

STATES OF JERSEY

Economic Affairs - Dairy Review Sub-Panel

Monday, 11th DECEMBER 2006

Panel:

Deputy A. Breckon of St. Saviour (Chairman)
Deputy A.E. Pryke of Trinity
Deputy K.C. Lewis of St. Saviour
Deputy R.G. Le Hérisier of St. Saviour
Deputy S.C. Ferguson of St. Brelade

Witnesses:

Senator T.J. Le Main

Deputy A. Breckon:

Order, please. Welcome, Senator. Senator Le Main, you are here for a number of reasons. Order, please. Thank you for attending. Sorry we are a little bit late, and it is just the process, really. As you know, this is a joint review that is being carried out with the Chief Ministers and this office, and Promar have produced their final report within a few days. They have been looking at this over the last 4 months, and they have been consulting with the industry and interested persons, and that is really where we are. The reason we have asked you to come and see us is because much of the correspondence with the Davis family had your name on it, it was sent to you, and also you had made a representation, we understand, before the Planning and Environment Committee in reference to the Jersey Dairy. If I could begin by asking how you initially established contact with the Davis family?

Senator T.J. Le Main:

Well, Senator Le Sueur did say to me that they had attempted to contact members of the Davis family and had been unsuccessful. Similarly, Eric Le Ruez told me the same thing, that they had been unsuccessful in attempting to contact the Davis family, and I was quite surprised to hear that, because in fact, I knew there were members of the Davis family that lived in Jersey. Subsequently, and I cannot remember whether it was in fact Mrs. Davis or her daughter, or it was myself that contacted them, but contact was made with the Davis family, and it took off from there. They did tell me there was members of the family in the UK, there were members of the family in South Africa, and I requested that they make contact with all the members of the family that would have some interest in this subject matter. Subsequently, I received - I do not think I have all the letters that you have; I still have some at home - 6 or 7 letters from various members of the family; UK, Jersey and South Africa, stating their interest in the

matter.

Deputy A. Breckon:

Can you just tell us where this was? Had the proposition been lodged by the States in that time?

Senator T.J. Le Main:

I cannot remember. I cannot remember, but I know from the word go I objected, and went to Planning on the basis that the planning process, in my view, was being compromised on policy to, in my view, to get the Milk Marketing Board out of financial trouble, and it started around that time. I presume somehow that the Davis family may have received wind of this, that I had been to Planning.

Deputy A. Breckon:

When you say that, can you describe for us why you felt that the dairy were being given political preference, if you like, from Economic Development Committee?

Senator T.J. Le Main:

Well, the issue is that I have been a member under 2 or 3 Planning presidents, a member of previous planning committees, and over a period of years, the policy of the Planning Department Committee has been consistent in applying issues in regard to farming - and business, not only farming, but other businesses - whereby people in financial trouble or businesses in financial trouble - and I have had, on many occasions, people at their wit's end, particularly in the farming industry, who have lost a lot of money - on their knees, that required some sort of assistance in planning terms to relieve the situation or get out of the situation by having a planning application approved somewhere on the farm somewhere; various cases. The whole issue has been consistent, that the Planning Department never took or would never have taken into consideration under planning law, planning applications of people in financial trouble. It had to be under planning rules only, and all those had to be determined under that policy. In many occasions, there has been opportunities for the Planning Committee to offer advice - or a planning officer to give advice - to applicants, that they could, on their existing site, have some kind of development somewhere on that site so that they could overcome some of the issues. My view is that the application by the Milk Marketing Board, who are sitting on a prime commercial site now that was designated from a green field open site, agricultural land. When it was developed, it was an open farm, open farmland, though they were given a concession at that time to place the dairy upon that site. Now there is a huge site there that could, in my view, meet the criteria of the planning policies by, in fact, downsizing on that existing site. In my view, it will be that over the amount of years that I have seen cases and individuals, I think that it would be absolutely morally wrong, because the dairy are in debt for a considerable amount of millions of pounds, or whatever the case is, and that they have an opportunity, that you give them that opportunity to move on to a green field site - which it is, because under the planning law, glasshouses or polytunnels are classed as green field sites, because they can be

demolished and removed and returned - that they are given an opportunity to move to another site; subsequently being able to realise a huge capital asset to be sold on the open market, which nobody would do under planning terms. I feel that very, very strongly. I think if you are going to be applying policies where there is housing or planning, one has to be consistent and fair right across the board, and by allowing the dairy to sell off the site to a developer or to a supermarket or something, whatever, on the open market and allow them to go somewhere else so they can maximise the value of that site now - now it is a commercial site - I think, quite honestly, is immoral. So my objection has been consistent on this, that over the years, as I say, I have sat on many cases of farmers and businesses that have been in dire financial trouble, many of them through no fault of their own, and we have put them to the wall because the planning policy has precluded us from helping them. In this case, I do not see anything in the public interest that allows us to bypass those planning policies to in fact allow the Milk Marketing Board not to develop or downsize on the existing site and recover the rest of the site as a commercial value.

Deputy A. Breckon:

You did make that representation to the Planning and Environment Committee?

Senator T.J. Le Main:

Yes, this was a committee, but now there is a Planning Minister, of course I would wish to do the same thing to the Planning Minister.

Deputy R.G. Le Hérisier:

Terry, if it could be proved to you that the land at Trinity was being bought at commercial rates, given it was specifically for agricultural type use only, would that be any reassurance?

Senator T.J. Le Main:

No, it would not be at all. I have 3 issues with this. I have the issues about the covenant, which is an issue I have as well. The main one of course is the planning issue. Here we have a large commercial operation who wants to downsize. They were given the opportunity, against all the odds, because it related to farming and related to the keeping of the Jersey cow, and I can remember the arguments 40-odd years ago. They rezoned that land specifically on an agricultural green field site on the Mouron(?) land, and that was the farm next door - I cannot think of the name of the farm - and the States approved that. Now, there is still a moral obligation that that site could still be used, in my view, under all the planning policies otherwise that site should be used for downsizing. I do not think I can stand in front of other people that I have seen go down the Suwanee, go down the pan, who have wanted to do similar things - and I know I could find you similar cases over the years - that have been put to the wall, not by a planning committee, but by policy, and now you are prepared - or one could be prepared - to relax that policy, and I think it is totally, totally unfair. There is no reason - good reason - to change the policy for

this particular issue.

Deputy K.C. Lewis:

Terry, it has been said that once the existing Five Oaks dairy is demolished, it cannot, for planning reasons, be rebuilt. Do you refute that?

Senator T.J. Le Main:

I would refute it. The site is huge and there is a site behind the dairy by the road on the right-hand side of the site; there is an opportunity in the big car park centre, downsizing that area and where the commercial buildings are in the back. No question about it, and you do not have to be a magician to go and see that for yourself.

The Deputy of Trinity:

Just a point from that, how would you see them being a good neighbour, if they downsized and built there, and the rest of the site was sold to housing?

Senator T.J. Le Main:

They have to be a very much better good neighbour with the modern equipment and the modern type of construction, and the kind of insulation and requirements of factory production units now that there is existing on the site. The existing site is not causing any problems to anyone at the moment that I am aware - I have not heard of any complaints - and, in fact, I worked there for several years in the 1970s at the dairy there, so I know a little bit about it. When you build a factory or you build a dairy or whatever it is, there are very strict guidelines for neighbours and for noise and for discharge of materials and what have you, and there is no reason why they cannot continue to be a good neighbour. In fact, I would suggest that the residents would welcome a new dairy there, well designed, well planned in regard to the neighbourly aspect.

Deputy A. Breckon:

What actual contact have you had? It has mostly been the local representatives of the Davis family, but what is your knowledge generally of how the 9 people feel about the affidavit? Have they come to this because they have had to, or they would rather not?

Senator T.J. Le Main:

Well, they were horrified originally. They were horrified at the thought of the covenant being lifted in any way, shape or form, but they recognise through the letters - I mean, I have not spoken to them, apart from Mrs. Davis in Jersey and daughter; that is all I have spoken to, and Mrs. Davis has been to see me - there is a time to move on sometimes, and they do not have a great issue of the dairy going up there. They see it as part of the operation of the States' farm, but they are very concerned that the covenant

was maintained on the rest of the land. I cannot get involved in what they are saying; if they saying they are happy with that, well, they are happy with that. I oppose it on the basis that we are taking some more green open land. I do not believe it is the right place, anyway.

Deputy A. Breckon:

With another hat on, is part of the dairy site suitable for housing?

Senator T.J. Le Main:

My view is that of course the dairy site is suitable for housing, but it also very suitable for a hypermarket and a supermarket. I do not know how true it is, but I am advised that it has been put out for expressions of interest, and I do not know how true it is. I am advised it could be valued anything up to - I am depending on what the Planning Minister would approve of it - £10 million or £12 million. I mean, I could be wrong, and I am also advised that Tom Scott apparently has an option to purchase it. Now, I know that through listening and chatting around it, Channel Island Traders maybe - and one or 2 others - are buying some of these sites, or hoping to buy these sites, to sit on them or otherwise, so that they curtail other perhaps supermarkets coming into the Island. My view is that, you know, I think that there is a very great danger that putting this on the open market to people like Channel Island Traders - or maybe one or 2 others who are buying them and have an ability to buy them and sit on the land and shut out any further opposition - it can be very detrimental; it could be very detrimental to Jersey. I do not know how true my facts are, and I would say that I would suspect that there must be an element of truth in what I am listening to.

Deputy R.G. Le Hérisser:

Just pushing the argument, Terry - I am not saying I agree with this - in a sense, you are holding the current management of the dairy responsible for decisions that were taken 40, 50 years ago, for which they may not be, obviously. If they were to prove to you that the site could not be redeveloped properly, if it was to be suggested Five Oaks has become horribly overbuilt and everything, and you really do not need another industrial site, and the dairy, in all transparency and sincerity, will look for another industrial site elsewhere, would you still insist that they should stay at Five Oaks, even though the current management say: "The world has moved on"?

Senator T.J. Le Main:

If it could be proved to me - if it could be proved to me - independently that the dairy operation could not be downsized, then I really certainly would consider reconsidering my current opposition, but I have seen nothing of that at the moment. It has just been the easy option, and we have a huge site, which is worth £10 million or £12 million, which could be sold on the open market and would get the dairy out of the cart, and they will move to a brand new site in the countryside. My view is also that we should maintain the countryside as much as possible, and to relinquish a commercial site such as that size, and

to go into the countryside, on albeit a greenhouse site or polytunnel site, in my view, is not in the best interests of the Island.

Deputy A. Breckon:

Anybody, any other questions? Can I ask, Terry, of you, you said you had some correspondence that we might not have seen. We have seen the affidavit.

Senator T.J. Le Main:

Well, I sent all the letters in to Eric Le Ruez, because I wanted to work with Eric Le Ruez. I contacted Eric and said I had been contacted by the Davis family, and I said to Eric that I would pass him on everything that the Davis family had sent on to me, so subsequently, as letters came in and what have you, I sent them all to Eric. I did not even copy them. I said to Eric: "Well, when I need them, if I need to go to any planning committee or scrutiny, then perhaps you could copy them." When I have picked this up - and I asked Eric for this last week - somehow, all the paperwork went to Terry Le Sueur instead of me, so I did not receive them until today. I have a feeling, by looking at that, that I have more paperwork at home that I have not had back.

Deputy A. Breckon:

We have been copied that but, obviously, if there are things that were not in there; that was the only thing, really. If there is anything that you think is confidential, obviously it will be treated that way, but it is relevant to the Government.

Senator T.J. Le Main:

Yes. I will have a look, and if I have anything extra, I will do.

Deputy A. Breckon:

The only other thing is if there is anything else you would like to add.

Senator T.J. Le Main:

Well, I also have some feelings on the retailing of milk on the Island and the high cost, and I perhaps have an issue that I would like to be able to see farmers processing and retailing their own milk, and I believe it will reduce the cost of milk. The farmer will get more, and I believe it would give more incentive for small farmers to come into the factor. That is a view I hold.

Deputy A. Breckon:

I think you will gather - you caught the tail end of the previous 2 witnesses we had - there are moves in that direction, which has developed, if you like, when this review has been taking place, so we are trying to hit a moving target here, because it was not an issue when we started.

Senator T.J. Le Main:

Well, I think we are going to be in serious trouble with the regulations on stopping the import of milk pretty soon. If we challenge it, we are in deep trouble; no question about it, with the information that I am getting.

Deputy A. Breckon:

Is there anything else?

Senator T.J. Le Main:

No, I think that is all it is. I think the greatest issue I have, as I say, is the planning process and the equity and fairness and transparency, and treating everybody alike.

Deputy A. Breckon:

Thank for your contribution. We knew that it was not Terry Le Sueur, we knew it was Terry Le Main, because your name was on the correspondence, and we just wanted to spend a few minutes.

Senator T.J. Le Main:

No, that is fine. If you need me back or anything, I am quite happy to come back.

Deputy A. Breckon:

Thanks, indeed.