Which is item 32 on the agenda of amendment 90.

The Deputy Bailiff:

Yes, so immediately before the 91st amendment is debated. That proposition has been seconded. Does any Member wish to speak on that proposition by Deputy Gardiner?

[12:30]

Deputy J.H. Young:

Just to support it. It is my fault probably because I was slow on the uptake at the start of the session and although I had indicated in the documents that I was prepared to accept this amendment and it could be taken as read, unfortunately, that did not happen and therefore, as you say, I have assumed that we will need to debate it formally. But very much I think it is right that before we go on to discuss the various decisions on the zonings of various fields that Members do know whether or not the proposal of Deputy Gardiner to how those homes could be allocated should be decided. I think that is a reasonable thing and I hope it helps. I support Deputy Gardiner's amendment to change the order of the debate, to slot it in between what is listed now item 32 and item 35. So it can be slotted between those 2, thank you.

Deputy K.F. Morel:

It is not to speak with a view but just to ask in her summing-up if Deputy Gardiner would mind explaining again why she wants this movement because unfortunately I was concentrating on my own amendment and did not hear anything she said.

Deputy R.J. Ward:

It is just some clarity, forgive me. What is the number of Deputy Gardiner's amendment that we are moving?

The Deputy Bailiff:

It is the 7th amendment.

Deputy R.J. Ward:

Seventh amendment, and we are going to move that to before or after the 91st amendment?

The Deputy Bailiff:

Immediately before the 91st amendment.

Deputy R.J. Ward:

Move it before in order that a decision about the allocation of possible homes can be made before we talk about whether the fields will be accepted? Sorry, just to get that clarification.

The Deputy Bailiff:

That is correct. Does any other Member wish to speak on this proposition? No? I call upon Deputy Gardiner to reply.

Deputy I. Gardiner:

Following the request from Deputy Morel, I have not raised it earlier because I thought the amendment was accepted, so I did not pay attention where it is on the Order Paper for debate. The moment that it was clear that we need to debate or not with the amendment, I felt it is really important for all parties, for all views, to know if the rezoning of the fields will go only to the Parish or it will be divided 50 per cent between the Parish or 50 per cent the remainder of the Island because my decisions personally about how I will vote on the rezoning of fields will be very dependent how these fields will be used. I think other Members from either side as well, so it is important for me to debate it before we make decisions on the fields. Thank you and I make the proposition.

The Deputy Bailiff:

I will be grateful if you do not call for the *appel* simply because we - well you are entitled to, of course - currently have got the difficulty we have. Are Members content to proceed on a standing vote? Those in favour, please show. Thank you. Any against? Thank you. So, amendment 7 will be debated immediately before amendment 91.

LUNCHEON ADJOURNMENT PROPOSED

Deputy K.F. Morel:

May I take the liberty, as I believe mine is the next amendment, of proposing the adjournment?

The Deputy Bailiff:

Yes, it is.

Deputy K.F. Morel:

It is simply that I do not want to do my introductory speech and then head off to lunch if that is possible. Obviously, it is in the Assembly's hands but I was wondering if that may be possible.

The Deputy Bailiff:

Well, it is a matter for the Assembly. The adjournment has been proposed. Seconded? **[Seconded]** Does any Member wish to speak on the adjournment?

Deputy J.H. Young:

Just to support it. Can I suggest it will give you officers a chance to fix the voting system?

The Deputy Bailiff:

Well there is that. In that case, there is not anyone here to take the Mace away, but the States stand adjourned until 2.15 p.m.

[12:34]

LUNCHEON ADJOURNMENT

[14:16]

5. Island Plan 2022-25: Approval (P.36/2021) - thirty-eighth amendment: Warehousing (P.36/2021 Amd.(38))

The Deputy Bailiff:

The next amendment is the 38th lodged by Deputy Morel and I ask the Greffier to read the amendment.

The Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that (a) the following should be inserted within the list of protected industrial sites in Policy EI1 - Existing and new industrial sites and premises - ‘9. Bienvenue Farm and land adjacent, (The Fencing Centre and The Hidden Garden Company), St. Lawrence’ (b) within Policy EI1, after the words ‘built-up area will be supported’ there should be inserted the following new paragraph - ‘The development of new; or the redevelopment, renewal, or intensification of existing sites and premises at Bienvenue Farm and land adjacent (The Fencing Centre and The Hidden Garden Company), will only be supported where it is for the purposes of warehousing and storage, or the nature of the proposed use will complement and support an existing rural business; or enables a new business that has the potential to make a significant contribution to the rural economy. Any such proposals must be accompanied by a business plan which justifies the location of the development; and demonstrates its contribution to the rural economy.’; and (c) within EI1 after the words ‘In all cases of light industrial’ there should be inserted the words ‘/ warehousing and storage/ rural economy’.” (d) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraph (a) to (c).

5.1 Deputy K.F. Morel:

Before I start, I would just like to bring Members’ attention to an email that I sent to all States Members shortly before lunch which gives you what I hope is a handy map of the site that we are talking about here. This is a small amendment but it is one that is aimed at filling what I see as a huge void in the bridging Island Plan. That void is the lack of employment land and in this case land for storage purposes. The lack of employment land, new employment land and the lack of storage is, I can tell you, harming the economy. This amendment seeks to enable storage at a clearly-defined site. In the map that I provided to Members, the site we are talking about - there are 2 sites - it is the one circled in yellow and the one circled in red. The purple and blue areas are already light industrial sites. I think what is important here is for Members to understand that this is not about greenfields, this is about areas which currently are already in a commercial use of one form or another. One of them, Bienvenue Farm, houses SCOOP (the Sustainable Co-operative), and it houses a number of empty chicken sheds because since the farm stopped being involved in agriculture it has had redundant chicken sheds and part of this is to bring those chicken sheds back into use. Unfortunately, at the moment, they can only be used as chicken sheds but they have no chickens so they are standing there redundant. Members can see that while it is industrial use, Policy EI1 in the draft bridging Island Plan requires existing buildings to be repurposed within their existing use. That is just not possible or feasible in this case, particularly for those chicken sheds, they cannot be reused as chicken sheds. We do need something else placed there or we are letting a piece of land go which could be used very well within the economy and we are just letting it remain empty and redundant. The Fencing Centre and Hidden Garden Company circled in red have already had permission for data centres to be placed there; that was back in 2015. But because of the way the market and data centres changed after the planning application it became unfeasible to run that as a business and so it has remained in a retail commercial use. While that is available at the moment and operates currently as a commercial centre, it is to have the option to move into storage should that be a better way forward. This amendment would enable the construction of units for low intensity commercial use that support

the rural economy. Again, this is something that I believe the bridging Island Plan does not do enough of, is support the rural economy. The amendment has tight parameters ensuring that support for the rural economy and the need for a business plan are provided in order to demonstrate the contribution that any change would make to the rural economy. Applications for such storage businesses would also likely be bound by conditions on hours of use. That is something which would be left to the planning process but it is very likely, from my experience on the Planning Committee, that set hours of use would be conditioned on any storage units that were placed there. In his rejection of this amendment, the Minister cites the distance from Jersey's port as an issue in terms of sustainable transport. This to me seems to be something of a red herring. The site is on a main road centrally located meaning that while, yes, it could be closer to the port, but it is in fact closer to all of their users or likely users. If this was sited in town then, yes, it would be closer to the ports but the people accessing the storage would be travelling further to get to the storage from within the Island. So, I do not see that this is in any way not sustainable in terms of transport. The site is currently used, as I said, for retail and should it become predominantly storage then it would surely see fewer vehicle journeys, something else which I see as being an argument against the Minister's rejection. But I am looking forward to hearing Members' thoughts on this. It is unusual, it is a particular site, it is clearly bounded, there is no sense that this site would grow. It is a site that is on 2 sides bordered by roads, one of them being St. Lawrence main road, and on the other side it is by green fields which would entirely remain green fields. There is no suggestion that they would not remain so. But the main reason for me bringing this is, as I have said, the need for storage units in Jersey because businesses are struggling without them. I would like to finish this opening speech by reading from a letter sent from a chartered surveyor to the applicant with regard to the need for storage units. He says: "I thought it prudent to provide an update of the current market in Jersey to demonstrate the extreme need for commercial dry storage. Over the last 2 to 3 years the demand for light industrial commercial dry storage units has dramatically increased and it is fair to say demand substantially outstrips supply. Until recently on our register we had nothing of a commercial nature. However, as at today's date we have 3 new instructions ranging up to 4,200 square feet of light industrial units, 2 of which within the first week had already gone under offer. Units on our register are quoting rentals from £12.50 per square foot up to £13 per square foot. That is a rise in rentals due to a lack of supply of 25 per cent within the last 18 months." So, we can see how the lack of supply of storage units is driving inflation in the Island quite clearly; 25 per cent in 18 months. Basic commercial dry storage units which used to command £6 to £7 per square feet have also dramatically increased and are closing in on £9 to £10 per square foot. This is simply a reflection of the shortage in supply of such units at this time. On this surveyor's light industrial commercial warehousing applicants register of one to 3,000 square feet, this surveyor currently has 32 requests from businesses for dry storage units. He concludes by saying: "The unit at Bienvenue Farm lends itself ideally for simple commercial dry storage and would certainly be of assistance to one of the many local companies" that this surveyor is dealing with and knows are in need of this. I ask Members to allow this amendment because it will provide a direct benefit to the economy. It will help local businesses and it would do so in an area which has already been turned over to commercial and light industrial use. The area surrounds Thistle Grove, which is a light industrial site and is protected as a light industrial site within this bridging Island Plan but it would enable the growth in that small defined area. I look forward to hearing Members and their thoughts on the matter.

5.1.1 Connétable J. Le Bailly of St. Mary:

Many businesses in this Island are desperate for open storage and also dry storage. It has been left to the private sector to provide this. Once again, as with housing, demand exceeds supply so rental costs go up to reflect this. Very often farmers retiring from agriculture apply for change of use in order to utilise their redundant agricultural buildings. Most are successful which helps the situation but there still is a great lack of storage so costs are high, which adds to inflation. The States need to provide facilities in order to stabilise costs and there are still opportunities at La Collette if the will

is there to do this. If we do not allow change of use for storage in the private sector all we are doing is stifling business and inflating costs. We have a building problem for first-time buyer housing and we also have a problem with lack of storage. These things have to be addressed rather than hoping that they miraculously fix themselves unattended.

5.1.2 The Connétable of St. John:

I am pleased to support this amendment. As we have just heard, there is currently high demand for on-Island warehousing and storage space, probably higher than at any time since the demise of the fulfilment industry on the Island. There are a few contributing factors to this: the removal of formal warehousing space from the market and probably an unintended consequence, but a consequence nevertheless, of the new cannabis businesses that have or intend to start up locally. Reading the Minister's comments about the distance from the port, I was reminded last night of the J.C.R.A. (Jersey Competition Regulatory Authority) report completed some time ago. In fact, I had to look back; it was completed in 2006. Yes, 2006. The J.C.R.A. was talking about the challenges with warehousing space, in particular around the ports. A 38,000 square foot warehouse was due to be built to free up existing warehousing and Members may be surprised that despite having been granted all the permissions necessary that this has not been built to this day. The result, the ports' warehousing remains a pressure cooker and it expands putting pressure on other areas around the Island. Ports answer to the shortage of available storage around the ports? They want to become a property developer, not provide the facilities that are desperately needed. We are seeing retail operations occur in full warehouses and a combined result of Brexit and COVID has seen some local business increase their storage requirements. The result of the increased demand and reduction in supply has seen the cost of warehousing increase dramatically in recent years, even outstripping housing increases.

[14:30]

I think the numbers quoted by Deputy Morel are conservative as I have seen some more significant increases. If we go back 10 years to 2012, landlords were concerned as to what was going to replace fulfilment and some leaseholders also concerned as to how they could get out of existing leases. Bienvenue Farm is an area that has potential to supply some of the demand, sadly, the chances of finding a local youngster willing and brave enough to enter agriculture being remote. With my logistics background, access to Bienvenue from the main roads with a wide entrance, I have no trouble supporting its use for this purpose. The Hidden Garden and Fencing Centre are served by a Parish by-road and while both sites are able to receive 8-metre trailers, it is difficult to access down a narrow lane. The area itself would be suited to storage and warehousing. I would be more cautious about supporting this second area unless access can be gained from either the farm and/or through Thistle Grove. There are enough safeguards in place, mentioned by Deputy Morel, for me to support the amendment. It is interesting that we are seeing businesses open sub-depots in the west, particularly in the construction industry following demand from customers who want to save time and money by not driving in and out of town. So, there is a demand for out-of-town storage and we need to be able to provide it.

5.1.3 The Connétable of St. Brelade:

I am interested to speak on this amendment and also the fact that it came up in the 2010 debate, as I recall and, in all truth, I believe we voted on it and I cannot honestly remember how I voted, but it is interesting as it is coming up again. It is quite clear in the report that the planning inspector at that time supported it but States Members did not, so maybe we can change our views. It is quite logical, looking at the map, that it should be included. It backs on to Thistle Grove, and in reference to ports just made by the previous speaker, I do recall that the 2 long white buildings on the centre of the site were used at one point for yacht building, which is about as far away from the port as you can imagine, and that was a successful business called Blue Water Yachts for many years. So, for my part, I can

see no reason not to support the proposal and will be happy to do so this time, even if I did not in 2010.

5.1.4 Deputy J.H. Young:

I absolutely accept there is an issue of, first of all, industrial land generally but certainly warehousing. The plan at the moment has not designated any new sites and I will return to that in a moment, what possibilities there are of being able to look at that, but what we have here is a site which is already to the north of the site having an industrial complex, i.e. Thistle Grove. Obviously, now the proposal is to very, very substantially increase it in size. That would be the consequences of going with this amendment. Although I think the proposition talks about rural usage, supporting the rural economy, I think from the advice that I have that would be, I think, difficult to manage and control. I would not say it is impossible but, of course, I think we have to view this as creating a much larger industrial area, which is in a fairly isolated position. So, the need is there. There is no question, everything the Member has said is so. How at the moment does the plan try and provide for this? First of all, it tries to protect the existing sites that we have. So these would not be enabled or encouraged to go into other uses, although I certainly believe from time to time there will be pressure for that to happen. It allows and encourages the intensification of industrial development on those protected sites and at light industrial premises also, and also within the built-up area the plan allows flexibility for the creation of those sites, those uses. So, there are tools in the plans to bring those about. Also, I think we have a large number of very large modern agricultural buildings in the Island. These are obviously what we find if agriculture changes and from time to time those sheds become available for applications for reuse. In fact, I can recall some applications coming in for development and conversion into homes and what have you. But at the moment the policies we have do allow those sheds to be used for that sort of storage use. But, of course, there has to be a situation where the location is such that the vehicles, the traffic, as the Constable of St. John told us, it is absolutely vital that they are sited in places where vehicles of the size that service these premises can access safely and they do not impact unreasonably on the surrounding area and where there are issues of noise. From time to time we get noisy warehouses. Generally speaking, I do not think that is the general situation but there are very famous cases, well-known cases, of more noisy warehousing activities, but I think that is not really a factor here. So, also, we have a number of pieces of work, which I think are going to look at how we can meet this need. The Island Plan includes an Island planning framework, including the airport, and indeed an infrastructure roadmap. I think this is where the Deputy of St. Mary is absolutely spot on about La Collette. Members may not know that in the history of land reclamation in St. Helier more enlightened Governments or Members or committees in those days set aside areas of land in La Collette and entered into agreements with private owners to build this very type of facility. Members may not know that that is how the units which are sited next door to the motor traffic department were built. There are 6 major warehousing and industrial storage units there and also Planning facilitated the buildings beyond that, which is Romerils, the warehousing and so on, all those sites there. I really feel very, very strongly that we are not taking our opportunities at La Collette for the land created to be used going forward for this type of use, where we should set aside ... instead of trying to squeeze in these smaller sites, do something very substantial for continued success of this business activity, which is crucial. That is why the plan provides what we call an infrastructure roadmap, which is frankly about the future of that site, La Collette. I do not think we can continue with a policy that ... I hope the Minister does not take this as critical. I have always described it as our engineering backyard. We have all that land. We should think about how we might use it for this sort of use. But that cannot be done now. That is going to take the Island Plan proposal to go through. So, what we have - and Deputy Morel does see and there is clearly an opportunity here - is we have some worn-out chicken sheds which are adjacent to an existing protected industrial site. The question I think for Members is: do you want to see that area substantially double in size and with it the amount of traffic, the amount of comings and goings, and the change in the nature of that area? The planning inspectors were asked to look at that and they

concluded: “We consider that there is a need for further industrial sites, but this is not an appropriate location for such consolidation.” With that examination of the issues, and it is not a position I feel I have to comfortably take because I recognise the need, but at the moment I think that here we have a site which is in a rural setting; there is no question about it. Do we want to make another one into a much larger complex or would we prefer to put our efforts into trying to find better alternatives, which I believe we have the opportunities to do? So with those kind of mixed feelings I am not going to be able to support Deputy Morel’s amendment, but he is absolutely right to bring it here and address this issue of the need for industrial warehousing facilities in the Island.

Deputy R.J. Ward:

May I ask a point of clarification of the speaker?

The Deputy Bailiff:

If he will give way to do so. Will you agree to answer a clarification point, Minister?

Deputy J.H. Young:

I beg your pardon, I was having a rest, sorry. [Laughter]

The Deputy Bailiff:

Will you accept a point of clarification?

Deputy J.H. Young:

I will, Sir, thank you.

The Deputy Bailiff:

You will, yes.

Deputy R.J. Ward:

I can do it later if you want a rest, I understand. It is just my ... I may be being a bit of a pedant here. It strikes me that the amendment is about warehousing and storage alone. The inspector’s report, a summary report which I am looking at in what you are saying here, talks about industrial activity. I just wonder whether the Minister can say whether he feels that the report is directly addressing warehousing and storing or is it widening the issue into manufacture, light manufacture and so on? I think there is a bit of confusion for me because they are 2 very different things. I hope that is a point of clarification, but I think there is a point to be made there. I hope the Minister understands what I am asking.

Deputy J.H. Young:

Yes, if the Deputy would agree, while the debate continues I promise to come back with a more thorough explanation as to where the boundaries of different types of industrial uses are.

The Deputy Bailiff:

Well, you cannot speak again.

Deputy J.H. Young:

Oh, well, I will try and do my best off the top of my head. Where we use at the moment spare, redundant agricultural buildings, we apply a condition that only allows what we call storage, called dry storage if you like, which minimises the amount of comings and goings on those sites to reduce the impact on adjacent premises. Light industrial, I think the best example I can think of light industrial is a famous one, and I am sure the Constable of St. Peter will know this very well, St. Peter’s Technical Park, where we have a lot more activity, where they are light industrial. I think Members will know that that site as an example, St. Peters Technical Park, we have seen

intensification of those uses in recent years. They probably started off as fairly benign uses and then have grown in intensity and, of course, have given rise to issues, and I make no comments about the merits of those but they have certainly given rise on adjacent residential properties where the Constable of St. Peter has given enormous assistance to try and help deal with that. But there is no question when you get that sort of light industrial it does impact on surroundings. So that is, I think, my best attempt at an answer at the moment. I have to regard this, as if we go with this we are going to have a very significant expansion of light industrial activity in this area.

The Deputy Bailiff:

A clarification is also sought, Minister, by Deputy Tadier of something that you have said.

Deputy M. Tadier:

Sir, I have just put a note in. I do not need that now. I can withdraw that request. Thank you.

The Deputy Bailiff:

Thank you. Deputy Higgins has sought clarification of something you said, Minister.

Deputy M.R. Higgins:

I was going to speak on this but clarification can help. If we look at the photographs that have been circulated by Deputy Morel, in the top left of the yellow marked area, which is you have the 2 white roofs and then just to the right of it, so in the top left of the photograph, there is a family unit.

[14:45]

I am not sure about the one further down below the industrial unit, about halfway down the little leg. It looks like a farmhouse. Can the Minister tell us whether consideration was given about those family or residential units? I believe that the one used in the top left-hand corner is used by someone who works on the site. Perhaps he can clarify that to us as well, please, and whether the impact on those people has been considered.

Deputy K.F. Morel:

A point of order, Sir?

The Deputy Bailiff:

Well, we will come back to that. Does that arise from anything that you have said, Minister?

Deputy J.H. Young:

I am struggling with this, Sir. I cannot get my drawing of the plan up. But I have been reminded that, of course, the Fencing Centre, which is on the north-west corner of this site ...

Deputy K.F. Morel:

Sir, a point of order?

The Deputy Bailiff:

Point of order, yes.

Deputy K.F. Morel:

The point of order is, sorry, Sir, that none of anything Deputy Higgins said was mentioned in the speech by the Minister.

The Deputy Bailiff:

Yes, I think that is right.

Deputy K.F. Morel:

The other point of order was the Minister seemed to be about to embark on another speech rather than clarifying something which was not in his speech.

The Deputy Bailiff:

That is not a point of clarification because the Minister did not deal with that in his speech. The Connétable of St. Mary ...

Deputy M.R. Higgins:

No, sorry, Sir, a point of clarification there because the Minister did mention the St. Peter site and the problems with the related properties, so surely it is relevant in this case.

The Deputy Bailiff:

Well, no, it is not a clarification of what he said under Standing Order 101 and my interpretation of the same. Thank you.

Deputy M. Tadier:

I have a point of order, Sir.

The Connétable of St. Mary:

It was only to correct the Minister, Sir. He referred to me as the Deputy of St. Mary rather than the Constable. It is just to put the record straight.

The Deputy Bailiff:

Yes, I am not sure that is a point of clarification either, but thank you for that.

Deputy M. Tadier:

I have a point of order. It is Deputy Tadier.

The Deputy Bailiff:

Yes, Deputy Tadier.

Deputy M. Tadier:

It is a more general point of order. There seems to have been a series of rulings that have grown up whereby we wait until the end of somebody's speech for points of clarification, but I think what is the parliamentary norm - it has been in Jersey and it is elsewhere in the Commonwealth - is that you can ask a Member to give way when they are speaking to take an intervention, which is usually to clarify or just to help with a point of information while that person is still speaking and, of course, when they can still decide whether or not to give way.

The Deputy Bailiff:

What is the point of order that you are raising?

Deputy M. Tadier:

The point I am making, Sir, is that it would seem to me that Deputy Higgins does not need to be addressing a point that the Minister made when asking for clarification because what should happen is that a Member should just be able to ask the Minister to comment on something which is relevant, I think, and it is up to the Minister to then decide whether he wants to take that intervention. I do not know if that is something you can rule on now but I think it is certainly something that needs to be considered about processes because it seems to be silly to wait until somebody has spoken and they cannot effectively give way when they have already finished speaking. That is the point I am making.

The Deputy Bailiff:

No, Deputy Tadier, I need to be clear and to, in a sense, rule against you in relation to this. Points of clarification are not under Standing Order 101 available in order to ask questions of someone during their speech. They are for the purposes set out in Standing Order 101C. It is if the Member speaking agrees to give way in order to explain any material part of his or her own speech, that is the person who is asking the question, or in order to ask the Member speaking to elucidate a matter raised in his or her speech. So, it is only to ask in this context ... Members who have not yet spoken asking questions of the Minister, and the only purpose of an interruption under Standing Order 101 is to ask the Member speaking to elucidate a matter raised in his or her speech. You are right, Deputy Tadier, that an interruption, if a Member agrees to give way, can be made at any time in the course of the speech, but as a matter of courtesy it is generally helpful, but not always required or indeed required at all, to leave it until the end of the speaker's speech.

Deputy M. Tadier:

Thank you.

The Deputy Bailiff:

Deputy Higgins, you wish to speak now?

5.1.5 Deputy M.R. Higgins:

I do not know if Deputy Morel was being defensive with his point of order. The point is I am neither for or against this particular site and what he is proposing. At the moment I am listening to the case. But I do know that the top left-hand corner of that site is a residential unit, which has a family. I believe the person who occupies it I think works on the site. There also appears to be a farmhouse - if we look at the dog leg of the photograph it looks like a granite farmhouse - just below the main unit at the top right. All I want to do is find out are there residential units on the site. What is the implication of that? Are those people going to be allowed to carry on there, in which case what impact will it have on them? Secondly, are they going to be driven off the site because of its change of use? I just want to know some information so I would ask the Deputy, when he sums up, to provide that information.

The Deputy Bailiff:

Deputy Lewis, was your light on?

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

Indeed, Sir. Very briefly, I would agree with Deputy Morel that storage is desperately needed in the Island, but I would also agree that light industrial must be kept well away as much as possible from residential units. I have a problem at the moment. I am legally obliged to provide a P.T.I. or periodic technical inspection or, if you like, M.O.T. (Ministry of Transport) centre, but finding suitable sites is extremely difficult. I am more than happy to work with the Minister for the Environment to source a site, and he did mention La Collette, which for various reasons is not suitable at the moment, but I look forward to La Collette being re-categorised.

5.1.7 Deputy R.J. Ward:

It is not a clarification, but we seem to be getting down a line where we have done this in a number of debates recently, where this amendment does appear to me to be saying that these specific sites, and I am quite happy to be corrected if I am wrong, will be developed, supported only for the purpose of - and I am trying to precis the rather large paragraph now - warehousing and storage. So, therefore, to talk about light industrial is a different thing. I will make it very simple. If this was another St. Peter industrial park development I would be voting absolutely against it because I know of the issues that are around there and I have been approached by people who live there, even though I am not a

Deputy for that area. I know it has been a very, very difficult situation and it is not, I would say, perhaps even using parliamentary privilege here, working very well at times and there are real issues around that area. But I do not see that as this. I see this as a different issue. What the Deputy has done is found a bit of land around some areas and looked at the issue of the lack of warehousing and storage - which is not going to be solved any time soon by La Collette because there are no real joined-up plans to do that, I do not think, not that we have seen anyway - and said: "Well, look, this is an area where you could have storage", repurpose the chicken sheds - that is a word that has been used more than anyone would have thought today - and repurpose it for a specific area. But what we seem to be doing is going down a debate of light industrial work. Now, I would like to add the nature of warehousing, because if warehousing is simply storage that repeatedly vans during all hours of the day would arrive at in order to pick up goods and then go on their way, I may well have an issue with that. But in terms of storage and using those for that, it is a different issue, I think. That is why I asked for clarification of the Minister to find out the difference between those terms because I think for many of us it would not be my "Mastermind" specialist subject, the difference between storage and light industrial, to be quite frank. So, it would be nice to know if that is the case and just get this debate on the track of talking about what the facility will be and whether the massive increase in traffic that the Minister seems to be suggesting is a reality or whether it is, again, a bit of a red herring. Finally, and this is a difficult one to put together because I have been trying to look at the report as well, the report from the inspectors did I think verge into that light industrial usage as much as anything. It makes it very difficult for us as an Assembly to make a decision if the proposition is about one thing and the report and the Minister is talking about something else. Personally, I think that happened in the marine park. We got way off topic and were talking about fishing rights, which was completely separate to the issue itself. We just lost track of that debate. I make a plea: can we please get back on to what we are talking about in this debate so that we know specifically what it is going to be used for? If it is for warehousing and storage, I do not think I have that much of an issue with that because it is not developing on green land. There is already some sort of a facility there which is probably going to be derelict and need to be sorted out before it gets an eyesore. It might be a useful thing to do as a temporary measure before we sort out other storage on the Island, which, I will add, I think with the changing world we will need. Because we need to have some sort of food security into the future and we may need to look again at our storage facilities that were taken away, not simply, for example, in some areas of town, particularly my district, one area that was developed into housing and that storage has now gone. So, we need to look really carefully at what we are doing with that. So, that is the issue I think I come across with this amendment.

5.1.8 Deputy R.E. Huelin of St. Peter:

I would just like to ask the Deputy when he sums up: to the right of the Thistle Grove industrial marker there seems to be a residential home. If that is the same one that Deputy Higgins was trying to point out, I apologise, but I do not think it was. My only question is: has the Deputy consulted with the owners of that home as to the changes that he is recommending to us today?

5.1.9 Connétable R.A. Buchanan of St. Ouen:

I know this area quite well for the very reason that my father when he was practising had boats built in this area by Silva Yates. So, this will not be the first time that this area has been used for an activity other than storage. It is large and there is plenty of space. The other point that was made about access to the road, I do not think we should forget that that road is used by Ronez every day. They transport aggregate from the quarry largely down to town, so it is a decent-sized road. There is plenty of access. I cannot see how additional traffic from this site would cause a problem. In fact, a lot of those sites, a lot of the buildings in that area, have fallen into disuse and this is exactly why I am sure the Deputy is proposing it to be reactivated. Certainly, when I lived in St. Lawrence it was a very busy area. There was lots of traffic going in and out. I cannot see that what the Deputy is proposing is going to make a lot of difference in actual fact to what has been there in the past. The other thing

I would say if you look carefully at the map, those houses that have been there have been there for a while. They have got used to what goes on in that area and it has been a busy area. Let us be honest, some of them are next door to chicken sheds. I do not know if you have ever lived next door to a chicken shed but chickens are not the quietest birds on the planet, especially when they are being fed. So, they will be used to a certain degree of noise there as well. They are well-sheltered by trees. The residents will be well-aware of noise coming from that site. I fully support the Deputy's proposition. I was quite shocked, if I am really honest, having known the site for many years, that these provisions did not exist in the first place. From my point of view I shall definitely be supporting this.

5.1.10 Senator L.J. Farnham:

I rise in support of Deputy Morel's amendment. I think this is one for a little bit of common sense, given the fact that we have just come out of a hugely challenging economic time with Brexit and the pandemic, and during that time small businesses, which are, as Members will know, the lifeblood of the economy, have suffered perhaps more than anybody. What we have seen as a result of that is a lot of restructuring of business, a lot of innovation, new businesses emerging, Islanders who have lost their jobs rethinking their lives and starting to do things for themselves. The Deputy is absolutely right when he says there is an acute lack of storage, not so much big warehousing but small storage facilities, facilities enough just to facilitate very small businesses, either start-ups or businesses looking to perhaps downsize or restructure. I think we will see some substitution of businesses that have decided to do that and look for smaller storage facilities.

[15:00]

These are very low impact, low intensity units that we are seeing demand for at the moment, and we do have a propensity to try and catastrophise the outcomes of certain debates. We see it a lot. The standard position for some, if one is against something, is to create an apocalyptic scenario if it gets passed. Well, of course, that is not going to happen. We really do need, now more than ever, some small storage units and I would urge Members or ask Members to support the Deputy on this occasion because it is really important that we lay some foundations now to build the economy, especially for the smaller businesses.

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

I remember the debate in 2010 I think we have been reminded of today for the 2011 Island Plan. At that time there was a proposal involved for the expansion of the Thistle Grove light industrial estate. Without any doubt, had that been approved at the time we would have had another Rue des Pres Trading Estate in the middle of the green zone in St. Lawrence, and I believe that that is why Members voted against it, notwithstanding, as we have been told today by the Constable of St. Brelade, that the planning inspector at that time apparently supported the rezoning to increase the size of the light industrial. This amendment to the bridging Island Plan causes me far less concern than the proposal did in 2010, having heard what the Minister for Economic Development, Tourism, Sport and Culture has said and having listened to what Deputy Morel, his Assistant Minister, has said when proposing this amendment. Of course, the amendment does include in it the wording that any such proposals must be accompanied by a business plan which justifies the location of the development. I am comforted by that, notwithstanding that for this amendment the planning inspector did not support the rezoning of this area. As a member of the Planning Committee, I have visited other green zone areas where we have been asked to consider converting agricultural buildings, defunct sheds, maybe defunct chicken sheds, to light storage, not I would say warehousing as the title of this amendment is but to light storage facilities. When determining those applications I voted in accordance with the current Island Plan policy, which is not to support the redevelopment of those areas into light storage. However, this does not give me a problem and I am prepared to support it, notwithstanding having heard the comments of the Minister and his recommendations that we do not support it, and bearing

in mind, of course, that La Collette was set up for this type of activity in the first place. I think maybe when we look at the proper Island Plan, if I can refer to it that way, then that is something that we would need to look at, would be the use certainly of La Collette and the way we utilise that land at the moment. So, I am happy to support my Deputy on this.

5.1.12 Deputy M. Tadier:

Picking up on the last point about La Collette, it does not seem to make sense to me what the Minister said, that we should have a centre where all of the storage is in Jersey. If you are based in and around the St. John or St. Lawrence area and you want to move your stuff and store it at and near the Fencing Centre, it has to be much better, has it not, if it is to do with agriculture and your fields are nearby or whatever the storage is related to? You do not want to be having to drive to La Collette all the time and then back out into the countryside, with all the disruption and the wear and tear on the road and the carbon emissions. I think we need to have sensible and adequate storage throughout the Island. I have looked at the map here. With the benefit of Google Maps you can zoom in and out, and it is kind of in the middle of nowhere as far as you can be in Jersey. It does not seem as if it is going to have any negative impact. My last point is, and I do not mean this to sound glib, but it is quite right that it is incumbent on the Deputy to make sure that it does not have any adverse effect on the neighbours, but it is his problem at the end of the day. If this turns out to be another St. Peter industrial estate, and some of us know about the fallout that has happened from that, well, it is going to be in the Deputy's district so if there are any complaints to be made they can come knocking on his door or ringing on his bell, provided they are polite with him, of course. So, as long as the Deputy has done his homework I think we go with him because what the Minister said, it did not sound like the Minister was putting up that much resistance and this is probably one that should have simply been accepted.

5.1.13 The Deputy of St. Martin:

The Minister seeks to resist this amendment, although not too strongly, by quite rightly saying that there is policy that allows for the intensification of existing units. But I would say to him that the example of St. Peter's Technical Park is a classic one where the intensification has taken place already and the problems are coming from that. I would say to the Minister I think the sites already zoned have been intensified thus far and there is very little scope for further work. The Minister quite rightly mentions La Collette and I wholeheartedly agree with him. There is a site there that has to be made much better use of. But the problem that the Minister has to face, and it is just as well we have the 3 or 4 years of this draft Island Plan to work on it, is that we have to get over the issues of Buncefield at La Collette. Any time you propose anything half sensible at La Collette somebody says: "No, we cannot do that because of Buncefield." We really need to get our heads around what we are doing with the fuel farm in order to make best use of this reclaimed land at La Collette. So I think in the meantime, in the years that it is going to take to develop the policy for La Collette that the Minister quite rightly is going to do, I think the use of the site as proposed by the Deputy is probably not too bad. In some ways I am a little disappointed inasmuch as the top half of the Fencing Centre site is still very green and could be returned to agriculture and the western side of the Bienvenue Farm site is in polytunnels, which could very easily be returned to a green field. There are some parts of these 2 proposed areas which I think could have been returned to agriculture in exchange for the conversion of use on these sheds, but it is too late for that. The Deputy has lodged his amendment and I think on balance I am going to support it because I do not agree ... the Minister mentioned the word "isolation". I do not think this is an isolated site. It is certainly passed by some of the largest trucks in Jersey on a regular basis. It has good access. I accept that the north access is more of a lane than a main road, but I am sure we will find ways to get around that. So, as I said, on balance I am prepared to go with this amendment.

The Deputy Bailiff:

If no other Member wishes to speak, I call upon the Deputy to reply.

5.1.14 Deputy K.F. Morel:

I would like to thank everybody who spoke in that. I will first of all address Deputy Higgins if that is okay, just to make clear I was absolutely not trying to be offensive to Deputy Higgins at all. I was just being a stickler for process and realised that his point of clarification was not a point of clarification. That was all I was trying to say. He quite rightly then in his speech discussed the issue that was of concern to him and that was the correct place to do it. So, in response to Deputy Higgins, it is important those residential units are not on the site. They are not part of the site. They are not being affected. No one is being evicted. No one is being thrown out of this site. The areas concerned in the red and yellow areas are entirely owned. They are the bits we are talking about. They are entirely owned by the people who live there and, indeed, the building in the middle is also owned by the people who own those sites. So, they are not an issue. Something I would like to bring up, and Deputy Tadier quite rightly ... I have to own this is essentially what Deputy Tadier was saying and he is quite right. I think most Members over the last 4 years have probably come to realise that I would never countenance an industrial park in terms of a Rue des Pres or a St. Peter's Technical Park in St. Lawrence. That is not something that I would ever stand by and if I thought that this was going to lead to that, I would not bring this amendment at all. But there is another level of security other than just my own analysis, which is while we are discussing this in the Island Plan, if we accept this amendment it is only within the Island Plan. It only becomes part of an enabling policy. Planning permission still needs to be granted so any storage units that are proposed here have to go through the planning process. We are not delivering planning permission here now, today. So, if I felt that whatever planning applications that came forward were inappropriate and were perhaps taking it towards a Rue des Pres or something like this, I would absolutely be the first person to object to them. I can assure Members of that. This is, as Deputy Ward asked, about light storage units. This is not about creating an industrial estate. It is about responding to a need in the Island and also responding to an area of land that is built up, that is already used. It is not, as we are going to debate for housing greenfield ... this is, while not for housing, it is an area that is not greenfield, that is currently built on, that is not going back to being a field at any point and it will not ever go back to being a field. So, it is about trying to make most efficient use of the land at our disposal, which is something that I think we need to do in this Island. We need to become better at using the land that we have. The Constable of St. Mary was absolutely right that currently the lack of storage is stifling business and it is inflating costs. These costs are going straight into the pockets of our consumers as in coming out of the pockets of our consumers, our Islanders. Anything we can do, I believe we do have a moral obligation to try to reduce costs in this Island, and this will be one small part of helping to do that. The Connétable of St. John: quite rightly Rue de la Mare Ballam is in St. John and, yes, Rue de la Scelleterie further along, in St. Lawrence. It changed its name, I believe, as things go on. I know it as Rue de la Scelleterie to the north, the road to the north. Any access down by that route would be determined through the planning process. Obviously, as I know from my experience in the planning process, there would be very clear obligations as regards entrances and things like this. But this is already in use as a retail outlet. The Fencing Centre is a retail outlet. The Hidden Garden Company is a retail outlet. So, there is already traffic going that 100 metres or so down that road as it is. Bienvenue Farm is entirely accessed via the main road and I am sure the 2 different owners of those 2 areas could look at perhaps providing access solely from the main road, but again that would be dealt with through the planning process. I have a note with regard to the Connétable of St. Brelade's statement but I do not understand my note, so I do apologise. I have said: "Is likely that it was still in agricultural use at the time." Oh, this is referring to 2010 and I think it probably was in agricultural use at the time as well, whereas the chicken farm that was there has long closed down and so is no longer in agricultural use. But SCOOP, the co-operative, does use that area, so it is in retail use again. This is an area that is accessed by people on a daily basis, including myself. I like to shop there and

I usually drive there, which I should not, I should cycle, but people do drive and access that area already. To the Minister, he is right about La Collette. We all agree about La Collette. The trouble is La Collette is just not happening. I think the Deputy of St. Martin is absolutely right about the incident in the U.K. that has caused bigger concerns, safety concerns about the fuel farm. One of the greatest frustrations is I have a good friend who is an artisan in this Island and has had a real struggle for workshop space. He has come to me saying: “Why can I not have workshops at La Collette? Why are there not workshops at La Collette for small artisan businesses in Jersey to have that sort of space?” The answer is: “Ask the Minister for Infrastructure.” The answer is, as the Deputy of St. Martin said, and the Minister for Infrastructure is nodding, because of that fire hazard, but it is a huge frustration and we need to sort it out.

[15:15]

To the Minister for the Environment, his objection seems to be very much based on: “Well, we are going to do La Collette” but that is at some unknown point in the future. There is absolutely no timeframe on that whatsoever. We have a problem today, as I said from the letter from the chartered surveyor, 25 per cent price rise in dry storage units in the last year or 18 months. The promise of something in the future at an unknown point versus prices which are rising today, this is in my mind, and it is the reason I brought this, one small opportunity to provide a bit of the solution. It is not the whole solution but it is a bit of the solution. That is why I have brought this here today. It is really important that people understand this is about low intensity. This is about dry storage. It is not about creating an industrial estate. I would object personally to any industrial estate-type situation going on there, but the owners of Bienvenue Farm have no intention of removing SCOOP. They want SCOOP to be there; it is really good. So, they are not looking to suddenly change the site completely. It is about them being able to use things like the empty chicken sheds, put a dry storage unit on there in their place so that the land is brought into efficient use. I would like to thank other speakers: Deputy Ward, Deputy Huelin, the Connétable of St. Ouen, Senator Farnham and, of course, the Connétable of St. Lawrence. I understand the concern again of 10 years ago but I do believe this is a different proposition and a different amendment. So, in the interests of the economy, the interests of efficient land use in Jersey, I do ask that Members support this amendment.

The Deputy Bailiff:

Do you ask for the *appel*? Is the *appel* called for? The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting via the Teams link may cast their votes in the chat channel, and I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce that the amendment has been adopted.

POUR: 40		CONTRE: 2		ABSTAIN: 0
Senator I.J. Gorst		Deputy J.H. Young (B)		
Senator L.J. Farnham		Deputy J.H. Perchard (S)		
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				

Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The 2 votes *contre* were: Deputies Young and Perchard.

6. Island Plan 2022-25: Approval (P.36/2021) - twenty-eighth amendment: Traditional Farm Buildings (P.36/2021 Amd.(28))

The Deputy Bailiff:

We now move to the 28th amendment, lodged by Deputy Morel, and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2. After the words “the draft Island Plan 2022-25” insert the words “except that - (a) within Policy ERE3 (Conversion or re-use of traditional farm buildings), in the fourth paragraph, after the words “appearance of the building” add the words “or changing or affecting the employment use or the nature of surrounding agricultural land”; (b) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraph (a).”

6.1 Deputy K.F. Morel:

I apologise to those States Members who thought by perhaps accepting the last amendment they would not hear from me again today, but I am sorry I am straight back up on my feet. This should be a shorter one. This is an amendment which is very much focused on making sure that when we take traditional agricultural buildings - so those agricultural buildings which tend to have a heritage value, whether it is a formal heritage value and that in that they are listed or whether it is just a heritage value in that they are an old, perhaps 19th century Jersey farm - but they are being taken out of that agricultural use and they are being turned into something else because the Island Plan supports things such as traditional farm buildings and heritage buildings being used for tourism and obviously we know that traditional farm buildings are often used for residential purposes. This is purely about saying that any agricultural land that immediately surrounds that building, that may well be in the ownership of the people who own that farmhouse, that that agricultural land cannot also be turned into something to service that hotel or to service those self-catering apartments. I am thinking in particular things like car parks. We had an application in St. Lawrence for a traditional agricultural building to be turned into tourism use and areas beside it were to be used for other purposes, including campsite, including car parking, and for me that is not acceptable. I understand that where there is not an agricultural use anymore for the building itself you find another use for it; that I understand. But the agricultural land around it, even if it is owned by the same owners, should remain in agriculture. If it is not to remain in agriculture, if they do want to build a car park or some other use there, then they should have to apply for that change of use and go through that process so it is very open. This is entirely aimed at just making sure that there is not a snipping away at agricultural lands that surrounds traditional farm buildings. I do not want to labour any points here. The Minister's objection to my amendment is very much: "It is unnecessary. We have got land controls; we have got other policies which stop this from happening." I am not convinced that those controls are enough. I have seen people turning fields into gardens, I have seen that happening all around the Island and I have seen it happening while I have been on the Planning Committee, so I do not think that is strong enough. That is why I would like to put this here. I do not think there is any harm in putting this in here. Even if it is, as the Minister says, unnecessary, I do not see any harm in doing this. It just restates the fact that where traditional agricultural buildings are taken out of agriculture, the surrounding land remains in agriculture. In the hands of the Assembly, I do not expect a long debate on this one. Is it necessary or not necessary; the Members should decide.

The Deputy Bailiff:

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

6.1.1 Deputy J.H. Young:

To speed things up, the Deputy is absolutely right, that was the only grounds for my saying that they will reject it, that there are other policies, but I am happy to speed things up and say I am now able to accept the amendment, thank you. **[Approbation]**

Deputy M.R. Le Hegarat of St. Helier:

It was just really to declare the fact that I could potentially have an interest as I own a quarter share of a property which is Grade III listed and it has agricultural land attached to it.

The Deputy Bailiff:

I do not think that precludes you from voting or taking part in the debate.

6.1.2 The Deputy of St. Mary:

Just for clarification, I happen to own a small field adjoining a building and when we bought the property we bought it subject to the usual restriction that that field could not be used for any purpose other than agriculture. Some years ago, without any prompting from ourselves, the Environment

Department came along and more or less requested us that they release that restriction. I simply wish to make the point that Environment themselves are suggesting that smaller areas of land might no longer be subject to agriculture use and they appear in the past to have facilitated the withdrawal of that restriction, and I wish to make that clear.

6.1.3 Deputy G.C. Guida:

Of course, I will follow my Minister if he has decided to accept this, but in general terms I have been dealing a lot with legislation in the past few months and I would like to remind Members that duplicating legislation of policy does not make it more precise. It does not enhance it. It tends to make it fuzzier because you are just repeating something with different words and you have to broaden the interpretation because of the superposing meanings. We are going to accept this, as the Minister suggested, but it is not a good idea to keep duplicating policy or legislation.

6.1.4 Senator S.C. Ferguson:

We have got another classic example of such a site; Warren Farm on Noirmont. This was part of the Noirmont War Memorial and actually has been envisaged to provide a starter farm for some youngsters who would like to go into farming, although there has been pressure to try and take the building itself out of farming, which is not the whole idea. Particularly, as I say, it is part of a War Memorial, so I am very much in favour of this amendment of Deputy Morel and I will be supporting it.

The Deputy Bailiff:

Thank you, Senator. Does any other Member wish to speak on this amendment? If not, then I invite the Deputy to reply.

6.1.5 Deputy K.F. Morel:

Thank you, and I apologise for jumping so quickly that I forgot to get it seconded earlier, but thank you for overlooking that. I would just like to thank the Minister for accepting it. I would also like to thank Deputy Guida; I will bear his words in mind if I am ever developing policy or legislation in the future because I am sure he is right. But I would just move this straight to a vote for expediency's sake.

The Deputy Bailiff:

The appel has been called for. I invite Members to return to their seats. Those joining the meeting by the Teams link are invited to cast their votes in the chat channel, and I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce that the amendment has been adopted.

POUR: 41	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Connétable of St. Mary	
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		

Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The vote *contre* is the Connétable of St. Mary.

7. Island Plan 2022-25: Approval (P.36/2021) - sixty-first amendment: Glasshouses (P.36/2021 Amd.(61))

The Deputy Bailiff:

Next is the 61st amendment, lodged by Senator Moore, and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2. After the words “the draft Island Plan 2022-25” insert the words “except that - (a) within Policy within Policy ERE6, after the words “will not be supported” there should be inserted the words “; except where a commercial glasshouse site is located in close proximity to existing settlements and utility services, in which instance no more than 50 per cent of that site will be supported for the provision of affordable housing, with use of the remaining 50 per cent to be the subject of consultation by the Minister with the relevant Parish to determine whether it should be restored to agricultural use or, to be made available to the Parish for the benefit of the Parish as a community space”; and (b) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent to the adoption of (a).”

7.1 Senator K.L. Moore:

The Island Plan as proposed here today is significantly harsher in terms of dealing with the issue of derelict glasshouses than the previous Island Plan. This Island Plan is seeking to almost prohibit any development of the derelict glasshouse sites that are, I would argue, a dangerous eyesore that blot many corners of our beautiful Island. That also is set against the context of what we all understand to be a housing crisis, and of course this debate is all about identifying sites where we can potentially provide additional units of housing. The Minister in his comments argues that this is an inappropriate discussion to be had at this stage because his officers did not consider any of these potential sites when they assessed sites across the Island for the provision of housing.

[15:30]

I am afraid that is a hole in their preparation and I really seek this Assembly today to reconsider that. I am not asking that every derelict commercial glasshouse site in the Island is now offered potential for housing. The definition I think is clear in the proposition that those sites should be close to existing settlements and the necessary services. I hope this will be seen to be what it is, an attempt to (a) deliver more housing, (b) remove some of the dangerous eyesores that we have around the Island. With that I think we will move to the debate, thank you.

The Deputy Bailiff:

Thank you. Is the amendment seconded? [**Seconded**]

7.1.1 The Connétable of St. Clement:

Members will be aware that when our greenfields at St. Clement were under threat I sent an email around to everybody and I could not understand - being a new Member of the States - why we were going down the path of surrendering our 51 per cent greenfields to building whatever types of homes we need for our population, without regard to the demolition of greenhouses which had lain derelict for up to 30 years. Half of them are dangerous and should be brought down in any case, and farmers should be made to do so, and I do understand that rules and regulations were put into place but nothing has happened. All it would need would be some adventurous teenagers to go in there and have a serious accident for us to change our mind about the whole situation. The greenhouses in question have lain derelict and are of no use to the economy whatsoever as they currently stand. There are acres and acres of greenhouses around the Island and there are some in most Parishes. In Grouville alone there is an 11-acre site which might be turned over to a nursing home and a cannabis farm. That is sufficient for a primary school, sheltered accommodation, housing for the elderly, i.e. drop-down housing where they sell off their larger family homes. They have utilities; they have electricity,

they have abundant water supplies and they have gas or oil heating for their produce. By and large they are very close to main roads and, if not, large byroads by virtue of the fact that they need access for huge tractors and lorries and, therefore, they are highly accessible. I wondered at the time why this was not looked at first before we went into the greenfield situation. I am not a fan of using green fields; it seems to me that we have gone the other way around and now we are forced to look at the situation where there was a very viable resource available as a major alternative.

7.1.2 Deputy M. Tadier:

I was half expecting the Constable to say: “We have got lots of derelict greenhouses, it is terrible, and they should be forced to return them to make them greenhouses again.” But normal service has resumed because I was worried we might agree on something, but there is still time. I am particularly worried about this amendment. It goes completely contrary to a proposition I have been working on but I did not feel the need to lodge it this side of the election because I have had sufficient reassurances from the Minister and the department in various emails and questions in the Assembly and I was reassured, when he told me that the policy vis-à-vis greenhouses, glasshouses, has not changed. I am one of those people who will walk through the countryside and when I lived in Grouville I did do quite a long walk right into St. Saviour into town, with the dog I think, and we passed quite a lot of derelict greenhouses on the way. The name La Boulivot is ringing a bell; I think I took some photos there. I looked at those and I thought: “What a terrible shame, those greenhouses. What a waste it is, they could be used for growing things.” You could grow tomatoes, you could grow plants in there, you could grow all the food that we need for our communities because food security is an increasing issue. Rather than importing all that food from abroad from miles and miles away why are we not growing? The problem is it is absolutely right that we should not be allowing these glasshouse sites to fall derelict. I know there is another one up towards Maufant as you come from the zoo in towards town, towards La Hougue Bie. The Minister has the ability to instruct the owners of those sites to put them back into use, and for me they are greenfield sites, and they are greenfield in the truest sense of the word. They are not just green because they are grown over with grass and they are used for the occasional grazing; clearly that is not what they are there for. They are there and they should be there to be the breadbasket for our Island, but that is not what they are being used for. Again, similarly to dilapidated properties or empty properties, we need to say to those owners: “Put them back into use, you have got a year to do it and if you cannot do it you will be fined, and if you cannot afford to do it then have a conversation with us, sell them to somebody who can afford to take them on, or we will buy them off you at agricultural rates, whatever the going rate is, and then we will put that into land banking so that at least we know those fields are secure and they will be owned ...” as a last resort, of course. I know that people are uneasy about compulsory purchase but it is reasonable to say to people: “Look, if you cannot do anything, if you cannot maintain that building, we will help you out, we will take it off your hands because we will make sure that it is passed on to somebody who can use that for agricultural use.” The risk is of course it sets a really bad moral example. If we allow people to simply let the properties fall into disrepair, contrary to what the law says, that they should maintain them, because of course these were given permission to be agricultural at some point, those edifices even as greenhouses had to be given permission to be constructed. If they cannot be maintained we are rewarding bad behaviour by saying to the owners: “Okay, you win now, you have held off for long enough and we have not done anything because we are a bit too laissez faire in our policy, so there you go.” Of course, they have a huge uplift in the value of that land. The other problem is this comes at a time ... so even if this were a good idea, and I can see that there will be Members in the Assembly who are sorely tempted to go down with this, it is only 50 per cent of the fields, it does solve some of the housing crisis. We need to have that land transaction value tax in place before we even consider doing anything like this, to make sure that the public gain is there first before we allow and sanction something like this, which I would be against anyway. But if we are going to do it we need to make sure that where there is somebody who is becoming vastly more wealthy overnight simply because they have squandered the land up they have had, and through

attrition we have decided today that they may build on that property, we at least need to make sure that some of that money is going back into infrastructure projects other than just through ordinary planning gains. So, I would say this is not the time to do it. I would be grateful to hear from the Minister and the Assistant Minister - I know the Assistant Minister lives and represents some of those rural areas where the glasshouses have fallen into disrepair - see what she thinks about it. But certainly for my point, I am more concerned about food security and about making sure we have proper policies in place rather than literally financially rewarding bad behaviour from these owners.

7.1.3 Deputy J.A. Martin:

I thought I would speak early because I listened intently to a short speech but a good speech by the proposer, and Deputy Tadier's speech. Now, I say I will speak early because I need everyone else in the Assembly to give me a very, very good reason, more than Deputy Tadier has, not to support this because we do need homes. Where I live, in the last Island Plan debate, I was looking out on the old Samarès Nurseries and I know that was resisted, old glasshouses falling down, we tried to get something done and they were resisted and resisted for years not to build. As over the last 6 years I have seen the houses go up, as they go up people have moved in, it is a beautiful estate, there are little parks, some are first-time buyers, some are rented. I listen to Deputy Tadier and does he not live in a lovely world where glasshouses, which are now redundant from memory, did grow tomatoes, but you could bring them in for £1 a pound from the U.K. and people want to buy them for 80 pence a pound in Jersey and it is costing us £2.80 to produce them. That is not going to change any time soon. Deputy Tadier wants a living wage for everybody and every time we put the minimum wage up some certain farmers growing a crop, they have gone out of business. So, I cannot square that circle. Deputy Tadier says about rewarding terrible or bad behaviour. It goes back to the same argument today, you cannot force people to grow things. Who is going to grow? Secondly, where are the workers coming from? If there was profit I am sure they would not have gone derelict in the first place. Look, I do think there needs to be some investigations because I know a lot of growers who came out - and it was tomatoes, I remember that well - that got some good pay outs. There could be some sort of trade off but, as I say, I have spoken early, I know we are desperate for home and I listened to the Senator's opening speech, she said they would be near built-up areas, places that have got the small shops that you need, a community. Not in the middle of nowhere. I fully understand her; I know estates that have been built in the middle of nowhere and they are not nice places to live. I have spoken early; I want somebody to convince me not to support this because Deputy Tadier's argument certainly did not.

7.1.4 Deputy G.C. Guida:

I will try to persuade the Deputy. I think one of the misconceptions here is that we did not look at those sites. If you remember the process of the Island Plan is that there was a call for sites. Basically, we asked from the whole Island for every site that was considered. It was a little bit better if the owners of the sites were involved but basically anybody could submit any site. That gave rise to a very long list which was then scrupulously assessed. I think that is quite important to remember because a lot of sites were added at the last minute but the original list was really, really very carefully assessed. The original list included quite a lot of greenhouses, and of course the first part of the assessment was is it a brown site, because if it is a brown site then we do not have a problem, we are going to jump on it and put bricks on it immediately. Greenhouses are not brown sites but they are probably in the beige category; they are the next best thing. When we went through this assessment, this very, very scrupulous assessment under a number of categories and under a number of assessments none of the greenhouses survived. Basically, none of the sites that we got in our list was good enough compared to other sites. Most of them were green sites, so they really, really have to be bad to fail in so many instances to not survive this selection. So, we did look - and that is quite important - at greenhouse sites. They would have come in at the top of the list as beige or almost

brown sites and they did not because they failed in so many other respects. That is quite important. We did look at them and they failed.

[15:45]

The other thing that is quite important is that we tend to forget that the Island Plan is a very, very large document and there are lots of other enabling policies. In the case of greenhouses there is GD4, which enables linked development. So, if somebody comes up and says: "Well I have got this massive greenhouse site and I need to build a couple of houses to finance the clean-up of the rest to have it back to agricultural land or to a better use", that is possible. That is something that already exists in the plan. So why do we need to vote against this? The first thing is we did it already. We looked at the greenhouse sites that could be developed, the ones that were brought during the call up for sites, and they did not work. They just did not work. So why would they work now when they did not work then, when we found so many problems with them and it is very, very difficult? Secondly, there are ways of developing them already in the plan today. Thirdly, unfortunately this is very, very general. This basically says: "If you have a greenhouse somewhere you can develop half of it as long as you bring the other half." That is not precise enough. That is not good enough. We need to look at all the other details, as we have done with our list of sites. We need to make sure that this is still possible, that this still works and it is not just - and I cannot believe I am agreeing with Deputy Tadier - that it is not just a very, very quick way of making money.

7.1.5 Deputy R.J. Ward:

It has been a strange debate, a strange few debates. Senator Farnham said to me - and I am sure he does not mind me saying - that his voting record with me over the last couple of days has frightened him, which is fair enough. I can honestly say it frightened me too, but there we go. I find myself in agreement with Deputy Guida - it is a weird world we live in at the moment, it is a strange and changing world - but perhaps for slightly different reasons. I have a problem with the greenhouse sites similar to Deputy Tadier. I really am thinking ahead for this Island, which is 9 by 5, and a changing world and the fact that food security, which is something that people just throw about, is a very genuine issue that we will have to face in the future. We have to look at ways in which we can become more self-reliant. Economically that may be difficult, but what we are not doing is investing in the right ways so that we are supporting the redevelopment of greenhouse sites so that we are growing for our Island. Those that are derelict, one of the simplest things that could happen with derelict sites which were out of use - and I use that phrase "out of use" - was to set up community allotments. There is a space here where you could grow, there are communities who want to be involved, there is nothing better for children and young people than to be involved in growing something to get them to eat it. I sound like my granddad now, I really do, because that is what he used to say to me. But he is absolutely right. These are opportunities that we will miss and they will be gone. That is my concern - looking at the Senator right now - and it may be strange concern but it genuinely is. Also, there is a point about leaving a greenhouse derelict for a long time and then being able to sell for homes and making huge amounts of money, because even with the best will in the world I think those potential profits drive us people towards going down that line because money does speak. Another nice thing about the debate - and I thank Deputy Martin for using the phrase £1 a pound - it reminded me of being back in Roman Road Market, and I think that £1 a pound for some tomatoes would be very good nowadays but they are not going to be. What we are doing on this Island is importing so much. I went to the shop the other night and green beans from Kenya, now, I am not being funny but that is a huge number of air miles. That is a hugely wasteful way for us to buy our food when we have sites on the Island. If you look at the food chain in terms of where they are coming from to get food on to this Island, the cost at every single stage, I cannot help thinking that a more co-ordinated approach to what we can grow and what we have on the Island already, such as the greenhouses that are derelict, would be a much more intelligent way for us to look at our food supply. Before we lose these sites I think whatever Government - and I would suggest that a

Government that is successful would take a co-ordinated approach to that and have a long-term view. That long-term view might be longer than the 4 years that any Government is in power but it has to be taken for the long-term view of this Island. A solution to the housing crisis is not simple. Yes, this looks like a relatively simple solution to some of the housing crisis, I wonder though if the implications of this further on are greater than we need to be, and there are other solutions to the housing crisis. We have nothing on unoccupied homes at the moment; there is no tax on unoccupied homes. The amount of times that my colleagues have tried to get more affordable homes built and a percentage increase and it has been voted against in the Assembly; that is one of the issues why people are not getting homes on this Island. Therefore, I think there are other issues here and that is one of the reasons I cannot support. It is obviously well-intentioned and I get it, I do get it, but I think there is a wider debate and I do not think it will be a surprise to the Senator that I am talking about things like food security and air miles and things like that in opposing this.

7.1.6 Deputy K.F. Morel:

I will start by responding to Deputy Ward in many ways. I completely share his concern about food security in the Island. It is something that worries me every day at the moment, and part of the answer is certainly growing things here but the trouble is it costs a lot more money to do that locally that ultimately the economics are just so very difficult to get over. This amendment before us is effectively about economics as well. I am undecided. My heart tells me yes, I want to support this amendment, because I am fed up. I think I was in the media 2 or 3 years ago pointing to a derelict glasshouse and saying: "Why are we talking about greenfields when this is standing here derelict with rubbish inside, bits of concrete as well? Far better to use this to build on than to take a completely untouched greenfield." But at the same time, I do understand when someone like Deputy Ward comes along, quite rightly, and says: "But we could use this glasshouse, we could be growing our own food in this glasshouse." To some extent, yes, he is right. The difficulty is the economics. The frustration is it is cheaper to buy something and bring it in from the U.K. even if that object started its life in Kenya or Mauritius or Morocco or wherever, than it is to grow it in St. Peter or St. Ouen or Grouville or wherever it may be. This is the difficulty with the food security issue. At the moment I am minded to continue my support of this because if I am, at the end of the day, to vote for some of the greenfield sites that the Minister for the Environment is proposing, I can only do that if I feel that we are using other sites that are less greenfield - and was it Deputy Guida who said beige sites and I think that is an excellent description - if we are using these less pristine sites first. That is the bit which is driving me towards the amendment at the moment. At the end of the day the fields that we do not build on because we are using glasshouse sites, they can also be used for growing food to help with our food security issue as well. But I would love to have conversations with Deputy Ward about food security because it is a rural economy strategy, it is something we do need to get to grips with and the next Government needs to deal with properly, but sadly the answer is not all just about growing in Jersey because that is economically unviable. I think at the moment I am sticking with support for this amendment on that beige idea that it is better to use an already kind of existing glasshouse site, often with that glass in the soil itself, often with concrete, often with rubbish, vehicles often left there. Better to use that for housing than to use a pristine green field. That is where I stand at the moment.

The Deputy of St. Martin:

I have a question for the Attorney General if I may?

The Deputy Bailiff:

Yes.

The Deputy of St. Martin:

The question is this: in the Senator's amendment she mentions existing settlements. The Minister circulated a map using the built-up area and the question is this: does the Attorney consider the existing settlements are the built-up area? Could they be outside of the built-up area?

The Attorney General:

I will need some time to think about that, insofar as it is a question of law, but I will need some time to think about it.

The Deputy Bailiff:

Yes. How long do you think you will need?

The Attorney General:

Probably half an hour. I will need to find the map and consider it. Yes, about half an hour.

7.1.7 Deputy R.J. Renouf of St. Ouen:

I can understand the intention of the Senator in bringing this amendment and her intentions to alleviate the pressures on housing in the Island because this is a proposal which if agreed would deliver more affordable homes sites. But I cannot help thinking that for the last 18 months or so we as an Assembly and the Island has gone through the bridging Island Plan process and there has been a call for sites, and people who wanted to promote sites for housing development have had to jump through hoops and try and persuade the planning team within this process that the sites they are putting forward are suitable for development. They are all sorts of criteria that need to be considered and met for those sites, and rightly so because we do not want indiscriminate building across the Island. We want to make sure that any sites that come forward for housing are the right sites and have the least impact on the open countryside. But in this policy that is proposed by Senator Moore it seems the only criteria is that you have a commercial glasshouse site and it becomes available, and perhaps only if it is in close proximity to existing settlements. But there are no other criteria; what about an adverse impact on the countryside around if any number of houses were built? We have some very large glasshouse sites in rural areas. Let us say 50 per cent of them produced 20, 30 houses. What would be the impact of that sort of development on the countryside? But it is not a criteria; the criteria is find a commercial glasshouse site, show it is in close proximity to an existing settlement and, hey presto, that is going to be supported. Why would these sites not be brought forward in the same way as all the other sites that have been considered in the course of the ridging Island Plan, and if they are suitable, having met the same criteria as all other sites, then they will come forward, not because they are commercial glasshouse sites but because they meet the criteria that has been set down in the plan which everyone else has worked to. To Deputy Martin who was talking about the Samarès Nurseries site and how that has been transformed and is a great improvement; perhaps it is but I suggest it has not come forward because it was a former glasshouse site. I do not know but it has probably come forward because it was in the built-up area and met other criteria. I also have concerns about the wording here "close proximity". Well, what does that mean? How close? Proximity means near, and what does closely near - close proximity - mean? Can you be proximate but not closely proximate? Just what does it mean? Yes, the Deputy of St. Martin is right to raise the question of what are existing settlements but to take the words on their face value, there are settlements all over the Island. In Jersey, unlike rural parts of England, we do not essentially have a village and rural system. Our countryside has seen development throughout the centuries with farms all over it.

[16:00]

We have settlements along so many parts of our rural Parishes and not just the village centres, so they could be defined as settlements. It reminds me of a planning application that I got involved in

3 years ago now in my Parish, and it was an application relating to a commercial glasshouse site which was in use, which had a business running from it which exported flowers in Rue de Grantez, St. Ouen. But the owners obviously saw that it had more value as a housing development site and it was adjacent to existing houses, so an existing settlement. It would have been in close proximity; there were houses next to it and the other side of the lane. So, it would probably have come under this policy. It was certainly a commercial glasshouse site. The proposal was to build initially over 20 houses on a lane far away from the existing St. Ouen village in a rural part of the Parish. It went before a planning inspector and his decision was very firmly that future development in rural areas should be concentrated around the village settlements, otherwise - I am paraphrasing but this is how I remember his findings - we would see randomised development in pockets all over the rural Parishes and that, he thought, was not how our countryside should be developed. So, I really have concerns about this policy, well-intentioned though I am sure that it is. But these sites could be brought forward under the normal assessment for sites, if thought suitable rather than adopting this single or very narrow criteria.

7.1.8 Deputy J.H. Young:

A very important debate this one, at the start of really a case coming up under the economy section, but this is the prelude to our housing debate. A housing project that we have been working on through the processes that the Deputy of St. Ouen described, and we have arrived at a set of options, which the plan puts forward as the best and the ones that can be recommended to the Assembly, which would allow us to double our completions of housing in the lifetime of the plan. A huge difference. We have gone through extensive processes of evaluation to determine which sites can be put forward involving our community. I am sure this is well-intentioned and the question is probably this one about what to do about derelict greenhouses and how we can get them dealt with has been as long as I can remember for decades. Unfortunately, to go with this now would have very substantial undermining effects on the rationality in our land-use planning, not just our system but the whole way we try to approach things in both the way land is used in Jersey. Look at the numbers, I have been given these now, there are now 155,000 square metres of glass, which is 15.5 hectares of land, over 85 vergées. 50 per cent of that would be 7.75 hectares, which potentially is circa 300 homes. So we go with that? The question I would ask: why bother with the whole process of evaluation, of dealing with villages, trying to allow those villages to develop in a way that does not completely change the character of development in Jersey? Of course, we only need to look at our neighbours, our sister island in Guernsey, where their pattern of land use, where you have pepper-potting of development all over the place, is essentially the result of exactly the policy of encouraging glasshouses, just because they are glasshouses, to go into homes. It is hugely controversial there as well. But, for us, we can do things better. For example, Deputy Guida has correctly pointed out that there is a policy that is there to enable a landowner with a derelict greenhouse to have what we call enabling development, which means they can get a consent for a development to raise equivalent to, and no more than, to allow them to clear that land. But what we have seen, those opportunities have been taken up by not many. The reason is landowners, in my experience, prefer to wait and leave the land as it is, in the derelict state, in the hope that one day they might get the permission for homes and thereby hugely increase the value of their land. Purely by the action that they have allowed it to go derelict. What would that mean? This amendment has the potential to bring about that situation. The Senator did start it by saying the policy in this plan is stronger. It is no different. I have checked with the officers. It is no different to previous policies. It is unchanged. It is not true to say that no glasshouses have come through the process. We have ended up with 2 of those. S729 and O785 are both former glasshouse sites, which have gone through the plan and are in the list of the H5 sites in the draft plan. It is not true to say that no glasshouse sites have been considered as part of the call for sites. They have. I am looking here at the St. Clement field 252. Of course, all the time I have listened, I have to say I am a little bit taken aback by the Constable of St. Clement's comments. I am sure he is absolutely sincere. But as long as I can remember, people in St. Clement have clamoured

against the development of those glasshouse sites. Now I am really having a difficulty in squaring all the emails I have been getting, 400 in that area, that we should just have a policy that would automatically switch on. You have seen the map. Of course, the map does not tell us what proximity means, as the Deputy of St. Ouen told us, the Deputy of St. Martin queried. What does proximity mean? Everywhere is pretty close in Jersey, is it not? Then of course also I note that we have very significant demand for cannabis centres. Do we want to have a medicinal cannabis industry or not? I visited 2 major glasshouse sites, which are redundant, and are having major investment in them to put them into medicinal cannabis, which we still treat as an agricultural use and I think it is right that we do. Just think where the locations are of those. Just to probably give Members a flavour of what effect such a policy might have, the one I had in my mind is the former site of the Tamba Park on the St. Lawrence/St. Mary border. We all know just how controversial that has been. What we have now, we have been through a number of iterations of uses, which have not been benign, which have resulted in a lot of neighbourhood reaction, problems. Enforcement notices have had to be served and noise nuisance and so on. The Deputy of St. Ouen raises that question. Where is the criteria for that? Anyway, going back to the point of location, what would happen there of course is those glasshouses would become 50 per cent into homes by virtue of such a policy. It is certainly proximity to Carrefour Selous, no question. But now what we have had is it has been very good news for me frankly that we have an investment of millions of pounds using those glasshouses into a medicinal cannabis outfit. There is still another half of that scheme to do. I do wonder, would they still go ahead with the second part of that scheme if they could get housing benefit on that site? I do not know. The other one is at St. Martin and the Deputy of St. Martin will know that site better than me, and the Connétable. Very large glasshouse sites, also being invested in now in conversion and putting it to a new use. I understand from the officers there are about 5 others in the pipeline. So, there are real uses for glasshouses in a new guise. Previously they have been tomatoes, and of course the ebb and flow of the tomato industry has changed. So, there are major implications to this. Many of those sites are remote. When I say remote, I suppose nowhere is that far in Jersey, but I mean remote in terms of the closeness of the settlements. What we try to do in the site evaluation process for sites for homes is to find sites that can be absorbed within the built-up area boundaries by extending those boundaries. I call it allowing them room to breathe so we do not change the complete nature of the way in which we manage our landscapes. The reason why we only got 2 through the process, because most of the good ones have been used up. When I say “good ones”, the ones that were rated highly for homes have been used over probably the last decade. St. Clement has absorbed a lot of them. Of course, another thing that I hear, for example, a lot of them are on the flat lands of Grouville. One message I have been getting in my hundreds of emails recently about the Grouville sites is developing low-lying areas and flood areas. So could such a policy ... following the logic of it, one of those planned sites is down in that Grouville plain for the cannabis. Are we saying we can have housing on that site, as long as it is a former glasshouse site, but we cannot have housing where there is no glasshouse site? Is that logical? It is low-lying and there are real implications for that area about changing of the character. So here we have a very blanket policy that carries with it an overriding policy presumption that this is what it will be. So, the sites that have gone already, the former Hodge, Le Quesne, and Samarès Nursery sites, the site Hameau de la Mer in St. Clement, De La Mare Nurseries in Grouville. The Plan has a site in Rue des Cosnets, St. Ouen. There is one in St. Saviour, the nurseries there, although I think the owner has decided they are going to hang on, perhaps they might have a view that they are perhaps waiting for this policy. I do not know. But the spatial strategy is the thing that is really the deepest worry. The spatial strategy in the draft plan is one that successive planning committees and States have followed for decades with great effect, as I said on day one of our debate on this. We really do need to hang on to that.

[16:15]

It is important to maintain that pattern of land use and not allow it to pepper-pot developments around the countryside. Of course, we have to look at sustainability, travel and transport, walking and

cycling. That is another reason why we try to locate the facilities for new homes very close, immediate to the centres, to make sure they have all the facilities that they need. So, what did the inspector say about it? There are implications, they said, that flow from the approach, particularly in relation to the use of the redundant glasshouse sites. A number of those making representations argue that glasshouse sites should be seen as brownfield land. But that is not how our planning system has seen them for decades. They are agricultural land. They do not lose their agricultural use. If you make them brownfield lands, then you are open to all sorts of other aspects, for example why not have light industry? Why not if they are treated as brownfield land? Then they go on, the inspector goes on, and a number of those sites, those making representations argue that glasshouse sites should be seen as brownfield land and used for residential development in preference to rezoning greenfield sites for housing. It is claimed there is no realistic chance of redundant glasshouse sites being returned to agricultural use. I have mentioned 2 things, I do not know they had any evidence of this, but I have certainly seen at the time of the Island Plan inquiry I think we had 2 sites being taken up for cannabis; now I think we have many, many more. Of course, there is the policy, as I have said, for enabling development to help that happen, where they can have some development under the existing policies - I think it is GD4 as Deputy Guida said - in the plan. So, whatever the merits of the argument, promoting the use of redundant glasshouse sites for housing in the Island would have an adverse impact on the character of the open countryside and would undermine the suitability, sustainability credentials of the bridging Island Plan. The exception to this would be glasshouse sites that are in or exceptionally closely related to existing built-up areas. That is the criteria that the planning team and all of the work done has tried to apply in bringing forward those sites. As I say, they have brought them through in the past, we now have only 2 in this plan, others were considered and they did not score as well. There is this issue about how we can get rid of them, but it is really good news that there are new uses being proposed for these glasshouses. So, the potential to have unintended consequences for our agricultural industry, we still have a decent area of glass, would it provide a lucrative exit strategy? Could that encourage speculation in the release of glasshouses in the expectation where you are likely to get consent? So, the amendment obviously contains what potentially could be seen as quite an attractive arrangement, there is the idea of getting community facilities as part of them. But of course, we already have the planning obligations powers and policies to use and they will be used to deliver community benefits. So, I will be arguing that I do not consider that should be allowed to override the planning conditions. So, I ask States Members to reflect carefully on this. This is probably one of the most significant amendments to the bridging Island Plan. If Members were to adopt it, it would seriously change the planning system in Jersey, undermine so much that has been done, and run the risk of damage or change to the pattern of land use and the landscape. So, on that basis I feel I have to strongly ask the States not to support this amendment.

7.1.9 Senator J.A.N. Le Fondré:

I am pleased to follow the Minister for the Environment; I agree entirely with what he said. Sorry for essentially tailgating him straight into this part of the debate. I absolutely accept the amendment being brought with all very good intentions, but certainly when I started what I wrote down is it is basically just too generic. It goes back to the point, what does “close to” mean? If it is anything within a mile then basically we are talking about every glasshouse site on the Island, which, as the Minister has just said, is 85 vergées or 43½ vergées in width roughly or 83½ vergées roughly, will be turned into brownfield development. People may disagree with me on this one; I do not necessarily automatically look at every greenhouse site and think of it as a brownfield site. What I was going to say, again the Minister has covered it, so it means my speech is going to be a lot shorter than it could have been, the introduction of the cannabis permits does mean that there is a viable industry there, a very lucrative industry, for a diversification for the agricultural industry. Although I do not always agree with everything that comes out of Planning, as I am sure none of us do, but what the Minister said is absolutely fundamental. This seriously undermines the planning process,

the Island Plan process that we have gone through over the last whatever it has been, 2½, 3 years. In other words, what is the point of going through an assessment process of the sites that they have done and all the rest of it when you could just add 43½ vergées in what he has described as a very pepper-pot kind of approach, which basically our sister island has followed. I know we are bigger and we have more land area, but one of the successes, irrespective of all the individual issues that many of us may have, of the planning process over many years has been effectively to consolidate development such that you do not get ribbon development all the way through the countryside. This does risk that. Plus, and this is purely my opinion obviously, greenhouses tend to be in rural locations, which rarely will have utility access, particularly if this proposition is to be adopted. But it does not necessarily mean that the traffic flow particularly works and that will be another consideration. So, for the fundamental reason and particularly we have had a planning perspective go through this whole process, if I understood the Minister correctly he has also strongly advised against this as a suggestion. But, irrespective of that, for all sorts of reasons, which the Minister and others have far more eloquently alluded to, I absolutely join with the Minister in saying that I certainly will be voting against this amendment and I hope the majority of Members do.

7.1.10 Senator L.J. Farnham:

It is difficult because we all want to find as many sites for affordable homes as possible. I have a couple of questions for Senator Moore in relation to this because I would be concerned that we might encourage current viable growers out of the market if they can realise they can make a quick return or bring forward a retirement plan by cashing in. But I might be wrong. Is it just derelict greenhouses? Would it exclude current operations, current existing growing operations? I just wanted that for clarity if that is possible.

7.1.11 Deputy M.R. Le Hegarat:

I worked at the Department for Agriculture, as it was many moons ago in the late 1980s. I was part and parcel of the finance team and the loans team that did loans for various things in relation to agriculture and was part and parcel to the conditions that were put on any applicants if they got loans or when they had permission to build glasshouses. My concern here is this: I have asked a question, which I am going to read for those Members who may not have already seen it, and it was only tabled on 7th March. I have, for a long time, been concerned about the state of some of the glasshouse sites from a point of view of they are an eyesore, but more importantly they are a danger to the public in general, but particularly to maybe some of our younger generation who might find it a joy to play in them. But the thing is that I am not minded, or I would not want to see what we call ribbon developments, however if they are in sites that are well-located I think that would be a good thing. But the question that I ask is, because what has always been put, and bearing in mind both glasshouses and polytunnels were not permanent structures or were not considered to be, they were considered to be temporary structures, if you look, and I have recently with the Planning Committee, being what was Tamba Park, and theirs is all concrete bases. So, for me it is fine to say return it to agriculture. But I have a question in relation to that and this is the question I ask. I am not totally satisfied that I have all the information that I would want in relation to returning these sites to agriculture. As a child, I recall very well that we had some fields that were very heavily stoned, which meant that when you used machinery in them your machinery often broke because the stones came up through all the cogs, et cetera. So, they were not that great to work, if I am honest. But that is just what I am saying here. In relation to these sites where there are glasshouses and there are potentially concrete bases, and also potentially maybe plastic off the polytunnels or glass from the greenhouse, if they have come to that sort of state. So, I therefore ask these questions: how many have been returned to agriculture in the last 20 years? No comprehensive data is held relating to the number of glasshouses or polytunnels structures that may have been removed in the last 20 years. Whether the process for their removal is determined by any government policy or procedure and, if so, what that process is? Some glasshouses and polytunnels secured planning permission that was conditional upon their removal

when they fell out of use. Quite clearly, if they were given those conditions, these clearly have not been followed up. We will all know, particularly those of us on the Planning Committee, that there are issues about planning matters where people do not obey the rules. For example, they do things without permission and then come out afterwards and basically there is a lack of resources to deal with all of this. So, I ask these questions about what has happened in the last 20 years when in fact we have not been following up those sites, which are becoming derelict. It says: "Compliance with this aspect of permission, however, remains poor." Oh, that is a surprise then, is it not? The next question, whether any government policy or procedure determines whether the land after removal is deemed suitable for all types of agriculture. My point is this, if we have concrete, glass, plastic, metal, in any of these frames, is that land then able to be reused for growing of potatoes or carrots or cabbages or whatever, or for the use of dairy herds? Can we put animals on these fields? Are they going to be deemed safe?

[16:30]

The answer to that question: "Some land, where it has been subject of the sale or lease post-1974, will be required to remain in agriculture use under the auspices of the Agricultural Land (Control of Sales and Leases) (Jersey) Law." That does not answer my question at all because it does not say whether the land is or is not suitable. That is my point. So, for me, I have a real issue about the derelict glasshouse sites. I fully understand that, if people have been given those conditions, how long ago were those conditions? I worked in the Department for Agriculture in 1987. So that is a very long time ago, even in my book. So, I am not convinced about some of the arguments put forward. It then also asks the question whether there is or has been any financial assistance available from the Government for the purpose of removing greenhouses or polytunnels. We all know a lot of these started to become derelict because the sale of our tomatoes and those type of vegetables subsided along with Guernsey's when we went into the E.U. (European Union) because basically we can have all the tomatoes and all of the other fruits from our southern neighbours and a cheaper price, as Deputy Martin clearly said earlier. So that is probably why their usage has been reduced. Yes, I am aware that we are now in a situation, because I am on the Planning Committee and we have been to Tamba Park quite a few times, in relation to medicinal cannabis. But the whole point is not all of them are going to be into medicinal cannabis. So, for me, I need some of these things done about these glasshouses. There is no current or historic financial assistance scheme available from Government for the purposes of removing glasshouses. One does have to say, whether or not those people whose sites have gone into that disrepair, what happens if it was an elderly person that died and the family have suddenly found themselves with this site and cannot do anything with it? That is a question. But, more importantly, I want something done with these sites. I do not want to build on a greenfield, so for me I do accept what Deputy Guida said about they are almost beige sites and not brown, because technically speaking they are still agricultural sites. But we do need to open our minds a little bit as to how we can make sure that these sites do not remain in the condition. Because we are not doing anything about them. We are not going to do anything. If we do not do anything today, we will not do anything next week, next year, or the year after. So, we will still be sitting here, whoever is sitting here in the next Assembly, with these questions about what are we going to do with these glasshouse sites? So, I do feel we need to do something. There are things, and, as we all said, not all amendments are perfect. I would only want to see those that are not in use, so I would not want to see, as Senator Farnham said, I would not want to see somebody suddenly saying: "Hang on a minute, I can suddenly stop doing this and I can have my money here." I would want to see the sites that have not been used for some viable time used in this way. So, for me, I will support this proposition, because I do not want to see any greenfields, and I drive past the same sites on a regular basis and I know that some of them at Maufant were used from glasshouse sites because it is called the Verres(?), and that tells you what it was before. I am not saying that the site opposite was or was not in the equation. But for me I drive past a site, which does not look like it is being used. It may very well be. But then further down the road somebody says: "I want to take all of that big, long site

[my colleague next to me will be very happy] of greenfields just up from Five Oaks.” So I cannot get my head around, not a glasshouse, but a green. I think I still know which one I prefer.

The Deputy Bailiff:

Thank you, Deputy. The Attorney General is now ready to answer the question posed by the Deputy of St. Martin.

The Attorney General:

Yes, the Deputy of St. Martin asked me a question about the reference in the proposed amendment to proximity to existing settlements and utility services. I have reviewed what I think is the map that the questioner was referring to, which is a map of built-up areas. Having reviewed the map, my interpretation of the reference to existing settlements is that word is to be given its ordinary and natural meaning, which is effectively any settlement or any house or group of housing. It is not defined by reference to specific settlements or types of settlements in the map that I was directed to. The map that I was directed to refers to smaller settlements as a type of built-up area but that is a reference to smaller settlements and therefore the implication is all types of built-up areas are settlements. So, on either interpretation, my view is that the reference to existing settlements refers to a wide category of settlement, and that is as far as I can take it.

Senator J.A.N. Le Fondré:

I thank the A.G. (Attorney General) for his explanation. Just to be really clear, he said natural meaning, he also said any house or group of houses. So, in his interpretation, where he said it is the wider meaning, it could be a single house in his view. Is that correct?

The Attorney General:

Yes, that is correct.

Senator J.A.N. Le Fondré:

Thank you.

7.1.12 Deputy I. Gardiner:

Members will be pleased to hear that Deputy Le Hegarat covered probably two-thirds of my speech because she did incredible work and asked so many questions. I personally was considering to bring similar amendment and I was pleased that Senator Moore did it. One of the data, and I ask Members just to bear with me for 6 points, promise, not more. When Deputy Le Hegarat asked the question we know that 67,334 square metres of uncropped land and the glass out of 154,832 square metres. So we are talking about just under half. 43.5 per cent of land on the glasshouses, not all of them derelict, but it is a very high amount. We are talking about a third of our Jersey land. Now the second point, it has been raised already during the debate, we are ready to develop greenfields, which are perfectly suitable for agriculture, for food security. But we are not ready to look at derelict houses that there is nothing that we can do with this land and it may be dangerous to use them. I kind of am struggling because, yes, it has happened, yes, this is from 2011, it could not be developed just back into the agricultural land; for 11 years it did not happen. Yes, they did not submit sites for the consideration for whatever reason. I do not know what is the reason it happened. I would also ask, we know that this bridging Island Plan is a bridging Island Plan, it was a shorter period for consultation, it was a shorter period for submission, it was a shorter period to put our amendments. If our process was not as it should be to allow enough time for everything, so maybe there is stuff that we should consider here. It was raised, and I am grateful, and I just would like to support the question from Senator Farnham about ... and ask Senator Moore to reassure the Assembly if it is only about derelict houses but not the houses that now work and they can provide the tomatoes, peppers and other agriculture, would they jump on it. We will debate in 355 pages of the policies, can we trust our Planning Department that they will not sign off the development of the glasshouses that will

not be suitable for the Island? Can we trust? The Minister mentioned unintended circumstances for the agriculture industry. I agree. We do not want to have unintended circumstances for the agriculture industry. This is the reason that I would be supporting to look into developing derelict glasshouses, then to develop on the green fields.

7.1.13 The Deputy of St. Martin:

I absolutely want to sympathise with Deputy Gardiner, Deputy Le Hegarat and the Senator who has brought this proposition; it is absolutely wrong that we build on green fields while greenhouse sites are in the state that some of them are. As has just been pointed out, they are both in agriculture, but of course the greenfield in agriculture is worth something to a farmer, whereas a dilapidated greenhouse is worth nothing in the state it is in. But the problem I have, and to misquote somebody, the Senator doth propose too much here. I am going to explain why. I really would like to support her. I know exactly where she is coming from on this. We need to do something. But the problem I have is twofold now. The first one is where she says: "Except where a commercial glasshouse site is located in close proximity." There is no word "dilapidation" or "dereliction" in there, it is a commercial glasshouse site. It could be a commercial glasshouse site in production today. It does not specify that it has to be out of production. It is also a glasshouse site in close proximity to existing settlements. We know, because the learned Attorney has just told us, that could be pretty much anywhere. I have just been flying over the Island in my mind, and the Constable of St. Clement will have a number of sites in his Parish which qualify, as will St. Saviour, as will Grouville, St. Lawrence, St. John, St. Mary, St. Ouen, even St. Helier. The Constable of St. Helier has 2 quite large greenhouse sites on St. John's main road, both in his Parish. They would qualify. My worry is that with one fell swoop of a button on our desk we can turn the Island Plan policies upside-down by allowing any commercial greenhouse site, pretty much, to have half of that site developed for affordable housing. As needed as it is, it is desperately needed, but not in this way. Because what would happen is we would have housing popping up all over the Island and all the work of the Island Plan over the decades to try to keep housing and keep settlements in groups and to stop ribbon development and all those sort of things, which blight countrysides, could almost be put in the bin. So, as much as I want to support the Senator, and I know what she is doing - I think we all know what she is trying to achieve here - it is wrong that these derelict and dilapidated sites, and they are dangerous as well, it is wrong that they are left as they are. We need to find a way to deal with them. But, unfortunately, the possibility of what might happen to the Island if this amendment is passed is just too great to consider, so I am afraid with great regret I cannot support the Senator with this.

7.1.14 Senator S.C. Ferguson:

It seems to me that the taxpayer has given substantial grants to build the glasshouses in the first place. I understood that there was also an agreement that, if the glasshouse was no longer used, the cement foundations and so on would be removed. None of this has been done. We have not even had a return on the grants. I do wonder about the fairness of this.

[16:45]

Then, added to which, I know young farmers who are wanting to rent glasshouses, which are not being used anymore, they want to bring them back into business and so on, and the people who own them are insisting on rent based on the development value of the glasshouse rather than the agricultural value. So, I think if we encourage more and more use of glasshouses for developing into houses and so on, then we are going to make it very difficult for young farmers to get hold of glasshouses to rent. So, no, I do not agree with this and I will not be voting for it.

7.1.15 Deputy L.B.E. Ash of St. Clement:

I am pleased to follow the Senator there. I will not speak for very long. I am against this for 2 reasons: (1) I feel a lot of this will be a way of getting development into St. Clement again by the

back door because we have a lot of glasshouse sites. Deputy Martin was correct; we have developed the Samarès site and it is really nice for housing. Unfortunately, we still have a huge shortage of facilities for schoolchildren, for play areas, et cetera, that have not been touched. So, I could hardly support anything that could possibly encourage yet more housing to go in St. Clement. Senator Ferguson rightly said that these glasshouses were agricultural fields, they were built into glasshouses, and yesterday we had a long and involved debate, a bit like the War of Jenkins' Ear, we had a long and involved debate on Deputy Huelin's windows, if we all remember that. This was a case of where the window debate, as they have rotted and they are no longer any use, people who own those sort of places are told to put them back exactly as they found them. They cannot just put something else in, they cannot just sell the field for a couple of million pounds is what we are looking at here. Part of Government should be, in my opinion, and I am sure in many Members opinion, to drive good behaviours, whether that is Deputy Ward trying to get people on to buses or whatever, we should be trying to drive good behaviours. This does nothing to drive good behaviours. This effectively says: "Let your greenhouse get into a terrible state of repair and then cash in to the tune of several million pounds." It is sadly a case of those in glasshouses being encouraged to throw stones.

7.1.16 Senator S.Y. Mézec:

I cannot believe I have to say this but, not only do I agree with Deputy Ash, but I agree with Senator Ferguson as well. What a day this has turned out to be. Like them, I will be opposing this amendment, although I, as others have also said, completely accept that this is proposed with good intentions from Senator Moore. This comes right before we start many of the amendments on potential alternative housing sites, which is not going to be a lot of fun, and which is going to force us to make some considerations we would perhaps rather not on the balance between protecting agricultural land, green space, and providing affordable homes as well. But when it comes to this particular use of these particular sites, sites which are meant to exist for a particular purpose, the glasshouses and the use that they serve, what the Senator is proposing strikes me as a bit arbitrary and not very well-timed, given that we have had this very long process with the inspectors looking at particular sites, working out which ones would make the best sites, and all of the other pressures that come with a particular site. Not just about relieving the need for affordable housing, but when it comes to traffic, when it comes to infrastructure, and all those other things. They have not reached a conclusion that these particular sites can be justified. So, if there is to be a policy inserted about the use of glasshouse sites, it ought to be done on a more considered basis, looking at, not just trying to meet our need for affordable housing, which is absolutely right in the intentions of what Senator Moore is trying to do, but also how we get best use out of those sites. Senator Ferguson raised some issues about that as well in terms of support for the use of those sites and if there is anything that Government can do to make sure that we are getting the best use out of them, that we are supporting the production of food on the Island where it is appropriate, and perhaps even wider community uses for these sites as well. So, to make what would be quite a significant change in position based on this one amendment would be the wrong thing to do. I will sit down still in shock at the strange alliances that seem to have been formed on this particular one.

7.1.17 The Connétable of St. John:

Along with some of the recent speakers, I find myself aligned to Deputy Luce. I was surprised last week when doing the tour of the sites with 3 colleagues to learn from an officer that, while there had been a call for sites, the department had not identified potential suitable sites. I say that as an observation rather than a criticism as I feel that the officers have worked tirelessly. While I do not agree with all of their findings, they have done a very good job. I thought this was a very attractive proposal because, like many, I am really worried about the level of green fields that we are going to have to build upon to provide the supply for the demand. However, like all things that seem too good to be true, this also appears to be too good to be true; it probably is. We need more information and it is disappointing not to be able to support this proposal. We have heard from many speakers about

the issues of derelict houses. Where is the enforcement? If we need to invest in the enforcement, let us invest in the enforcement and let us get these sites working for us. Either with the current scheme that could allow some to be turned into accommodation to fund returning them, but let us get on with the enforcement and let us do it soon.

7.1.18 Deputy K.C. Lewis:

Just very briefly, regarding the removal of greenhouses when they have had their time. Members will obviously be familiar with the Nightingale hospital, which we built recently. It was part of the arrangement, as the land was not ours, to return it to a greenfield as soon as the facility was no longer required. I invite Members to go down and have a look, you would never know that anything had ever been built there. The concrete removed, the tarmac removed, everything has been removed and it has been returned to a wonderful greenfield. Also sincere thanks to the owner of the field for donating it to the people of Jersey. But it can be done and I would like to see more of it.

The Deputy Bailiff:

If no other Member wishes to speak, I invite Senator Moore to reply.

7.1.19 Senator K.L. Moore:

I thank everyone who has engaged in this debate because it is a difficult topic. It is a problem that has blighted our landscape for a considerable number of years, I would say 2 decades really, and this proposition, and I am grateful to those who have kindly suggested brought in the best of intentions in order to resolve that problem. Not upon all of the sites though, it must be said, and I would like to really clarify, particularly the Minister has time and time again suggested that this amendment would apply to any glasshouse. It does not apply to any glasshouse site. The policy itself, ERE6, clearly states that it is about derelict and redundant glasshouses. Those 2 words are extremely important. So, we are talking about derelict and redundant glasshouses. So those glasshouses that are close to settlements that blight our landscape and are dangerous as well as being eyesores. Also, unused, providing absolutely zero use to our people and our economy. So, I will go on later to describe how we got to that point and why it is perhaps not so easy to find a solution. But first I would like to talk about the word “derelict”. So, we have already identified that they are. History, and Deputy Le Hegarat helpfully described some of the history as to how we got here. So, yes, Senator Ferguson is right, grants were given to farmers to build these glasshouses many years ago and for many years we enjoyed a successful industry. But the bottom dropped out of that industry very quickly and so, albeit they received those grants to construct the greenhouses, that money simply was not there when it came to pass that they no longer had any use. We are all very aware of the lack of investment that has been contributed to our much-cherished agriculture industry in the Island. But it has suffered for years and years from a lack of investment. Deputy Morel is nodding his head over there and he has managed to double the investment in his time as Assistant Minister with a responsibility for agriculture. Hats off to him for doing that because we need to see more investment in agriculture if we are to see the greenfields that we are later in this week going to desperately argue we must not build upon. But if we want to see farmers manage to farm them, this year, next year, and those years to come, then we need to do something about it and to perhaps provide some greater assistance. So, that being said, it also must be said that there is a cost, a great cost, and the Minister for Infrastructure of course highlights how easy it was to remove the Nightingale hospital. But of course, that (a) did not have any glass involved, nor was it broken; and (b) that was funded purely by the public purse, so not a business that was already struggling and on its knees and then having to find the money. I do know that it is extremely costly to clear sites, particularly when they are full of glass and other materials. We have all, I am sure, experienced somebody dropping a glass on a hard floor. They are always very difficult to pick up those shards of glass and sometimes they can be found lying under cupboards and tables and all over the place for some days to come. Imagine that glass being scooped up and tipped all over loose soil or sand and then people trampling all over it, ploughing it. So that

glass can travel quite deeply into the soil and it does become extremely difficult to remove. So, Deputy Le Hegarat was again right in raising concerns about the use of those sites once they are contaminated by glass. Because it certainly is not going to be an easy process to remove glass from it. Now, much has been made of the submissions that were proposed to the planners and the process that has gone on, conducted of course by the Environment Department. I would like to remind Members that the Jersey Farmers Union did make a submission to the process and indeed they supported and suggested the idea of finding some resolution to this issue of derelict glasshouses. So, I found it somewhat disappointing, the attitude from the department, that this is some sort of a new issue that has cropped up from nowhere. It certainly is not. In fact, colleagues and myself, when we started our research into this issue, found an article from the *Jersey Evening Post* back in May of last year that referred to this exact matter and proposed a solution that was exactly along these lines. Because this has come with some discussion with farmers as to what might be a potential way forward. Let us not forget as well that this amendment is about 50 per cent of the site being returned to affordable housing. So, therefore this is not making a massive amount of money. We are not offering an opportunity for people to cash out and make millions. This is offering an opportunity to make some use from land that is otherwise derelict and redundant, to provide 50 per cent of it as affordable housing and 50 per cent to be returned either to agriculture or to create a community garden.

[17:00]

I know Members have an awful lot of work in keeping up with all of the amendments in the plan and this debate. But my amendment does identify the GROW Jersey initiative, which is a fantastic thing. If Members have not been to Surville to see the garden that is being created there by GROW Jersey, then I really would recommend that they do that. Because it is all about creating local produce and getting people involved in growing locally and enhancing those skills and providing produce to our local communities. I will not go into more details because you will have to read my manifesto for that. So, Deputy Ward, I would suggest that this is about food security and providing a way forward. Of course, with the monies that are generated from the sale of part of the site for affordable housing, there will be some money available to put into the return to agriculture or the development of these community gardens, which will of course be alongside affordable housing sites. Personally, I cannot see a better solution for those new communities. I was grateful to the Attorney General for his advice on the issue that the Deputy of St. Martin raised in relation to whether it should be settlements or built-up areas. I did give some consideration to this matter because the Island Plan itself is peppered with different terms, settlements, small settlements, larger settlements, built-up areas, et cetera. So perhaps this is my bad in terms of choosing the term “settlements” but personally my understanding of the use of the term “settlements” and the definition it is given in the amendment is that settlements would be a place where there is already some form of community and a relatively large community. The map that the Minister has provided in his responses, which is available on page 87, sets out really a pretty defined area and only 3 sites that would come under this amendment potentially if it was considered as built-up area. This debate can of course be considered by future planning committees as the discussion and the will of the Assembly at the time of debate and I am sure in the future, if this amendment is accepted, then the planning committees who will have to consider those sites going forward will perhaps look back. They will be able to see that there was concern from many Members about the potential for too many sites to be included in this. Therefore, I would like to state on the record for them now that perhaps it could be their will or a future Minister’s to make an order that in fact this is not any settlement, but a built-up area. That has in itself evidence from the inspectors. Members, if they have the opportunity to look at the inspector’s report, can find their reference, paragraph 3.5, which is page 21. They talk about the use of derelict glasshouse sites. Yes, they do suggest that it would not be, in their view, acceptable to have those sites across the countryside all built upon. However, they do state very clearly in that advice that, where it was close to a built-up area, then an exception could be made. So, in fact the inspectors have opened the door and make it

very clear that there is potential to accept this amendment, because it is the right thing to do. Especially for those Members who will have great difficulty later in accepting some of the propositions for building on green fields. Because we go back to the fundamental point, we are talking here about sites that have become derelict and/or redundant, therefore they are a blight on our landscape, they are of absolutely no value currently, and this amendment will not be delivering millions to those people who own them, but they will be delivering homes, fresh produce, and a solution to something that has blighted our landscape for many years. So, Members, I really would ask you to consider resolving this intractable problem that has beset our landscape for many years and seek a way forward and please vote for this amendment. I ask for the *appel*.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting via the Teams link are invited to cast their votes in the chat channel. I now ask the Greffier to open the voting for Members in the Chamber. If all members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I can announce that the amendment has been rejected.

POUR: 19		CONTRE: 26		ABSTAIN: 0
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator L.J. Farnham		Senator J.A.N. Le Fondré		
Senator K.L. Moore		Senator S.W. Pallett		
Connétable of St. Lawrence		Senator S.Y. Mézec		
Connétable of St. Saviour		Connétable of St. Helier		
Connétable of St. Brelade		Connétable of Grouville		
Connétable of St. Peter		Connétable of St. John		
Connétable of St. Mary		Deputy J.A. Martin (H)		
Connétable of St. Ouen		Deputy G.P. Southern (H)		
Connétable of St. Martin		Deputy of Grouville		
Connétable of St. Clement		Deputy K.C. Lewis (S)		
Deputy L.M.C. Doublet (S)		Deputy M. Tadier (B)		
Deputy S.M. Wickenden (H)		Deputy M.R. Higgins (H)		
Deputy of St. Mary		Deputy S.J. Pinel (C)		
Deputy K.F. Morel (L)		Deputy of St. Martin		
Deputy M.R. Le Hegarat (H)		Deputy of St. Ouen		
Deputy S.M. Ahier (H)		Deputy R. Labey (H)		
Deputy K.G. Pamplin (S)		Deputy G.J. Truscott (B)		
Deputy I. Gardiner (H)		Deputy J.H. Young (B)		
		Deputy L.B. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy of St. John		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		

The Greffier of the States:

Those Members who voted *pour*: Senator Moore, the Constables of St. Clement, St. Peter, St. Ouen, St. Brelade, St. Martin, Deputy Ahier, Le Hegarat, Senator Farnham, Constable of St. Lawrence and St. Mary, Deputies Gardiner, Morel, and St. Mary. In the chat: Senator Gorst, Deputy Doublet, Constable of St. Saviour, Deputy Pamplin, Deputy Wickenden. Those who voted *contre* were: Constable of St. Helier, Deputy Guida, Deputy of St. Ouen, Senator Mézec, Deputies Lewis, Pinel, St. Martin, Constable of Grouville, Deputies Southern, Ward, Young. In the chat: Deputy Labey, Deputy Higgins, Constable of St. John, Deputy of Grouville, Deputy Truscott, Deputy Tadier, Deputy Martin, Senator Ferguson, Deputy of St. Peter, Senator Le Fondré, Deputy of St. John, Deputy Perchard, Deputy Ash, Deputy of Trinity, and Senator Pallett.

8. Island Plan 2022-25: Approval (P.36/2021) - ninetieth amendment: Overall housing supply (P.36/2021 Amd.(90))

The Deputy Bailiff:

The next matter for debate is the 90th amendment lodged by the Minister for the Environment and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2. After the words “the draft Island Plan 2022-25” insert the words “except that (a) any reference throughout the draft Plan to “3,750 homes”, where it relates to the demand for homes, should be substituted with “4,000 homes”; (b) in Policy H3 - Provision of Homes “4,150” should be replaced with “4,300” and “1,500” should be replaced with “1,650”; and (c) in the second paragraph of Policy H3 - Provision of Homes the words “new homes” should be substituted with the words “up to 600 affordable homes”.

8.1 Deputy J.H. Young (The Minister for the Environment):

The amendment deals with the overall housing supply requirement that the plan needs to address. That, as a result of the inspector’s report, needed to be amended. So the reason for bringing forward that amendment to the draft plan was that there were less housing completions that initially anticipated for 2020 and the need to increase the overall housing supply to cover the shortfall and to maintain what we have at the core in the plan, a margin of supply over demand of 5 per cent. The additional homes to achieve that margin towards affordable homes equates to 150 additional homes. So, what we have is that the housing demand requirements of the plan is a combination of both projected future housing needs and, as Members know very well, we have had to make a planning assumption for the whole purposes throughout the bridging Island Plan, and that planning assumption has been unchanged since the plan work started of an additional 800 persons per year. Also, at the same time, meeting unmet demand as a result of the population increase that took place above the rate of the housing delivery, which arose from the revised 2011 Island Plan. That was based on an anticipated shortfall of 1,800 homes from the last plan. It is proposed that 50 per cent is proposed to be met by the bridging Island Plan. So that is the basis. It sets the goal, trying to increase the housing supply to be able to both deal with what is the planning assumption of future housing needs, and unmet demand. So, the draft plan set the original target, the near term, what they have called the housing target of 3,750 homes for the period 2021 to 2025. As I have said, there was this shortfall of completions, so we need to increase the target from 3,750 homes to 4,000 homes. That is unchanged from what I put in my post-consultation statement response. The draft plan published a near term housing supply of 4,150. That was in April 2021. It still maintains a margin of housing supply. So, providing this margin of homes is normal practice, as has been in past plans, to account for uncertainties. The inspector has recommended that margin should be increased and that margin should be at least compatible with that which was achieved in the 2011 plan. As a result, the overall level of housing supply is increased to 4,300 homes and this is reflected in the figures in this

proposition. Of that, a key element is the proportion of those homes, which are proposed to be affordable homes. Those affordable homes are proposed to be on land rezoned, because under the planning law, the planning law gives the States, because it is the States' decision, the power to zone land for occupation by persons whose economic circumstances do not allow them to meet open-market homes. So that is the view. So, as we go through the debate probably tomorrow on the various sites, I ask Members to keep in mind that all land proposed for rezoning is for affordable only and not for open-market housing. In the past, no States land has been zoned for open-market homes. Open-market homes are developed on private sites and there is a very clear distinction.

[17:15]

I know that Members will have lots of questions about what is an affordable home. For the purposes of the plan I would say that the details of how affordable homes are put into practice will be a combination of work, and a lot of work I would say on each individual site, by the future Minister for Housing and Communities, to determine the rules, the site mix on every site, and the tenures, and set the rules about the Housing Gateway, although the States of course made a decision already. Sorry, no, they have not made a decision yet, but those rules will be defined. Using the Minister's power, through the new Minister for Housing and Communities, and also with the engagement, as far as I am concerned, and it is clearly in the policies, with the Parish communities. I think that is absolutely essential. But that is a bit more of the detail but I wanted to make it quite clear that target of 600 homes affordable is entirely that. The larger figure, the 4,300, is the other elements of that are the States-owned sites themselves, where we develop land ourselves, and the sites that are already in progress where we have consents out but they are either under construction or about to go on the sites, those are in those numbers. Indeed, what we expect to get from the private sector by way of speculative development. We have a very good handle on those numbers. But I have to tell you those targets are very, very substantial and they effectively result in a doubling of housing completions, if my maths is correct. Because our previous rate of completions of housing every year for the last 10 years has been 4,000 homes in 10 years; that is 400 a year, and every year, looking back over the last 10 years, only 10 per cent of those completions have been affordable, 40 a year for the last 10 years. So, in my opening round I spoke about that is our starting point. That is as we are now. So this is a very significant plan and adoption of these figures, so this is an important amendment because what I have asked to do in this amendment is, before the States start to decide and discuss the individual options by the sites that we have put forward by Members' amendments, by myself and so on, that we do ask the States to make a decision to go for this target, to adopt these new targets. There are quite a lot of significant implications to that, for example I am very much looking forward to seeing if anybody is able to talk about the capacity of the building industry. I know there are issues about preconstruction. We have amendments there about reducing those issues. Also, I suppose the implications on the market. But those fall outside of my direct responsibility, but I am very interested in knowing if Members have views on that. Later on, in order to help Members, and I put the flag up on this now, I have made an amendment number 91, which I set out the sites that I am recommending be designated that we provide on rezoned sites. I published a housing position statement, so I hope Members have all received that to help in this debate, a separate paper that sets out all the key issues, key numbers, sites, all the characteristics of them in that paper. I hope Members have all got that. If you have not, the officers will help you find it, because I would be very surprised if we go on to start talking about that this evening, but nonetheless it is very helpful. I have done it to give Members as much information as they can. Of course, that paper will show that we have a number of amendments from Members proposing to remove sites. There are also proposals from Members to add sites to those lists, which I have set out my views on how appropriate they are or otherwise. So, all those we have, and so I am not going to overstress this, but it is a fact, and on my note it has been underlined by the officers. But I need to put it on the record. We run a very real risk of finishing the debate without providing enough affordable homes. That is the challenge for Members. So here we have an amendment, this one we are dealing with now, we are going to

hopefully vote on, if not this evening, but shortly. We are adopting the targets and then that will follow into the debate and there is that risk because we are bound by States rules. There is nothing, but anyway I have just flagged it up and Members can think about that, because we are dealing with a target first and then the detail afterwards. I will be frank; we do not have an iterative process in the States Assembly. I think I am right on that. We make a decision, that is done, we move to the next. So that is the process. We should do our best to avoid a significant undersupply. Certainly, it would be easier to manage if we get ourselves into an oversupply situation, because that will become immediately obvious as we go through the individual site debates. But the undersupply situation is the risk. I have been asked, and I have discussed it, the planning law gives the Minister for the Environment the task of presenting a plan, and obviously Members have the task of making a decision on it. But this is one which I have discussed this target with the Council of Ministers. So, I am saying this with the support of my colleague Ministers because I asked them: "Where do you think the range of affordable housing sites that would be acceptable in your view?" Because the Council of Ministers do want to do their best to deal with this serious situation of housing supply. I asked them for what they thought an appropriate margin of supply should be and their view, and I have agreed to this, should be plus or minus 15 per cent, which means either a minimum we are looking for I believe in the subsequent debate to follow of 510 affordable homes and a maximum of 690 affordable homes from the rezoning of sites. Secondly, in the note, I put there a chart of how those numbers are made up. If it helps Members, the affordable homes estimated supply, 1,660, of which 625 are under construction, which my guess is that these are Andium Homes sites. We have town capacity from government sites, and the rezoning targets as I said are exactly as I have said. What I have tried to do, and this is an important thing in the plan, I have tried to make sure that the sites that come forward individually produce a proper balance between rural extensions, what is called strategic extensions, and suburban extensions. Because I think that is really important because we have a spatial strategy. For decades we concentrated as much development as we can in the built area. In the past, the view has been taken that there should be no development in the countryside and we should do all of the housing development in the built area. This plan departs from that. If you like, in layman's terms, shares it out. Shares it out in a fairer way. This is a whole-Island challenge. That is why the range of sites that have come forward as recommended are as they are, with that kind of balance between the 3 different types of sites. Of course, that balance will be subject to change according to how Members vote in the debates to come on the sites. From my point of view, throughout those debates, I shall be looking to see not only is the site suitable, but what is the effect on the overall balance of what we end up with. I will leave it at that, it is 5.25 p.m. Oddly, we may get a request for an early adjournment. I will wait and see.

Deputy I. Gardiner:

Point of clarification. I am not sure if it is a point of clarification from the proposer or from yourself. The amendment is asking us to make a decision on the number of houses that we are committing, like if they are looking at affordable housing, most of them going through the rezoning. So, if we will vote to this target, like 600 or 700 houses, and the worst-case scenario we reject all fields - I am taking about worst-case scenario - how would it work as committing with this vote for specific numbers and if none of the fields will be adopted how we can work with this together. I am just trying to understand the implication of this vote.

The Deputy Bailiff:

That is for you, Minister.

Deputy J.H. Young:

I may have to ask advice on States procedure, but as I understand it, when we are dealing with amendments through the plan, I have proposed the plan, we are dealing with amendments. I think in a nutshell what Deputy Gardiner's question is, what happens if we end up with inconsistent decisions

on different amendments, i.e. we amend the numbers here and we say we want that, and then as we then go through the later amendments we end up not achieving those numbers. I think that is where we end up with, and we have to make a decision as an Assembly when it comes to pressing the button of the plan's adoption or not. That is my understanding. It is open for me, I do have certain privileges as a Minister that nobody else can lodge amendments, but I can lodge amendments with the States' consent exceptionally at this late stage. My view of that is to do that on such a material thing I do not think would be right. The views of this Assembly are paramount and so that power would, in my view, be used only in detail and certainly not to reinvent or re-go over ground later. Perhaps I could ask you, is my understanding of States procedure correct, what I have said that we take amendments one at a time and there is no requirement effectively under States procedure for those decisions to be consistent?

The Deputy Bailiff:

Yes, that is correct. There is always a risk of inconsistency and at the end of the day Members will have to decide whether or not to approve the plan.

Deputy K.F. Morel:

A point of clarification as well please. It was just, in his speech, the Minister referred to questions about the capacity of the construction industry to deliver. Could he clarify therefore does the Minister not have an understanding of the capacity of the construction industry to deliver the homes that he is proposing in this amendment?

Deputy J.H. Young:

I do not have the full answers on that. I am hoping that our debate will carry on tomorrow and I will have a chance to have a briefing. But I have always made it plain to me that this is a very ambitious target of increasing the supply. We have labour uncertainty and we have the question of to what extent the use of modern construction methods and prefabrication can make inroads to that. So, I do not know if I am able to do this. It is 5.30 p.m., could I ask the Deputy whether he would be prepared to allow me to answer that question or provide him and all Members with a written answer on that point after the adjournment.

The Deputy Bailiff:

There is another request for clarification, which perhaps we can hear tonight, from Deputy Labey.

Deputy J.H. Young:

Yes, I am happy to do that.

[17:30]

Deputy R. Labey of St. Helier:

It is just a quick clarification. Is there an opportunity for the Assembly to vote on every rezoning in the green zone, every greenfield rezoning? I am just concerned that are there fields, which the Minister is accepting, and which do not form part of an amendment, that could go through without a debate?

The Deputy Bailiff:

That is a question, Deputy Labey, which I do not think will arise when we come to amendment 91. But of course, if there is not an amendment in relation to a particular field, then Members will have to decide how they vote in relation to that amendment as a whole and indeed the plan as a whole at the end of the debate.

Deputy R.J. Ward:

Can I just ask one point of clarification, I know it is late, but this amendment we are talking about here is the number of planned homes to be built? That is different from the number of fields. Because the fields that we will be looking at will not have a specific number of homes on them, so we may disagree with 5 lots of fields, but it just means you have to cram more homes on to the fields we do agree with. So, the number of homes is disjointed, is it not, I ask the Minister, from the number of fields?

The Deputy Bailiff:

That is a question for the Minister. We probably are getting into the debate a little bit at the moment. Before we adjourn, formally someone should second the proposition and then I can ask Deputy Tadier to ask his question to the Attorney General, which he can consider overnight. **[Seconded]** Deputy Tadier, do you have a question for the Attorney General, perhaps it is helpful for you to ask it now in case it is a question he needs to reflect upon overnight.

Deputy M. Tadier:

I am not doing this deliberately, I am aware that I ended the day like this with a cliff-hanger, but I was not to know. I hope it is relevant to what the Minister has been talking about. But the question is: if somebody who owns one of the fields in private ownership, and that is up for rezoning, felt aggrieved that he or she was being forced to have all of the homes on that field to be affordable, so 100 per cent as I understand is the case, and he or she might say: "The States has got its own sites that it owns and is not putting that kind of requirement on its own sites where only 15 per cent of their homes would be affordable" is it open for the owner of that site to then lodge some kind of appeal or a judicial review, whatever it might be, to challenge that decision that we are making today or whenever it is in the next few days? I think it arises out of this because we are going to be debating a lot of issues of rezoning. It seems to me that if I were the owner of one of those fields that might well be something that would be at the back of my mind.

The Deputy Bailiff:

Mr. Attorney, are you prepared to deal with that question overnight?

The Attorney General:

Yes.

Connétable J.E. Le Maistre of Grouville:

A similar question to Deputy Ward, I am not sure what happens if we pass a resolution that requires a certain number of houses and then do not pass enough sites to provide those houses, what happens?

The Deputy Bailiff:

Yes, it simply means that if there was an approval of this amendment and subsequently there was not sufficient rezoning, it simply means that the Assembly has not provided the Minister with sufficient fields to realise the policy intent that the Assembly has approved. That is a political problem for the Minister and an issue for Members to consider when they decide whether or not to approve the plan as a whole. Does that answer your question, Connétable?

The Connétable of Grouville:

It does answer my question, but surely, we could not approve a plan that does not make sense.

The Deputy Bailiff:

That is what I have just said.

Senator L.J. Farnham:

It strikes me we agree a lot of things that do not make sense. But on this occasion, I am not really going to be referring, I just want to be absolutely clear that if we were to approve the amendment of the Minister and then, as the Constable of Grouville said, not achieve that number of houses, the plan would still proceed and if approved by the Assembly it would exist with the decisions we have made, notwithstanding this amendment overall.

The Deputy Bailiff:

Yes. The adjournment is proposed. Is that seconded? **[Seconded]** The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:35]