

THE STATES assembled on Tuesday,
17th October, 1989 at 10.15 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

All Members were present with the exception
of -

Senator Bernard Thomas Binnington -
out of the Island.
Senator John Stephen Rothwell - out of
the Island.
Senator Terence John Le Main -
absent.
Senator Corrie Stein - out of the
Island.
Edwin Le Gresley Godel, Connétable of
St. Mary - out of the Island.
John Le Gallais, Deputy of St.
Saviour - out of the Island.
Sir Martin Le Quesne, Deputy of St.
Saviour - out of the Island.
Margaret Sylvia Rose Beadle, Deputy of
St. Brelade - out of the Island.
Michael Adam Wavell, Deputy of St.
Helier - out of the Island.
Thomas John du Feu, Deputy of St.
Peter - out of the Island.
Henri Leon Dubras, Deputy of St.
Martin - out of the Island.
Graeme Ernest Rabet, Deputy of St.
Helier - out of the Island.
Alan Payn Bree, Deputy of Grouville -
out of the Island.

Prayers

Subordinate legislation tabled.

The following enactment was laid
before the States, namely -

Road Racing (Motor Vehicle Rally)
(Jersey) Order, 1989. R & O 7985.

Matter lodged.

The following subject was lodged
``au Greffe" -

Licensing (Jersey) Law, 1974:
administration. P.134/89.
Presented by Senator Richard Joseph
Shenton.

Rezoning of land for Category A
housing. P.57/89.

THE STATES acceded to the request
of the President of the Island Development
Committee that consideration of the
Proposition relating to rezoning of land
for Category A housing (lodged on 9th May,
1989 and partially debated on 29th August,
1989) be deferred from 31st October, 1989
to a later date.

Green Zone development. Questions
and answers.

Senator Jean Amy Le Maistre asked
the Connétable of St. John, President of
the Island Development Committee, the
following questions -

``In the light of the Island
Development Committee's policy towards
development in the Green Zone in
respect of States Loan houses, as
presented to the States in August,
1989, will the President inform the
House whether -

Question 1

``The Committee is now prepared to
consider favourably the development of
individual sites within the Green Zone
for States Loan houses provided that

accepted planning criteria prevail?

Question 2

The Committee is prepared to reconsider any application which has been rejected on the grounds that it is in the Green Zone but complies with planning criteria and provided that the application is re-submitted to build a States Loan property, accepting that any such application would require approval by the States?"

The President of the Island Development Committee replied as follows -

“Before I answer the Senator's questions in detail I feel that it is right that certain points be made so that my answers will be better appreciated.

We all recognise that the countryside is one of the Island's finest assets.

One of the fundamental aims of the Island Development Committee and indeed the Island Plan is to maintain and, where possible, enhance the quality of the countryside.

The Green Zone is a major tool in protecting the countryside from the unacceptable spread of development.

The Green Zone includes the most sensitive areas of the landscape including the cliffs, coastal heathlands, dunes, woodlands, prominent coastal areas and inland valleys.

In these areas therefore, the Committee will continue its long-standing practice of preventing new development, unless there are exceptional agricultural reasons for doing so.

The Island Plan brought about significant alterations to the Green Zone boundaries, which now effectively hug the edge of the built-up area

along the south coast.

The Island Development Committee, having regard to the numerous factors and having assessed many alternative sites, concludes in Projet 57/89 that some of this newly-zoned land could be developed satisfactorily to cater for the immediate, but previously unforeseen, housing needs of the community, without unduly detracting from the landscape, provided the landscape was to remain the dominant element in any development scheme. It is therefore prepared to apply the same policy to these areas as it would for development in the Green Backdrop Zone.

The Committee has quite properly used its discretion (having regard to present circumstances) in assessing sites on their individual merits and in recommending that certain sites be rezoned for Category A housing purposes. It is simply asking the States to do the same.

This certainly does not mean that the Island Development Committee will accept the principle of widespread development throughout the Green Zone for single plots.

Answer 1

The Committee is and always has been prepared to consider any development proposals for individual sites anywhere on the Island, whether they involve States' Loan housing or Green Zone land. However, the proposals will be determined on their individual merits having regard to the Committee's normal policies and objectives.

Having said that, there will continue to be a general presumption against all new development in the Green Zone, whether it be for States' Loan houses or any other purpose.

It does not follow that if a site can be serviced and development is technically feasible, that the

Committee will automatically approve development just because it is a house which would qualify for a States' Loan.

There are many other factors to consider regarding the site's suitability and the Green Zone designation will remain the major 'planning criteria'.

One of the Committee's fundamental objectives will remain the protection of the countryside.

There have, of course, been occasions when the Committee has favourably considered the residential development of a site in the Green Zone and has consequently brought these to the House for ratification (e.g. Cowdray Drive, Rue du Horman, etc).

Answer 2

The Committee is, and always has been, prepared to reconsider any application which has been refused on policy grounds including applications in the Green Zone, where new evidence is brought to light.

The general presumption outlined in Question 1, however, will continue to operate.

It has to be said that in most cases, appellants do not supply sufficient new material evidence to warrant any reversal of the Committee's previous decisions."

Supplementary questions and answers.

Connétable of St. Brelade - "Is the President of the Island Development Committee saying that when he presented the Island Plan Volume 2 to this House he was not aware that we had a housing shortage. I think that he would have known that the list which existed would have indicated that there would have to be more sites allocated. Would it not have been better for the House if the President

came back with Volume 2 amended so that we all knew exactly where we stood, because some of us do believe that when we approved the Volume 2 which extended the Green Zone we felt that was something that we would not easily tinker with. Now it is being suggested that some of the Green Zone should not be built on and some could be. I believe it would be more satisfactory if the Volume 2 was revised?"

President, Island Development Committee - ``The question of revising the Island Plan policies is ever before us and I am sure that as soon as time is made available to my officers and to Committee for discussion then we will be coming to the House with the revisions. The Green Zone was set out as a protection as I have said in my answers and the number of housing units that my officers and consultants had been informed was required were accounted for. Unfortunately some of these sites are taking longer than they should but I trust that eventually they will be zoned in the planned period. My Committee and even the consultants were not aware of the great increase in the community figures which has been shown by the censuses."

Senator P.F. Horsfall - ``Would the President agree with the fact that the Committee has now had to go into the recently enlarged Green Zone to meet this need and this has in fact been brought about largely by pressure caused by lack of drainage for servicing other suitable sites not in the Green Zone in other parts of the Island?"

President, Island Development Committee - ``I do not agree that the sites that we have designated for in P.57/89 have been totally the cause of the lack of sewerage. Lack of sewerage has been an important factor and this of course will help when the sewerage facility is made available."

Senator B. Brooke - ``In the

statement the President has just made and his answer which is a very lengthy answer to a quite short question, there is a sense of urgency but previously unforeseen housing needs used as a reaction having regard to the present circumstances, one feels that it has all been a bit of a surprise and I wonder how much liaison there is between the Island Development Committee President and the Housing President, because these figures do not just suddenly appear or have they suddenly appeared and did we not have a forecast of this? Did we not know how many people were reaching the top and available for housing? This is what worries me, Mr. President, and I would like a reassurance that in fact the President of the Island Development Committee did know."

President, Island Development Committee - "We did not know the increase in numbers as has been shown in the recent census. We were aware and we had great co-operation with the Housing Department and furthermore the Economic Adviser's Department, the three departments discussed and assessed the need for housing from figures that were available at that time. But you must appreciate that this Island Plan was approved in November 1987 and before that it was in print for some time, so it does go back and it is only these last census figures that have highlighted the great immigration problem that we have in this Island."

Senator J.A. Le Maistre - "Is the President aware that within the census figures there are some 13,000 people who are shown to have come into the Island in the last six years, many of whom do not have residential qualifications."

President, Island Development Committee - "I would be happy to give the Senator those facts on a later occasion."

Senator D.A. Carter - "I recall that

Projet 57/89 and the necessary zoning of land was to cater for the extra numbers which were revealed in the 1986 census. Now it is very good news that the President is now saying that in fact Projet 57/89 will also deal with the extra numbers shown in the 1989 census. That is not what he told the House last time. The question is he has just said that the unforeseen needs covered by Projet 57/89 are those of the 1989 census, is that true because it is very good news? The President of the Housing Committee is shaking his head so it is not true."

President, Island Development Committee - "I would say that the 1989 figures will have an influence on our housing needs, but they are not included in any of our assessments."

Senator R.R. Jeune - Could I ask the President of the Island Development Committee whether his Committee look upon the Green Zone now, the amended Green Zone and the augmented Green Zone as one, or is there a sort of Grade 1 which is the original, very important Green Zone and a Grade 2? Now in some ways I looked upon the Green Zone as being cheapened, perhaps that is not the right word, in enlarging it, but the question is that to me and to many others the original Green Zone was absolutely sacrosanct, that zone was augmented and does he look upon them as 1 or 2 grade?"

President, Island Development Committee - "As I have said the Green Zone has been brought right down to the building edge, to the urban edge and this is why it has not been cheapened but it has been brought down for the very purpose of stopping any increase of building into the countryside. We did that, that was agreed. But what we were not aware of was the amount of immigration that had been occurring in the Island since 1986 and was putting extreme pressure on our housing stock. We can easily stop suggesting sites but then the House will have to face the people who

are desperate to find a home."

The Bailiff - Senator, you asked the question whether the Green Zone is a policy which applies to the whole of the Green Zone, or is it a policy in respect of one part of the Green Zone and another policy for another part of the Green Zone?"

President, Island Development Committee - "It is one zone."

Allocation of States loan properties. Statement.

The President of the Housing Committee made a Statement in the following terms -

"I should like to advise States Members on the current position in relation to the allocation of States Loan properties from my Committee's waiting list.

Some weeks ago my Committee made a decision that in future units should be allocated in accordance with family size - that is, flats to married couples without children, houses to those with children. The background to the Committee's decision is that it is now inevitable that many of the States Loan properties to be built in the future will be flats. The policy of acquiring commercial sites in the town lends itself more to the construction of flats than houses; many of the sites already zoned in the Island Plan will be developed with flats in order to achieve the numbers needed to meet demand from the waiting list. Planning permits have already been issued for the construction of 100 loan flats in the Le Marais/Le Squez district alone, and many more can be expected for the Island as a whole.

The allocation of new homes to be built on fields 14 and 18 in St. Clement brought the issue into clear focus for my Committee. On these

fields, work will soon get under way for 26 loan houses and 60 loan flats to be built alongside each other. Many of those at the top of the waiting list either do not have children or have grown-up children. Some are at an age when it is unlikely that they will ever have children. Such couples, if offered the houses as their position on the list would justify, are highly likely to accept them. Yet further down the list are couples with children, mostly young, who would therefore be offered the flats, unless of course they opted to refuse such offer in favour of the offer of a house which might materialise in the future. In my Committee's view it did not make good sense to offer the houses to couples and flats to the young families simple because of a `first come, first served' principle. It was a difficult decision, not lightly taken, and we always knew that we would be open to criticism whatever our decision."

Sea-Fisheries (Jersey) Law, 1962
(Appointed Day) (No. 2) Act, 1989.

THE STATES in pursuance of Article 14 of the Sea-Fisheries (Jersey) Law, 1962, as amended, made an Act entitled the Sea-Fisheries (Jersey) Law, 1962 (Appointed Day) (No. 2) Act, 1989.

Draft Bankruptcy (Désastre)
(Jersey) Law, 1989. P.105/89.

THE STATES commenced consideration of the draft Bankruptcy (Désastre) (Jersey) Law, 198 (lodged on 18th July, 1989) and adopted the Preamble and Articles 1 to 11. Article 12 was adopted, the States having accepted an amendment of the Finance and Economics Committee that in sub-paragraph (b) of paragraph 5 of Article 12, that after the words ``proceeds of sale" there shall be inserted the words, ``, or such part of the proceeds as represents the value of the interest in the part of the property as to which the Viscount is beneficially entitled,".

Articles 13 to 51 were adopted.

The Bill was lodged, as amended, in Second Reading.

THE STATES decided to consider the Bill in Third Reading on 31st October, 1989. (P.136/89).

Probate (Amendment) (Jersey) Law, 1989. P.128/89.

THE STATES subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Probate (Amendment) (Jersey) Law, 1989.

Torture (Jersey) Law, 1989. P.131/89.

THE STATES subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Torture (Jersey) Law, 1989.

Firearms (Amendment) (Jersey) Law, 1989. P.133/89.

THE STATES subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Firearms (Amendment) (Jersey) Law, 1989.

THE STATES rose at 12.45 p.m.

R.S. GRAY

Deputy Greffier of the States.