

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 12th DECEMBER 2012

<b>PUBLIC BUSINESS – resumption .....</b>	<b>3</b>
<b>1. Plémont Holiday Village - acquisition by the public and sale to the National Trust for Jersey (P.90/2012) - second amendment (P.90/2012 Amd.(2)) - resumption .....</b>	<b>3</b>
1.1 Senator I.J. Gorst: .....	3
1.1.1 Deputy G.P. Southern of St. Helier: .....	5
<b>1.2 Plémont Holiday Village - acquisition by the public and sale to the National Trust for Jersey (P.90/2012) - amendment (P.90/2012 Amd.) .....</b>	<b>7</b>
1.2.1 Deputy G.C.L. Baudains of St. Clement: .....	8
1.2.2 Connétable D.W. Mezbourian of St. Lawrence: .....	10
Mr. H. Sharp Q.C., H.M. Solicitor General: .....	10
Deputy M. Tadier of St. Brelade: .....	12
Deputy J.A.N. Le Fondré of St. Lawrence: .....	12
Deputy J.A. Martin: .....	13
1.2.3 Senator P.M. Bailhache: .....	14
Deputy J.H. Young of St. Brelade: .....	16
The Solicitor General: .....	16
Deputy S. Power: .....	17
The Connétable of Grouville: .....	17
1.2.4 Deputy R.G. Le Hérisier of St. Saviour: .....	18
The Solicitor General: .....	19
Deputy M.R. Higgins of St. Helier: .....	19
1.2.5 Connétable J. Gallichan of St. Mary: .....	20
1.2.6 Senator P.F.C. Ozouf: .....	21
1.2.7 Deputy J.A. Martin: .....	24
1.2.8 Deputy J.H. Young: .....	26
1.2.9 Deputy G.P. Southern: .....	26
1.2.10 Deputy J.M. Le Bailly of St. Mary: .....	27
1.2.11 Deputy M. Tadier: .....	28
1.2.12 Connétable S.W. Rennard of St. Saviour: .....	29
Deputy T.A. Vallois: .....	30
The Solicitor General: .....	30
Senator P.F.C. Ozouf: .....	30
1.2.13 Deputy J.A.N. Le Fondré: .....	31
1.2.14 Deputy A.K.F. Green: .....	34
1.2.15 Connétable L. Norman of St. Clement: .....	34
1.2.16 Senator I.J. Gorst: .....	34
1.2.17 Deputy G.C.L. Baudains: .....	35

<b>1.3 Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – third amendment - proposal under Standing Order 26(7) for matter to be considered at present meeting .....</b>	<b>37</b>
1.3.1 Senator I.J. Gorst (The Chief Minister): .....	37
<b>1.4 Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – third amendment (P.90/2012 Amd.(3)) .....</b>	<b>39</b>
1.4.1 Senator I.J. Gorst (The Chief Minister): .....	39
1.4.2 Deputy G.P. Southern: .....	39
1.4.3 Deputy G.C.L. Baudains: .....	39
1.4.4 Senator L.J. Farnham: .....	40
1.4.5 Deputy J.M. Maçon of St. Saviour: .....	40
1.4.6 Deputy J.G. Reed of St. Ouen: .....	40
1.4.7 Deputy J.A.N. Le Fondré: .....	40
1.4.8 Deputy J.H. Young: .....	40
1.4.9 Deputy M. Tadier: .....	41
1.4.10 The Connétable of St. John: .....	41
1.4.11 Senator F. du H. Le Gresley: .....	41
1.4.12 Senator P.F.C. Ozouf: .....	42
1.4.13 The Connétable of St. Mary: .....	42
1.4.14 Senator I.J. Gorst: .....	42
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>	<b>44</b>
<b>LUNCHEON ADJOURNMENT .....</b>	<b>44</b>
<b>1.5 Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) - as amended .....</b>	<b>44</b>
1.5.1 Deputy E.J. Noel of St. Lawrence: .....	44
1.5.2 Connétable A.S. Crowcroft of St. Helier: .....	47
1.5.3 Deputy A.E. Pryke of Trinity: .....	49
1.5.4 Connétable M.P.S. Le Troquer of St. Martin: .....	50
1.5.5 The Connétable of St. John: .....	54
1.5.6 Deputy S.G. Luce of St. Martin: .....	55
1.5.7 Deputy R.G. Bryans of St. Helier: .....	58
1.5.8 Senator S.C. Ferguson: .....	59
1.5.9 Deputy R.C. Duhamel of St. Saviour: .....	61
1.5.10 Deputy S. Pinel of St. Clement: .....	63
1.5.11 Deputy J.P.G. Baker of St. Helier: .....	63
1.5.12 Deputy G.P. Southern: .....	65
1.5.13 Senator L.J. Farnham: .....	68
1.5.14 The Connétable of Grouville: .....	69
1.5.15 The Connétable of St. Lawrence: .....	70
1.5.16 The Connétable of St. Mary: .....	71
1.5.17 Deputy J.A. Martin: .....	74
1.5.18 Deputy M. Tadier: .....	77
<b>ADJOURNMENT .....</b>	<b>82</b>

[9:30]

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

**PUBLIC BUSINESS – resumption**

**1. Plémont Holiday Village - acquisition by the public and sale to the National Trust for Jersey (P.90/2012) - second amendment (P.90/2012 Amd.(2)) - resumption**

**The Bailiff:**

Now, the Chief Minister has lodged a third amendment to the Plémont Holiday Village proposition which I trust is on Members' desks. So we now return to the debate on Deputy Southern's amendment. Chief Minister?

**1.1 Senator I.J. Gorst:**

Perhaps I could start by adding my thanks to those of other Members yesterday for the great work that the National Trust for Jersey has undertaken [**Approbation**] in endeavouring to ensure that one, if not our unique, north coast and in particular the Plémont Headland, is saved for future generations. But I should not simply thank the National Trust as a body. I would like to personally thank each individual who has either pledged their financial support or who has already given money to the National Trust campaign, [**Approbation**] I know in some cases in the sums of tens of thousands of pounds, and I am very grateful to them for their dedication to this cause. I think I can safely say that without that selfless dedication of those individuals, without those pledges, without that money given, we would not be here today debating the future of the Plémont Headland. One thing I have been certain of from the outset of this course of action is that it is too important a part of our natural environment to simply be left to the decision around a planning application. Yesterday, I asked the States to rise early so that I could hold further talks with the National Trust and that is what I did. Perhaps I should remind Members of what I said in the amendment to the amendment yesterday. The National Trust's initial offer of £2 million was based on a pound for pound approach based on their independent valuation, a model, as we have heard, which has been successfully used in the past, for example, when it came to repairing La Rocco Tower and others which were cited yesterday. Unfortunately, it seems to me that this amendment is about the transfer of risk not the sharing of risk, which is what the original proposition sought and seeks to do. Some Members would like to make the decision to save Plémont but to simply ask the National Trust to pay for it. I do not think that that is appropriate. Yesterday, the National Trust's financial position was made clear in the opening amendment debate and I can confirm this morning that that position has not changed. They are not in a financial position to be able to take such a loan. We heard yesterday that they are already in a difficult revenue position. They also confirmed from their own perspective that fundraisers and charitable organisations find it incredibly difficult to raise money to pay off loans and while that may seem strange to some Members, and comments were made yesterday when I made that point, they reiterated that to me and I believe that they are the experts in raising charitable donations and running a charity and we have to accept their position in this regard. So if we were to loan them the money, they would be left in that very difficult position of finding it difficult to raise money to pay off that loan, so much so that they stated during our talks last night that they would rather be asked to contribute a potentially larger amount now than to take a loan. Therefore I am pleased to say, as Members will see from the amendment which was placed on Members' desks and I will be asking Members to consider later in this debate, that they have agreed to pay 50 per cent of any consideration up to the value of £3 million. Alongside that, they will still raise the required just over £1 million for the demolition, removal and restoration of the headland so I do not think that any Member can doubt the National Trust's commitment and the individuals who have already pledged monies' commitment to this project. They are quite willing and have shown themselves to be prepared to share the risk with the

States and with the taxpayer at large and I thank them for that. **[Approbation]** I believe that it also shows that the National Trust have understood the difficult decision that Members are being asked to make. They were quite clear that they cannot provide a commitment to deal with a loan for the full amount. As was said yesterday, in their view, it would risk the National Trust for Jersey's future and that is something quite rightly they are not prepared to do. Finally, they also confirmed to me that they had indeed tried to contact the mover of this amendment but without success and therefore I ask Members to reject this amendment.

**Senator S.C. Ferguson:**

Just a point of clarification. In the amendment that the Chief Minister has brought to the proposition, he talks about 50 per cent of any consideration paid to the owners up to a maximum of £3 million. The way he explained it in his speech did not quite sound like that so I wonder if he would mind explaining it again, please?

**Senator I.J. Gorst:**

I am sorry if I was not clear. I am sure Members will appreciate that I am still not quite in top form but having said that, I think the amendment makes it quite clear. It is 50 per cent of any consideration paid to the owners up to a maximum of £3 million.

**The Bailiff:**

I think the question, Chief Minister, was is that £3 million or £6 million? In other words, is it £6 million total consideration of which the National Trust will pay £3 million or ...

**Senator I.J. Gorst:**

That is quite correct, Sir, yes.

[9:45]

**Senator S.C. Ferguson:**

However, the Minister also talked about the raising £1 million to clear the site and I was not sure whether that was being deducted from their £3 million or added to it?

**The Bailiff:**

He said that was additional.

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

Can I ask for a point of clarification?

**The Bailiff:**

Yes, do you want to raise a point of clarification?

**Deputy J.A. Martin:**

Yes, the Chief Minister has just made a speech on this amendment and keeps referring to amendment that is lodged and we have not decided ... it is blind to me as far as I know it is, we have not agreed to take this amendment so every other speech ... you know, I wanted to remind you that you need to read out Standing Order 26(7) **[Laughter]** because at least we know where we are because people are just going to start referring to it.

**The Bailiff:**

It is always very helpful to have the assistance of Ministers. **[Laughter]** Now, Senator Ferguson, have you made your speech?

**Senator S.C. Ferguson:**

It was a point of clarification, Sir.

**The Bailiff:**

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

**1.1.1 Deputy G.P. Southern of St. Helier:**

What a very interesting day we had yesterday and what a very interesting morning we have got now. Before I start, can I say that I am completely unaware of any attempts to contact me by phone or by email, either in the last 24 hours, 48 hours or in the last fortnight since I have lodged and made public what I saw as a compromise motion? On a point... unless it was, of course, the 3 numbers I did not recognise in my phone last night but by the time I got to those at 10.00 p.m., I did not think it was worth ringing back.

**Deputy R.G. Le Hérissier:**

On a point of clarification, did the proposer himself contact the National Trust?

**Deputy G.P. Southern:**

No, I have not. There has been no communication between me and the National Trust whatsoever over this issue. There was, it seems, limited communication between the Chief Minister until last night and the National Trust in recent times. However, let us get to the business. My proposition says and I will just take you Members through the relevant bits: “To request the Chief Minister and the Minister for Treasury and Resources to enter into negotiations with the National Trust for Jersey in an attempt to reach agreement such that the remainder of the consideration being made subject to a loan by the States to the Trust that would be repayable over a period of 10 years and in the meantime to take no steps to initiate the acquisition process until an agreement with the National Trust on the terms set out above has been reached.” So it is a clear loan I wish to extend to them. Why do I wish to do that? Because overwhelmingly, I believe, the Island is split between those who see Plémont as the priority at the moment or an important priority at the moment on which the States should be spending money and those who say of all the things that we have to do, and given all the messages that we have had over recent years, this is not the priority that we should be spending on and there are lots of other things for the benefit of our society that if we are going to spend money, we should be spending on. Not only that but Islanders are suffering in a state of recession and they suggest that this is not the thing we should be spending money on and that is the basic issue. Is this the priority or is it not? Members must make their minds up on that. I know where I stand. I do not believe it is the priority. I believe if we could come to some sort of loan arrangement, we are talking here about a loan to a body that is able to raise £2.9 million now going up to £3 million, £4 million in a very short space of time over this particular issue. It is not saying clean out the coffers. It is not saying there are £5.5 million reserves that have got to be spent. It says fundraise. The body appears to be a very effective mechanism for fundraising. Get on with it, do it, and take this loan. The Chief Minister just spoke at length there as if he were a member of the National Trust and he said their financial position is that they cannot take a loan. They cannot take the risk of that loan. He did not say: “And what is the position of the States of Jersey? Have we decided our spending plans in the Medium-Term Financial Plan?” Yes, we have. Was this a priority in that plan? It was not. Do we have funds, money that we can dedicate to this? I was looking to be hearing from the Minister for Treasury and Resources and unfortunately he missed the bell but let us have a look where he talks about where we might get these funds from. There are 7 items in his Appendix 2 of his comments and he starts with infrastructure investment. “The Currency Fund is available for infrastructure investments but will require repayment and a financial return which is not available with the existing revenue expenditure budgets.” That does not count.

“Reprioritisation of capital programme. The 2013 capital programme has only just been approved by the States and it is not therefore deemed appropriate to vary this approval.” We have made those decisions on capital. “Unspent capital balances, £79.1 million.” Surely we can have a bit of that. “Departments have indicated that there will only be a minor proportion of these balances that may not be required. M.T.F.P. decision made. Use of receipts from asset disposals.” This is the one. At any stage it is suggesting we might be able to spend money where we choose as long as we divest ourselves of an asset somewhere along the line. Oh, if only they had suggested that when we were discussing the Medium-Term Financial Plan, there might have been some very different amendments there. “Total portfolio of £2.9 billion. However, opportunities to rationalise these assets have been considered and the disposal receipts for immediate opportunities have already been included in the Medium-Term Financial Plan and the Long-Term Capital Plan.” No funding there either. “Additional returns from strategic investments.” For example: “The States of Jersey Development Company holds cash balances of circa £6 million but is not in a position to return this presently in the form of increased dividends because the cash is needed to bring forward investments in sites such as the old J.C.G. (Jersey College for Girls) site.” No funds there then either. Stabilisation Fund: this is joyful, this is. There is a defined purpose for the Stabilisation Fund and this is not it. Any proposal to use the stabilisation reserve to fund Plémont or any other such investment would require both an expenditure approval and a change of purpose for the fund. In any event, there is only £1 million available. While we might bemoan the fact that the National Trust is not in a position to deliver Plémont, neither are we. That is the reality. I think it was Senator Bailhache yesterday who was saying we must pay attention to the facts. The facts are we have spent our money. We have allocated our resources. We have done it all. On that list, unfortunately or fortunately, Plémont was not included. We should not be going back and saying: “Here is another thought, let us do this.” We have not got the funding to do it. We have not got the mandate, I think, to do it. It matters not to me whether that is £3 million or £6 million or £8 million or £14 million. The reality is we should not be spending this money. We could be negotiating some sort of loan in order to deliver Plémont if that is what Members wish and if that is seen as the priority, then that decision is to be made. That does not exclude the possibility of 99-year leases on National Trust properties. There are more ways of raising funds than have been discussed in this debate so far. I suppose I do not really want to remind people of what we discussed yesterday because I think this might be the last time I ever come to this House with what I see as a compromise proposal. I may as well in future carry on being hung for a sheep as a lamb, I think, given the way in which this attempted compromise was dealt with yesterday but we come back to the basic issue. I have tried to find a compromise position to enable us to deliver Plémont and not spend. Members must make their minds up on that if that is what they wish to do to attempt. But the issue comes down to ... as Deputy Tadier said yesterday, this is politics and, in fact, it was Deputy Tadier who persuaded me to lodge this compromise because he saw, and I think some people in the Chamber also saw, that there was a danger that those people who wished to save Plémont would have this proposition defeated and he was looking for a softer compromise way in which we might be able to save Plémont and keep to our fiscal targets and strategies and not go back and revisit decisions that we have already made and there we have it, I think. The decision is: is Plémont a priority? Is this a possible way of delivering it or not? If you think that something can be worked out, then vote for this amendment. If you wish to hang your hats on the priority of Plémont and go to the main debate, then obviously vote against it but do not pretend that there is any easy decision to be made today because there is not. The reality is, and I am sure the Minister for Treasury and Resources will back it up, that we have decided our priorities in the Medium-Term Financial Plan and the Long-Term Capital Plan. We have allocated those. Plémont was not on there. If you wish to change your mind and say to that half of the population out there that is saying: “Do not dare spend on this” because there are other priorities and there are other spending

that if you are going to you should be making far in advance of this particular issue. However, if it is your priority, then go to that vote. I maintain the proposition and call for the appel.

**The Bailiff:**

Very well. The matter before the Assembly is the second amendment lodged by Deputy Southern. The appel has been called for. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 16</b>	<b>CONTRE: 33</b>	<b>ABSTAIN: 0</b>
Senator A. Breckon	Senator P.F. Routier	
Senator S.C. Ferguson	Senator P.F.C. Ozouf	
Connétable of St. Clement	Senator B.I. Le Marquand	
Connétable of St. Peter	Senator F. du H. Le Gresley	
Deputy R.C. Duhamel (S)	Senator I.J. Gorst	
Deputy J.A. Martin (H)	Senator L.J. Farnham	
Deputy G.P. Southern (H)	Senator P.M. Bailhache	
Deputy of Grouville	Connétable of St. Helier	
Deputy S. Pitman (H)	Connétable of Trinity	
Deputy M. Tadier (B)	Connétable of Grouville	
Deputy T.M. Pitman (H)	Connétable of St. Lawrence	
Deputy T.A. Vallois (S)	Connétable of St. Mary	
Deputy M.R. Higgins (H)	Connétable of St. John	
Deputy J.H. Young (B)	Connétable of St. Ouen	
Deputy of St. Martin	Connétable of St. Brelade	
Deputy R.J. Rondel (H)	Connétable of St. Martin	
	Connétable of St. Saviour	
	Deputy R.G. Le Hérisssier (S)	
	Deputy of St. Ouen	
	Deputy J.A. Hilton (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy K.C. Lewis (S)	
	Deputy E.J. Noel (L)	
	Deputy A.K.F. Green (H)	
	Deputy J.M. Maçon (S)	
	Deputy G.C.L. Baudains (C)	
	Deputy J.P.G. Baker (H)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Mary	
	Deputy R.G. Bryans (H)	
	Deputy of St. Peter	

[10:00]

**1.2 Plémont Holiday Village - acquisition by the public and sale to the National Trust for Jersey (P.90/2012) - amendment (P.90/2012 Amd.)**

**The Bailiff:**

Very well. Then we come next to the amendment lodged by Deputy Baudains and I will ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

1. Page 2, paragraph (a) - After the words “Appendix 1 to the Report” insert the words “provided that the cost of the acquisition does not exceed £8 million.” 2. Page 2, paragraph (b) - For the words “at a fair and proper price to be agreed by the Minister for Treasury and Resources” substitute the words “for a sum not exceeding £8 million.” 3. Page 2, paragraph (c) Delete paragraph (c) and renumber remaining paragraphs accordingly.

### **1.2.1 Deputy G.C.L. Baudains of St. Clement:**

We have had an interesting debate so far and one wonders where one should start on this. I must say if I could go back to the opening speech on the main proposition yesterday, I was disappointed by that opening speech and I was hoping for more factual information than I received. I seem to recall a certain vagueness and innuendo but a lack of facts. But at least the rapporteur, in my view, clarified the likely cost of the purchase of Plémont because it is no longer the £7.8 million in the proposition. It is around £4 million, roughly the same as the Minister for Treasury and Resources asserts in his comments to the proposition. Senator Ozouf, the Minister for Treasury and Resources, believes it could be between £3.5 million and £5.5 million but I notice Senator Bailhache went a little further. If I remember correctly, he said it could perhaps be £6 million or thereabouts and he went a little further, for which I am grateful, when he admitted that the cost of compulsory purchase was probably unknown. Well, I think I can help both the rapporteur and the Minister for Treasury and Resources. I recall the figure that Senator Bailhache referred to as “laughable”. In my view, it so happens that that figure is fairly accurate. I believe it is the Senator’s estimate that is laughable, which leaves me wondering what is going on here. Is it perhaps a plan to get the proposition through the States and then years down the road after all the legal battles have finished, we end up probably paying a whole lot more than we had anticipated by which time people just shrug their shoulders and say: “Oh, well, we made a mistake all that time back.” I wonder how the estimate that we were given was arrived at. I have my own calculations which I would point out are not the developer’s and I do have a limited experience in this area. The site has planning permission for 28 homes. They are going to sell for just under £1 million each. It is a prime position; they are 4 and 5-bedroom houses so the site value alone for each house is going to be in the order of £250,000, maybe a shade more, meaning that just the area that the houses sit on is worth twice Senator Bailhache’s estimate. These houses are going to cost around £300,000 to build, meaning that the profit per house will be somewhere under £500,000. That is giving us £12 million to £13 million total. Add to that the land value and we are heading towards £20 million. Demolishing the hotel, which has been scheduled to cost millions of pounds, will not cost as much as some people might think because a plant will be on site and aggregate can be recycled for the building of the new houses once the process of building starts. Demolishing the existing structures without building will be expensive. You have already got the equipment on site, you are going to reuse the materials. The concrete will be used for aggregate; much cheaper. So then we add in the legal fees to the compulsory purchase and then I ask myself what will the cost be? Whatever it is, it will not be £4 million. It will be more than 3 times that. That is why, as Members can see from the report accompanying my amendment, I was flabbergasted when I first read Projet 90/2012. I never imagined that the Council of Ministers could bring a proposition to this Assembly asking to commit to purchase something running into millions of pounds, not only not knowing the price but compounding that by offering what is essentially an open cheque. I have to say that if a Back-Bencher had done this, I am sure the Council of Ministers would tear them apart. **[Approbation]** I am also rather surprised to see that the proposition is endorsed by the Minister for Treasury and Resources. He has always kept a tight hold on the public purse for which I am grateful, yet here he is happily agreeing to spend an unknown amount of millions at a time when the world economy, including our own, is in dangerous territory. I can only assume the Minister for Treasury and Resources has been pressured and if that is so, I am afraid I am not impressed. At this point, I would like to make it clear what my amendment is not about. It is not



about whether we agree or not to purchase Plémont. That is for the main debate. My amendment is purely about whether or not it is appropriate for us, as custodians of the public purse, to commit to buying something at an unknown price. We are not talking here about a few hundred pounds or even a few thousand pounds. We are talking several millions and in that event we really need to be, in my view, more responsible. I spoke of open cheques and unknown prices so I think it is appropriate that I explain briefly how compulsory purchase works. We did touch on it yesterday. I certainly did not realise the full implications until the Greffier pointed them out to me for which I am grateful and I have to say I think it is only right that the amount of work that the Greffier does for Members often goes unrecognised and too often taken for granted. I am very grateful.

**[Approbation]** First of all, compulsory purchase would only apply if we were unable to negotiate a price with the owner, which is obvious. The main proposition talks about £7.8 million being the upper end of valuation on page 9 so presumably we would be prepared to pay up to that and compulsory purchase would therefore only be used if the owner believed his property was worth more in which case we would start the process. First of all you serve a first notice on the owner. Then he has 28 days to say what price he is prepared to accept. If we agree, then the process is put on hold and the contract is passed in the usual way. However, if the owner does not reply or names a price we are not prepared to pay, we serve a second notice which sets out the price that we would prefer to pay and gives the owner 8 days' notice that if the offer is not accepted the States will apply for an order to the court to acquire the land by compulsory purchase. At this point, the owner could concede and accept the offer but that does not usually happen. Let us face it. An owner is not going to go to the expense, delay and hassle of compulsory purchase without good reason to believe that his land is worth more than is being offered. After 8 days if the owner has not accepted our offer, we serve a third notice giving the court date for application to acquire the land. We then apply to the court to acquire the land that in turn makes an order declaring it public land and from that moment onward, the process is out of our hands. On that same day, we have to pay 75 per cent of an offer price to the owner and the court establishes a board of arbitrators - independent valuers - who then make a determination of the land value.

**[Interruption]** No, I think the Senator will have time to answer later. If it determines the land is worth more than the 75 per cent deposit made by the States, we are legally obliged to pay the owner whatever the board determines the land is worth plus interest. I cannot overemphasise how important this is because once the compulsory purchase process is started, we cannot pull out. If the valuation ends up more than we would have hoped, I am afraid that is tough. We are legally obliged to pay whatever price the board arrives at because the land is already ours. The court gives us the land and then we pay the price afterwards. So what could happen? Unable to agree a price with the landowner, we invoke compulsory purchase. We tell him we want to acquire the land and ask what he will accept and he says £14 million perhaps, as he has already. We refuse, we offer £7.8 million to £8 million as we have suggested. He does not accept so we go through the process. Having made the application, the court transfers ownership of the land as I have said, sets up the board, and we make the advance payment of £6 million, that is 75 per cent of the £8 million that we were originally suggesting. The board then determines the value. We do not know what this will be but, as I said, we are bound in law to pay it. If, for argument's sake, the board arrives at a figure of £5 million, we lost £1 million because the owner is not obliged to make any refund or if the valuation is, say, £8 million, the States must pay the owner the extra £2 million plus interest. If it is, say, £14 million or £16 million, the States must pay the owner the extra £8 million or £10 million plus interest. I hope Members now appreciate the risks involved with compulsory purchase. As I said, the owner is not going to risk considerable delay, hassle and expense of the compulsory purchase process unless he truly believes his land will be valued a fair bit above the States offer. Unfortunately, as is usual with many decisions that come before this Assembly, it is not straightforward. If it were, it probably would not be coming to us in the first place. The conundrum is this. Without compulsory purchase, there is a risk an unwilling vendor would simply name an unrealistic price and we would never reach an

agreement. I appreciate that but, on the other hand, the process means that we are obliged to pay, as I have said, whatever price the arbiters come up with. Frankly, there has been misleading information over the value of the land. The National Trust and Senator Bailhache have suggested that it is only worth perhaps £3 million or £4 million. If, in fact, that is correct, I am quite sure the owner would be quite willing to accept an offer of up to £8 million and the question of compulsory purchase would not arise. I can only assume that by insisting compulsory purchase is necessary, somebody is playing games here because on the one hand suggesting that the value is £3 million to £4 million while knowing that in reality compulsory purchase is necessary because the cost will be nearer the owner's valuation or even more, I am struggling to understand what is happening here. Of course, those of us who have been around a while will recall the disastrous compulsory purchase of Lesquende. How long did that take to complete? I do not remember, was it 15 or 20 years? Something like that. I believe that if Plémont went to compulsory purchase, it may not take that long but it will certainly take years and cost a fortune in legal fees. Do we really want to go there again? The first legal argument over Plémont would be whether compulsory purchase was a legal vehicle to use in the first place, never mind a moral one. The truth is, as Senator Bailhache said yesterday quite correctly, the opportunity to purchase the site really has gone. We should have done that, in my view, some time ago. The ideal time, in my view, would have been immediately after the owner had made a planning application when there was uncertainty whether he would get a planning consent or not and say: "Look, we are going to offer you this amount." It was not done. So I urge Members to abandon the idea of compulsory purchase unless, of course, you are willing to pay £14 million or more plus legal fees of both sides. Another advantage of my amendment is that it sets a maximum price. By doing so, it sends a signal to the owner, that is the maximum we are prepared to pay and if he is minded to sell, he knows he has to deal at or below that price. On the other hand, if he is an unwilling seller and we invoke compulsory purchase, all I can say is hang on to your hats when you hear the board's valuation. It could be as high as £16 million. I assure Members you can forget that figure of £4 million which I have to say is an insult to our intelligence. If you think compulsory purchase is too risky, and let us not forget it is only for one-third of the site because if we do not purchase we get two-thirds of it for free anyway, then please support my amendment. I propose the amendment.

[10:15]

**The Bailiff:**

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

**1.2.2 Connétable D.W. Mezbourian of St. Lawrence:**

We have just heard Deputy Baudains say that the first legal argument would be 'is compulsory purchase a legal vehicle to use' and I wonder if I am able to ask the Solicitor General to advise the Assembly on the comments on page 10 of the actual proposition. I know we are debating an amendment but it is in connection with what Deputy Baudains said. The comments on page 10 of the proposition are... and it is towards the bottom of the page: "The Law Officers of the Crown have confirmed that compulsory purchase is open to the States in this case." I will just repeat what Deputy Baudains said in his argument for his amendment: that the first legal argument would be is compulsory purchase a legal vehicle to use and I think it is very important that the Assembly is advised by the Solicitor General on this matter.

**Mr. H. Sharp Q.C., H.M. Solicitor General:**

While dealing with that question which arises from the comments in the proposition, can I also at the same time because it is related, deal with the comments in this *Love Plémont but Don't Buy It* handbook, the second and third page which seem to me to contain an assertion that the use of the compulsory purchase powers would be *ultra vires* on the facts of this case, so I would like to deal

with them together because it is effectively the same issue. The position is this. It is, in short, open to the States to use their powers of compulsory purchase in this case. I firmly reject the suggestion and frankly do not see the merit in the arguments advanced in the Love Plémont booklet that in so acting the States would be *ultra vires* and I say that for these reasons. The key issue here is whether or not the States decision is in the public interest and it is for you, the States Members, to decide what is in the public interest and the courts, both the High Court, the Supreme Court in England and, indeed, the European Court, respect the fact that it is you who decides what is in the public interest and they will not interfere with your view as to what is in the public interest unless it is manifestly without reasonable foundation. So you have to look at the context of this case. Article 119 of the Planning Law permits the States to acquire the land if the purpose of the acquisition is one of the purposes set out in Article 2 of the law. Those purposes include the improvement of Jersey's natural beauty and in particular, to ensure that the coast of Jersey is kept in its natural state. I invite Members to look very carefully at that picture on the wall. I have to say as a lawyer, if I was asked to argue whether or not that picture or the realisation of it was in the public interest or whether that was well within the margin of appreciation that is afforded to you in deciding what is in the public interest, I would feel on very firm ground indeed. I remind myself that the Inspector for the purposes of the planning application described this area as one of the most isolated and sensitive areas in the Green Zone and, indeed, the European Court of Human Rights recognises that environmental aims or protection of the environment falls well within the sort of categories of public interest that the States can look to and take action about. So the first and primary key issue is what is in the public interest. If the States decide to do this, then, as I say, as a lawyer, I would feel on very firm ground that the courts would respect your decision. The other thing to bear in mind, I suppose, is that the action to be taken must be proportionate. That is to say, a fair balance must be struck between the interests of the general community and the requirements of the protection of the individual's rights, that is to say the landowner in this case. It is important to note that we are not talking about the removal of someone from his or her home. What we are talking about is a commercial landowner who is seeking to develop the land for profit and the community's interest, if you feel it is so, in returning that land to its natural state so as to enhance the northern coast can, in my view, be properly balanced against the developer's interest by the payment of compensation which ultimately the landowner's right to is properly protected by the statutory procedure which requires that an independent board will assess the right level of compensation if there cannot be agreement. Therefore I do not, I am afraid, accept what is written in this booklet which is rather short on legal analysis and indeed authority. I do not accept at all that if you were to act and use your compulsory powers, you would be acting *ultra vires*. That is not to say that someone will not be paid to stand up and say these things in a courtroom. I have no control over that. All I can say is that I do not see the merit in what is being said.

**The Bailiff:**

Were you rising to speak?

**The Connétable of St. Lawrence:**

No, Sir, I wanted clarification and I thank the Solicitor General.

**Deputy M.R. Higgins:**

Sorry, it is not a speech, Sir, it is about the Solicitor General's speech. I believe that he crossed the boundary between legal advice and making a pitch on this particular proposal. The question that was asked was about the legal process of compulsory purchase. I was going to ask a follow-up question to ask that very question. He volunteered the information, he came forward with that as the first one rather than the compulsory purchase. I believe he has put the case for Law Officers not being present in the States.

**Senator L.J. Farnham:**

I would like clear advice.

**The Bailiff:**

Deputy Higgins, I have to say from the Chair that I cannot accept that. The question from the Connétable of St. Lawrence was whether the compulsory purchase, if used, could be challenged and the Solicitor General answered that very point.

**Deputy M. Tadier of St. Brelade:**

Can I ask a question? The Solicitor General said that obviously there is an area of subjectivity and it could be challenged, for example, and upheld I think is where we are going, if a decision were manifestly unfair. So, for example, if the States decided in the public interest to buy all the property in Jersey and then return it to, I do not know, redistribute it in that way, that could possibly be challenged. Does the Solicitor General agree that a different lawyer acting for the client could make a case that subjectively speaking, this sets a dangerous precedent because any property on the north coast, which I think is what the developer was saying yesterday, could therefore be compulsorily purchased and that would also be a test case for public interest versus the human rights of the individual property owner which is a qualified right as well?

**The Solicitor General:**

Human rights principles are applied to the facts of the particular case before the court and each case will be considered in its own facts and I repeat that the courts will show great respect to what this Assembly thinks is in the public interest and it seems me another lawyer challenging whatever decision is taken, if there is a decision taken, would have to show that your expressed view was manifestly without foundation or somehow irrational or well beyond the wide margin of appreciation that is afforded to this States Assembly and other Parliaments around the world.

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

Could I ask a question of the Solicitor General please? You have given us, I believe it is your opinion, is it not Solicitor General? It is not ... it is an opinion of where we would be. It is not hard and fast.

**The Solicitor General:**

I think I have said 2 things. Firstly, I have offered you my view of how I would feel if I were presenting the position in a courtroom if you took a decision to exercise a compulsory purchase power and I have expressed a view as to where I see the legal merits of the case. That is my view, that is right, but what is not my view and what is simply a matter of law which is not subject to debate is that there is a wide margin of appreciation that the courts will afford the States when it comes to consider what you think is in the public interest. The court is not going to rush in to substitute its own view unless, as I say, something has gone manifestly wrong. That is not my view; that is settled law.

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

Can I also ask a question of the Solicitor General? It is really just to, I think, reiterate or possibly pick up on his comments that he made to Members, I believe on Monday, which is in relation to the process of compulsory purchase. That if an amount has been agreed upon as a result of the board process, that after that it is the only ... could he clarify on the process that happens that it can basically only go to judicial review? Given the comment that was made earlier, can I also thank him for bringing to my attention a clarification on a matter of what I would consider legality and

the fact it was erroneous in the stuff that was circulated to Members. I think it was right for him to bring it to our attention.

**The Solicitor General:**

I am sorry, can I just seek clarification? Am I being invited now to describe the appeal or legal procedure that may follow? Can I just seek clarification on that?

**Deputy J.A.N. Le Fondré:**

I think it was the points on which an appeal could arise and if it helps I believe ...

**The Bailiff:**

The question, Deputy, is if the States do not like the sum awarded by the arbitrators, is there anything they can do about it?

**Deputy J.A.N. Le Fondré:**

I think it was if the other party did not like ... yes, if any party did not like the sum.

**The Bailiff:**

Or if the other party, alright.

**The Solicitor General:**

Yes, there is a very limited right of appeal. It is a statutory right of appeal to the Royal Court but it is not a new hearing. You do not get to revisit the evidence. The Royal Court will not intervene if, for example, a figure of £4 million is agreed by the board and you think it should have been £4.3 million or it should have been £3.8 million. The Royal Court is only going to intervene if something has gone badly wrong, for example, that the board reached a view that there was simply no evidence to reach the decision that the board, in fact, reached. So it is a very limited right of appeal and it is a final appeal because in the statutory process, the law is clear that once the Royal Court has heard that appeal, there is no further appeal to the Court of Appeal or the Privy Council. I should apologise to States Members. When I spoke at Monday's meeting, I did mention the possibility of judicial review and while that is, in theory, still a prospect, I have thought about it some more and it seems to me that, in fact, there really would not be a judicial review because the Royal Court would refuse such an application because of the existence of the statutory right of appeal and where there is a statutory right of appeal, the courts tend to tell the litigants that they must use that appeal. So although in principle it is possible, in reality it is not going to happen. You will have to go through the statutory appeal mechanism. As I say, it is a very limited appeal mechanism and it is final. You do not go further up to the Court of Appeal and Privy Council.

**Deputy J.A. Martin:**

I did have a point of clarification from the Solicitor General. When answering the first question, he stood here as a lawyer and looking at that picture he could in law say that they are protecting Jersey's coastline but would he not agree, looking at this picture, and it is a picture ... we do not have the developer's picture, the houses are that far back we could still be looking at the protection of Jersey's coastline. I am only putting ... would another lawyer for the developer not put that because either development protects. You get the same picture. I am just asking if the other case, that would not pass the public interest test.

[10:30]

**The Solicitor General:**

Yes, thank you for that question. That was raised with me yesterday morning and I gave it some thought overnight. I think, if I may, I would like to start with what the Inspector said for the

purposes of the planning application. The Planning Inspector noted that the locality is not just in the green zone but is in one of the zone's most isolated and sensitive areas. He then said this: "I have reached an overall finely-balanced conclusion only after considerable thought. Taking everything together into account, my advice to the Minister is that, as enabling development to remove the existing complex and repair the escarpment landscape, the present proposals just overcome the objections and could, in principle, be adjusted." So while I recognise, of course, that the proposed development if it took place would be an improvement, it is right to say that on the basis of the inspector's conclusions it may be something of an improvement but you are still, on one view, swapping what is there for a housing development in a very sensitive area. If I may say, the inspector's conclusions are not full of enthusiasm for what is proposed to replace the existing structure and so, in my view, you are still within that broad band of what is in the public interest. Indeed, there is European case law which I looked at yesterday that stated that the availability of an alternative means of achieving the aim does not of itself render the act of compulsory purchase unjustified, so long as the method chosen remains within the States margin of appreciation. In my view, you are still within the margin of appreciation.

### **1.2.3 Senator P.M. Bailhache:**

I am very grateful to the Solicitor General for that very clear explanation of the principles governing compulsory purchase and I think that we may have to come back to him because Deputy Baudains has turned himself into an expert on the compulsory purchase procedure, but I am afraid that he needs further instruction and I will come to that later on. When this amendment was lodged, some Members may have been attracted by the notion that a cap should be put on the purchase price of Plémont. What Deputy Baudains said in his report was: "It is clear that should the States decide it wishes to purchase the site, there must be a limit to the amount of taxpayers' money used. Such a limit would not only be a protection of our finances in these turbulent financial times, but would indicate to the owner that this would not be the usual 'name your price and we will pay it' that has been the byword for States purchases for so many years." Deputy Baudains named the limit as £8 million. But his amendment also removes the ability to proceed to compulsory purchase. Life has moved on since Deputy Baudains' amendment was lodged and, because Deputy Baudains is usually a practical and pragmatic Member of the States, I am surprised that he has not withdrawn his amendment. If the States adopt the Chief Minister's proposition, there will be a negotiation with the owner. We have told the owner what we think is a fair price. We have put into the public domain the valuation figure of £4 million. What we have not said is what our negotiating limit is and to disclose your negotiating limit to the other party is just not sensible. If you are negotiating to buy a house, you make an offer that you hope will be accepted. From the owner's perspective, he will want to force you to increase your offer, but he does not know how far you will go before you walk away. If the owner knows your limit, he will compel you to go to that limit. Why should the States pay £8 million to the owner when we have been advised professionally that a fair value is £4 million? To tell the owner what your negotiating limit is is rather like poker players dealing out the cards, one player then showing the other player his cards and then saying: "Oh, what are we going to bid? Let us play." It is just not a sensible procedure. Deputy Baudains suggested that our limit in negotiation was £7.8 million; that is just not right and that is not in the Chief Minister's report and it is not what I said when I opened this debate. £7.8 million was the upper limit of the valuation that the Chief Minister had at that stage received; it has got nothing to do with what the negotiators might be prepared to negotiate. That is why compulsory purchase and the authority to move to compulsory purchase is vital. Between reasonable people prepared to negotiate a sensible outcome it is usually possible to reach agreement. Attitudes may change if the Chief Minister's proposition is adopted but I must say that at the moment the prospects for a negotiated settlement do not seem right. I have done my best to engage with the owner and, as I said in opening, I have written to the owner on 3 occasions. The

last letter that I received from the owner indicated that he wanted to wait and see what the outcome of the planning inquiry was. Well, we now know the outcome of the planning inquiry, we know the Minister's decision on the planning application, but the owner at the moment is not prepared to negotiate. The owner's agent has not given much cause for hope either. He has, as I have said, misrepresented a large number of crucial facts; he has consistently talked about a figure of £14 million; at one stage saying it was worth £14 million with or without planning permission, which seems to me an extraordinary proposition, and, more recently, has talked about £16 million. I suggested at the public meeting on 5th January that that figure was in the realms of fantasy, and I maintain that view on the basis of the professional advice that the Chief Minister has received. £14 million - and it is important to nail this so that Members understand how the owner has arrived at that figure - was a figure based upon the price paid by the States for the Bel Tabarin site. A price of £800,000 was divided by the number of square metres to arrive at a price per square metre, and that figure was then multiplied by the number of square metres at Plémont. No professional valuer of any competence would adopt that approach. The valuer instructed by the Property Services Department told us on Monday that he would not adopt that approach. The value of land depends upon what you are permitted to do with it. If you can build 28 houses, it is generally worth less than if you can build 36 houses or more than 100 houses. The owner's agent then changed tack and, indeed, adopted a very similar approach to the one that Deputy Baudains adopted in his address this morning, and gave another justification for the figure of £14 million. He said that the houses would sell for an average of £900,000, Deputy Baudains has increased that to £1 million, and that the site value for each was £300,000, Deputy Baudains brings that down to £250,000. But whether Deputy Baudains is right or whether the owner's agent is right, that seems to me to be a spectacular own goal. I do not accept these figures, but 28 times £300,000 is £8.4 million. If you deduct £1.1 million for removing the ruins with the asbestos and another £1 million for the planning obligations that the Minister has imposed, you arrive at £6.3 million which is, ironically, quite close to the valuation which the owner denies having received. What the owner's agent has done, and what Deputy Baudains has done too, is to add in the developer's profit, another £8 million, to the value of the land. But developer's profit has got nothing to do with the value of the land, either in law or in practice or in logic. Developer's profit is something that the developer receives in exchange for all the risks associated with the development that he undertakes: the risk that the site conditions will be different or that building costs will increase or that the houses will not sell; a material consideration at the moment bearing in mind the number of houses of this kind which are on the market at the present. Suppose that Plémont Estates Limited wanted to sell the land to Dandara - and rumour has it that the land is being marketed at the moment - do Members think that Plémont Estates would be able to extract a price for the land that would include the developer's profit? Of course not. Dandara, or any other purchaser, would want that for themselves in exchange for all the risks associated with the development. We are concerned, and any board of arbitrators would be concerned, with the value of the land and not with the developer's profit, which has nothing to do with the land value. That is the advice, very clearly, of our professional valuer and, if I may say so, it is obviously right. Nobody likes compulsory purchase and a number of Members have told me that they are unhappy about the prospect of moving to compulsory purchase, and it is true that in Jersey it is rarely used here. It is very frequently used in the United Kingdom. I must say that I find compulsory purchase less offensive in this context than in the context of a kind of case where a land owner has a garden and the highway authority wants to widen the road for reasons of safety and it is necessary to take away a part of that front garden. That, I think, is offensive and that is something that needs to be ... Deputy Vallois is looking very puzzled, but it seems to me that it is offensive, perhaps it does not for her, but it is offensive and it is something that an Assembly would have to think about very carefully.

[10:45]

But this situation is different: the power to acquire land by compulsory purchase under the Planning and Building Law was put in for precisely this contingency. The contingency is that there is a wish to acquire a headland of incredible beauty in order to keep the coast of the Island in its natural state, and I quote from the law; and there is a risk that the owner will hold the States over a barrel and not be reasonable when it comes to agreeing a fair price. How great is that risk? On present evidence, it seems to me quite high. I have been, frankly, taken aback at the vehemence which the owner has demonstrated in promoting his opposition: full-page advertisements in the *Jersey Evening Post*, inviting Members to go to the public meeting to oppose the Chief Minister's proposition when it was to be explained, numbers of staff at that meeting handing out leaflets. It is almost as if the owner is determined, come hell or high water, to build on the headland at Plémont. The owner's agent was quoted last week on Friday as saying that his client was immensely frustrated, and on Saturday he was quoted as saying that he is not going to accept, 4, 5, 6, 7 or £8 million. That is why it is necessary, if the Assembly wishes to acquire Plémont, to authorise compulsory purchase powers. Without them, the wish of the States to acquire at a reasonable price will be thwarted. This seems to me to be a one-off situation. Occasions like this happen very rarely; it is a once-in-several-lifetimes opportunity to buy the headland and compulsory purchase is, regrettably, the only way in which the owner will be brought to the negotiating table. If this amendment is accepted, there seems to me to be 2 possible outcomes: one is that the housing development at Plémont will take place and this unspoilt part of our north coast will be destroyed for ever; the other is that the States will be driven to pay far more for Plémont than it is, in fact, worth. Neither outcome is satisfactory. The owners bought this land in the Green Zone as a speculative investment; they hope to get development permission to build a larger number of houses. When you speculate, you win some and you lose some. I do not see it as part of our function as a States Assembly to ensure that this speculative investment pays off or, as Deputy Baudains very accurately put it in his report, that the speculator can name his price and we pay it. If Members want to acquire Plémont at a reasonable cost, this amendment should be rejected. **[Approbation]**

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

Sir, could I ask for clarification from the Solicitor General on a point that the last speaker made? The last speaker said that developer's profit would not be allowed within a compulsory purchase and I would like to know if the Solicitor General could advise whether there is a risk that the developer will contest that a profit that he is deprived of and not made should be paid for in a compulsory purchase price. Could he clear that point up, please?

**The Solicitor General:**

Yes. The developer's hope to make a profit is not a relevant consideration. The land is to be valued on the basis of a hypothetical open-market sale by a willing seller on the date of vesting and the value of the land is assessed only by reference to all its attributes, including, of course, any planning permission that attaches to it. But I repeat: a developer's hope of profits is not relevant.

**Deputy S. Power of St. Brelade:**

This is a question for ...

**The Bailiff:**

No, I thought I had seen you indicating you wished to speak.

**Deputy S. Power:**

No, Sir, I wanted to ask a question before Senator Bailhache spoke, but you did not see my light.

**The Bailiff:**

Oh, I see. So you want to ask a question of the Solicitor General?



**Deputy S. Power:**

Yes, please.

**The Bailiff:**

Very well.

**Deputy S. Power:**

It is for clarification from the Solicitor General. The Solicitor General quoted the Planning Law, Article 2, where it says: "The purpose of the law is to preserve, protect and improve Jersey's natural beauty, natural resources and general amenities, its characters and its physical and natural environments." In the proposition as it stands, one of the conditions that the proposition makes states that: "The basis of the application for compulsory purchase would be made under Article 2(2)(d), ensuring that the coast of Jersey is kept in its natural state." The issue I have and the clarification I need from the Solicitor General is this: that the definition of "coast" under Jersey Planning Law is not defined. The site, as such, is defined as "interior agricultural land" and, as such, is included in the countryside character appraisal. The Solicitor General will be aware that none of the site borders the sea and the site as it stands is not in its natural state.

**The Bailiff:**

Are you coming to your question, Deputy?

**Deputy S. Power:**

Yes, Sir, I am. I am trying to put my question in context, Sir, and it is legal stuff that I am not brilliant at. The inspector's report also found in his paragraph 191 that the site occupies former agricultural land rather than the natural uncultivated escarpment. So my question to the Solicitor General: would he not agree that if this were to go to a court of law, in Jersey or elsewhere, that this would be a serious point in terms of the interpretation of Jersey's Planning Law?

**Connétable D.J. Murphy of Grouville:**

Sir, can I just add on to that?

**The Bailiff:**

No. Let just have the question and answer first, please, Connétable.

**The Solicitor General:**

The question that has just been put to me is in fact a recital of arguments that can be found at page 4 of the Love Plémont guide, and it is really towards the bottom of those legal arguments. I have to respectfully disagree with what has just been said. Article 2 is quite clear that the purpose of the Planning Law is to conserve, protect and improve Jersey's natural beauty. Again, I would express this view as a lawyer if I was asked to make the point in court, but if one looks at that picture, it is very difficult to suggest that if that was achieved you would not be improving Jersey's natural beauty. I regard the argument about the coast to be highly technical and not, in my view as a lawyer, of merit. If one again looks at the picture, it is very difficult to say that you are not considering the coast or the coastline. But if I am somehow wrong about that, then I have no doubt at all that the overarching purpose of Article 2 renders this argument otiose.

**The Connétable of Grouville:**

This is following on for the Solicitor General. This land at the moment has a hotel user or a commercial user on it, I believe, even though planning permission has been given for development. Therefore, one would assume that with a commercial user there, the arbitrations will surely take into account the fact it is there to be used for profit, therefore, I would just say to you that the use of

the land is for profit, whether it be for development or, in fact, for the original use, which was, of course, hoteling.

**The Solicitor General:**

If I have misunderstood the question, please tell me, but the fact remains that when the board come to assess the value of this land, they will look at the land and decide hypothetically if there was a willing seller, what would that willing seller get for it on the open market, having regard to all the attributes of the land. I quite accept that if it has got planning permission, that may be a factor in the price, but the sort of hopes and aspirations of profits at the end of the day are far removed from what is relevant to the market value.

**1.2.4 Deputy R.G. Le Hérisier of St. Saviour:**

I again have been very seduced by Deputy Baudains' proposition in the sense, some of us were certainly initially seduced by Deputy Southern's, and it follows on the lines that this is perhaps a way of rescuing us from ourselves, it now seems. I think one of the big issues that has arisen - and it was manifest in Senator Bailhache's speech, maybe unconsciously - is people are asking the question: "Have we exhausted all possibilities?" I was very surprised at the hard line Senator Bailhache took; it may well have been a reflection of his exasperation with the process to date, but I am not sure a letter unanswered from Senator Bailhache to the developer - admittedly preceded perhaps by others - amounts to an exhaustive look at all the procedures. I am very surprised to hear that from the highly-esteemed Senator because when he was in the judiciary, of course, he was very identified with the introduction of mediation as an alternative, the kind of conflict resolution and confrontational styles that we sometimes get when cases escalate that far, and I will be asking the Solicitor General about this issue. I would have thought that is an area where we need to be totally assured that all options have been fully explored, putting aside the inevitable emotion you get, putting aside all the theatrics you get around these issues and all the postures that people adopt at various stages and which can sometimes be dealt with and sometimes cannot be because they lead to intransigence. I would have thought we need much more reassurance in that area. The other issue that has worried me, and I think it was mentioned by Deputy Baudains is - as somebody who wants this to go ahead but quite frankly is struggling, as I have said a few times - this issue of where the Minister for Treasury and Resources is. Some of us have been reluctant conscripts in his call for cutbacks and austerity and we have been, perhaps reluctantly, carried along in the vanguard of his campaign, but here he is saying that: "If the House instructs me, I will have to find the money." To the public, this is unbelievable, the cognitive dissonance that they are experiencing around this. Are we or are we not in a cut-back era, in an era of austerity? I think reasonable people will say, other than the people who are absolutely intransigent on either side of the argument, people who are looking for compromises... and that is what I think we have been trying to... but it is very difficult in a room with 51 people in a very public setting to deal with all the nuances of compromises, and seeking compromise. They are saying: "Well, what other financial models are there?" I thought, for example, Senator Bailhache made an excellent speech in terms of pound-for-pound funding. Unfortunately, that was not the proposition in front of us, but he did make quite a good case for that. It just happens that we are not looking at that. But that again would have been agreeable and, of course, in a sense, it is reflected in the Chief Minister's very last-minute amendment to an amendment. I think people want to see that and, as I said at the very early stage, that is what has been missing: a review of the different financial options. I cannot believe, unless he is doing it through gritted teeth - which I suspect he is - that the Minister for Treasury and Resources is happy with a proposition which focuses simply on one approach, and it is essentially the nuclear option.

[11:00]

I would have thought he would have wanted a more graduated approach, he would have wanted the options his civil servants would have asked... for the options to be laid out so that we could have discussed them, or Scrutiny could have examined them, or whatever, rather than saying: "Look, we have reached this point, we have got to go for the nuclear option, we obviously hope we will never [as was the case with nuclear options] have to exercise it, but it will concentrate the mind." I do find that incredibly worrying. So to sum up, I would have wanted - and this is where I have a lot of sympathy with Deputy Baudains- a proper review of the financial options; I would have wanted evidence that there was a real dedication to something like mediation, and we know by its very nature it is an up and down process, that is the way these things work. Thirdly, why I was seduced, although I understand there are technical objections, and I will wait to hear from another speaker on this, the public is absolutely horrified at the open-ended nature of the obligation into which we may well be entering. A lot of people want this to work, but they are very horrified. On that basis, I wonder if I could ask 2 questions of the Solicitor General: if an appellant arguing against compulsory purchase were to say: "There is evidence that not all approaches have been exhaustively dealt with" would they have serious grounds for appeal? Secondly, could an appellant say: "Well, okay, this can be tested on the facts of the case, if I was to bring forward other comparable situations where decisions have gone differently than this decision has gone"?

**The Solicitor General:**

No. I believe that I may have already answered the first question. The courts are quite clear that so long as the States are acting within their margin of appreciation and what they are doing is proportionate, they do not have to show that they have exhausted all other avenues. In respect of the second question, it really comes back to the same point: unless the appellant can show that these other cases somehow demonstrate that the States decision in this case is manifestly without a reasonable foundation, then other cases, it seems to me, are of little or no relevance.

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

Sir, can I just follow up on that? Could the Solicitor General just explain for us all his versions of proportionality, what he believes the court will take into account in proportionality? Would they not consider, for example, that we have looked at the other alternatives before we take, as has been said, the nuclear option?

**The Solicitor General:**

I can simply repeat what I hoped I had said a little earlier: that proportionality requires there to be a fair balance to be struck between what is in the interests of the community and what is in the interests of the individual whose rights are being affected. In the context of compulsory purchase, the key factor in striking that balance is normally whether or not a fair price or a reasonable price will be paid in compensation for the interference with the rights. As I say, if there are alternative methods, they may be a factor, but it is not necessary to exhaust all other avenues. On the facts of this case at the moment, as I presently understand it, there is no attempt to negotiate; what there is in this booklet is a series of very bold statements that appear to suggest there is very little room for any compromise at all. So on the face of this document, the Love Plémont document, it is difficult to see, as a lawyer at least, how the States can be criticised for going down this route.

**The Bailiff:**

Is there a hearing aid or something going off? Is this coming from the gallery? Has somebody got a radio on? If you would not mind turning it off, Madam, because it is interfering with Members here. Very well. Then we come next to ... are you wanting to speak or ask a question?

**Deputy J.H. Young:**

I would like to speak, Sir.

## **The Bailiff:**

Yes. I will put you on the list, Deputy, but I have seen next the Connétable of St. Mary.

### **1.2.5 Connétable J. Gallichan of St. Mary:**

I am glad to be able to get my tuppence worth in early. Firstly, I would like to thank the Solicitor General; he has given, as usual, a very good clarification of the legality of compulsory purchase. He has opened up the issue of defining the public interest, and I think I have got something to say on how I will be weighing-up my interpretation of that, but it is probably better, I think, held off for the main debate. But I have to say that in many respects, like Senator Bailhache, I really deplore the use of compulsory purchase in all but a very narrow group of circumstances and, on the basis of that, Deputy Baudains' amendment to me is very attractive. However, I have got to look behind why I find it attractive, and it is the same thing that I said yesterday, I think: the Chief Minister's original proposition, whether or not we then take the third amendment and look at it slightly differently later on, is a very important decision, it is a very difficult decision for us all to make. On that basis, I must make a comment on something that Senator Bailhache said, that he was astounded by the vehemence of the property owner and almost, I felt, at the audacity to call a meeting and invite States Members to hear what he had to say. I have been lobbied relentlessly, as has I am sure 50 other Members of this Assembly, by members of the National Trust, who are here today. I have received lots of cards, I have seen every time I have driven home enormous hoardings and absolutely, that is perfectly right, I do not have a problem with that at all, but neither do I have a problem with the other side, as it were, giving me their information, some of which has been dealt with already in discussions in legal arguments here today, but unless I had had that given to me, I would not know what I was looking at. I just think it is astounding. I said to the Chief Minister last week: "I am looking forward to your public meeting" and he said: "Oh, are you coming to that?" and I said: "Absolutely. I want to hear both sides of the story." His response to me was: "Well, you are not going to get them from me, I am only going to tell you about my proposition." Fine, absolutely fine, but let us not knock the "greedy developer" for his ... and I am sorry for anybody listening, there were inverted commas around that phrase. **[Laughter]** It probably does not come over very well on the audio. But this is a hugely important decision for everybody and let us have everything. I was pretty cheesed off last night to hear about last-minute talks and, you know finding: "Had X spoken to Y?" This is something that is so important. We are grown-ups, we should have been dealing with this weeks ago and we should have had it all in the public domain. I think that is very important. Give me all the information, allow me to decide what I am taking on board and what I think is right and what is wrong, and I will make that decision. I thank again everybody who has contacted me, even the ones whose letters I thought were pretty near the knuckle, to be honest, on things they said about one party or the other. But everything helps me make my decision, I think everything is important. But coming back to the importance of this decision, it is difficult for us to make... and I think we are still clutching at straws, to sweeten that decision, that give us an option to say yes to this but: "I do not want to do that." The Chief Minister came with a proposition, and now perhaps a slight amendment, that hangs in one cohesive way. I do not like compulsory purchase and my nature is to vote with Deputy Baudains, but I cannot for the simple reason that, as Senator Bailhache said, the way the proposition is structured, if you take out the compulsory purchase, it is very difficult to see how the negotiations are bordered. I really want to get through this and I want to deal with the big issues that surround this and the way it has been handled; surround the future; and surround our scarce resources environmentally and, let us be honest, financially. I want to hear what the Minister for Treasury and Resources has to say about the big picture. I want to get to the bones of this and I want to reject this amendment and move to the proposition. Let us have the big debate. We will hear why probably, if I can bore you long enough, I think various things like the public interest is made up of more than just returning the headland to nature. It is not a virgin site now but let us

forget that nuance, let us talk about the whole picture and let us get to that. It is a hard decision for me, but I am ready to make it.

#### **1.2.6 Senator P.F.C. Ozouf:**

I stood back for my position as Minister for Treasury and Resources just over 12 months ago and I gave an undertaking that I would work with the Council of Ministers, with Members, and that I saw my role as finding solutions and, indeed, options for Members in their aspirations, in their political priorities. I said that there were going to be difficult decisions, but there was also a need and an importance for us to make long-term decisions. I believe that this is a difficult amendment because, effectively, it tries to make light of the fact that we do need to make a short-term decision. I understand why Members are being pressured, they feel difficulty in making a short-term decision which effectively has very long consequences. I am so acutely aware of the extraordinarily strong views that are held either side of that. In the remarks where I said that I needed to, as Minister for Treasury and Resources, try and find a middle way, a solution that met both sides, I am acutely aware that there is an almost visceral debate about those people who believe absolutely that we should be protecting Jersey's countryside and, in fact, we should be doing a great deal more in order to protect not only Plémont, but many other areas. There are many very strongly-held and passionate views by members of the National Trust that believe that we should be doing an awful lot more in terms of protecting coastal. They do not want to see development on Plémont and, indeed, everywhere else. I am sorry, I cannot deliver that; I can deliver some things. I also understand that there are - and this is at the heart of, I think, the well-intentioned motivation of Deputy Baudains - others that are absolutely saying: "Senator Ozouf, Minister for Treasury and Resources, not a penny of money goes into Plémont. Not a penny of my public money must go into that." Those are the extremes. There are others who are wanting to genuinely find a solution that respects the fact that the National Trust has come forward with £3 million and that want to limit the States exposure and are genuinely concerned with what they have heard in the public domain in terms of the risk of signing up to a proposition if the Chief Minister is successful in having his 50 per cent up to £6 million, effectively exposing the States Members to the figure over £3 million. I do not think I have been faced with the extent of any lobbying on any issue almost since the introduction of G.S.T. (Goods and Services Tax) on this. Those are the extreme positions that we are taking, and that is why Members' hearts are racing, they are really struggling with this, and I can understand why. My job, certainly in this amendment and this debate, is to be absolutely straight with Members about what the financial consequences and what the risks are and, indeed, whether or not it is possible. Because I am not sure whether Deputy Baudains is going to take his proposition in parts, I assume that it is a package and that he is suggesting that we need to put this cap up of £8 million, and then he is taking out the compulsory purchase. I need to address both those 2 issues. I am very concerned about risk ...

#### **The Bailiff:**

Senator, can I just intervene just to clarify for Members, because it seems to me that the matter has to be taken as a package.

#### **Senator P.F.C. Ozouf:**

That is helpful, Sir, because then I will address both of those issues. I am very concerned about risk and I am only supporting the Chief Minister's proposition because I am satisfied that, with the information that I have, I can take a risk, which is a risk which I can justify and I can stand by, and I could face the consequences if I have made an inappropriate risk. That is why, and I have been criticised on this, we have worked as quickly as possible. I procured a valuation, which was a valuation based upon the planning consent, based on the Red Book valuation and based upon what, effectively, a valuer could submit to a board of arbitration in the event of a compulsory purchase.

[11:15]

Regarding the valuation itself, while the summary is there, I am sure Members have seen there is a Blue Book - it is the Red Book valuation - valuation there for Members to inspect in the coffee room. If they want to have a look at it, they can have a look at it but, effectively, the summary is there. I have spent a number of hours, as Members would expect me to do, in really examining this valuation and, indeed, considering the other valuations that Property Holdings have done. I have stress-tested to the extent that I think that Members would expect me to do to say: "What is the worst-case scenario? What could another valuer, based upon what the Solicitor General has already addressed us ..." and, indeed, if there are other questions that either I or the Solicitor General can ask about the methodology and the modalities of the way that the valuation approach that board of arbiters could take, it is important that Members understand that and that they get some comfort on that. I have stress-tested that valuation and I asked the valuer, and he was not particularly happy when I pressed him. I am not as able a lawyer as Senator Bailhache, you, Sir, or the Solicitor General, but I at least can ask questions, and hard questions, about tolerance. I was told by the valuer that in his opinion there was a certain margin of error that was possible to be attributed by that valuation in relation to C.P. (compulsory purchase) and that is the reason why I put the prudent, I believe, assumption of an additional £1 million for an additional board of arbitration. I understand why Members are very confused and decidedly concerned about this issue of the £4 million, the additional provision of the £1 million that we have out forward and these figures that have been bandied around of £14 million and £16 million. I understand that. It is our job in this Assembly to take away all the hot air, to take away all the lobbying, to take away all the media comments and the strongly-made arguments. We have all been here on many occasions when there is a lot of money at stake, when people's financial interests are being taken and we have to, effectively, cut away - I will not say an unparliamentary word, Sir - the fluff, we have to cut away the sand and we have to go straight to the facts. Let us examine what are the facts in relation to what is a reasonable assumption if we were going to be a board of arbiters with an expert. My view is that, of course, there is a margin of potential error but a 2,000 square feet property - the 28 properties at Plémont - are going to be worth a certain amount of money. They are not going to be worth double, they are not going to be worth one and a half, they are going to get a certain amount of 1(1)(j)s, they are going to have to sell them to a certain amount of ... they may get a couple of 1(1)(k)s. I have looked at the list of the valuations of these properties and I have thought to myself: "In the next 2 years, are they likely to get these amounts of money for these properties?" Because that is the gross development value, and I think the valuation is reasonable. I do not believe we are going to be in boom times, I do not believe that we are going to be turning back to the heady days of easy credit and property prices going to £1 million or £600 a square foot. This valuation is done on a reasonable expectation of what a reasonable development, properly constructed, is going to be. That is one element. We have the element of construction costs, this valuation is done on the basis of not far short of £200 a square foot. Well, they are quality buildings, they are luxury buildings: they have got granite façades, they have got all sorts of high specifications. You are going to have to get a high specification build if you are going to sell a property for £800,000 or £900,000 or £600,000 or £470 a square foot. I accept the valuation that we have been given for, effectively, construction costs in relation to £200 a square foot, that is reasonable and, as Members would expect, I have not only listened to the valuer, I have rung up some construction firms and said: "What do you build these properties for?" and I believe that there is a reasonable estimate. I believe the estimates are reasonable in terms of clearing the site, the obligations that the Minister for Planning and Environment has put in terms of the planning obligations. So the net result is that I believe that we have a valuation which a reasonable arbiter, and the Solicitor General has been clear, because it was one of the clear questions that I asked the valuer and then confirmed by the S.G. (Solicitor General) is whether developer's profit is there. Developer's profit is part of the cost, so I believe that the valuation methodology is clear. I believe that a reasonable board of arbiters -

we cannot guarantee it but we can do the work, we can role play the work of what the board of arbiters is going to do; carrying out a similar practice in relation to this is going to come out with a figure which is not too dissimilar. It might be plus or minus, I have to say, £1 million, perhaps, £1.5 million if we were really unlucky in terms of the figures being wrong, but I believe that this Assembly can take reasonable confidence ... and yes, there is risk, but the reasonable issue of risk is that this site is worth within the figures that we are talking about. I think that Members need to remove from their consideration... because it is hot air, it is lobbying, it is the stuff of, I am afraid, the world of media and short-term lobbying that we live in. We in this Assembly need to deal with the facts, and these are the facts, and I ask Members in their consideration of the issue of facts to go and look at the valuation. If they want somebody at Property Holdings to come and look at it, then let them come and look at it, because it is a good piece of work and it is valid and it has risk tolerance that I have explained. I would not be, let me be clear, supporting this proposition if I was going to be believing that the end result was going to be a figure of £9 million, £10 million, or £11 million. We will come back to these issues later in relation to the contribution of the National Trust. I would also not be supporting this if there was not a very substantial contribution which was unlike the debate. I know we are going to come back to the remarks I made in 2010; in 2010 we did not have £3 million in the National Trust, that is obviously a pretty significant game-changer. I will just say one more issue in relation to value: Members are concerned about compulsory purchase and uncertainty of Lesquende. Modern history is not very good at reminding us, what happened at Lesquende. Yes, there was a lot of uncertainty, there was a lot of legal argument about it, but it did not have a site, it did not have a planning consent, but what happened in Lesquende? There was a lot of noise, there was an offer by the States of £5 million, I am advised. There was a land value that was put forward by the developer or the owner of £14.4 million and there was an award settlement of £5.5 million. Let us not be in some sort of alternative parallel universe about exactly what could happen with a reasonable board of arbitration, based upon law and based on settlement. That deals with the issue. I am almost surprised. I do not want Deputy Baudains' proposal to be put forward because I do not think that the indication of a maximum price of £8 million is the right one. I believe it is too much, based upon the valuations that I have, and that is one reason why I cannot support it. The second issue is I think we have just got to be realistic. I do not believe that we are going to get short-term closure for long-term decision-making and long-term gain unless we, effectively, have the opportunity to move forward in the event of a non-agreed arrangement, which of course it will do, all the parts of the proposition would happen, which means that we would have to negotiate, but I do not believe that we can get the profit organisation that is clearly involved in the speculative gain. I do not criticise that, but I do not believe they are going to get to the point of a negotiation unless there is the risk of closure, and closure is compulsory purchase. That closure I believe, as set out in the proposition, will only be triggered when the Treasury is unable and basically writes to the Minister for Planning and Environment to say: "We have tried to do what part (a) and (b) of the proposition says, but we cannot agree a fair price." Of course, we will put best endeavours, we will be working extremely hard to do that, but I just do not believe that we are going to be able to get to that first base point unless we have the option of compulsory purchase. This Assembly has only invoked, or the Ministers or the committees responsible - I have been responsible for a couple of them in rare times - but we have passed propositions in the past where we have put that clause in. We put it, as Deputy Young will recall, in Island Plan rezoning propositions where we said: "We are rezoning this proposition, but if you do not then deliver what we want in terms of rezoning of building social housing and first-time buyers, we will invoke compulsory purchase." The fact that that compulsory purchase clause was in meant that something happened. It is difficult to use the word "threat" but it certainly was the catalyst in order to make something happen, because then something must happen; it is like have a timetable. I have spoken before about the importance, that you never get anywhere unless you have a timetable, unless you get closure. I am no friend of compulsory

purchase, I will address the main debate, I am not the only person in this Assembly whose family has been threatened and used and abused, if I may say, in previous years by compulsory purchase. I am one of them, I do not like it, but I am realistic in saying that we cannot kid ourselves about this issue. We are not going to get closure on Plémont, which has been going on for 14 years and 10,000 signatures, some very strongly-held views from many people that represent important constituencies and care passionately about Jersey, look after the National Trust assets of Tesson Mill and all these other things, at no public cost. We cannot, I think, say to them that we are going to find a solution without this timetable and this closure being put in place. We are not going to do it. So we accept Deputy Baudains' proposition. I do not know whether or not the developer is capable of building these units, they say they are but the market is the market. The Minister tells us there were 1,500 units of sites that have been given planning permission, but there are not many sods being turned on the ground of many of them because of the economic situation. I believe that we will be in the same position with a derelict Plémont, with no certainty. I believe that this Assembly will be in no position to have moved this issue on, which is a short-term decision but with long-term consequences. I do not believe that we can realistically make this decision by not saying that, yes, if we do want this to happen within these financial reasonable grounds that I think I have explained, without C.P. So I urge Members on both of those arguments, on the fact that the £8 million is the wrong figure, but also the fact that if Members want this matter to be brought to a conclusion we do need to put the C.P. in, as we have done before, but hopefully we will not make it.

#### **1.2.7 Deputy J.A. Martin:**

The Minister for Treasury and Resources spoke about a lot of hot air. He is the Minister for Treasury and Resources, and I listened and I listened and I listened, and even if it was £1 million or £100, did he tell me where this money was coming from? No, he did not.

#### **Senator P.F.C. Ozouf:**

If the Deputy wishes to give way, I can address that.

#### **Deputy J.A. Martin:**

No. He spoke for long enough. No, he is going to get another bite of the cherry, he is going to tell us one day, or hopefully 2 days, where the money is coming from. Let me be quite clear, I am not going to support this, because I am not going to give a penny of taxpayers' money, and it is not difficult for me, like it might be for the Constable of St. Mary, because I live every day with people who are struggling, and I think so does the Constable of St. Mary. A lot of us do not in here. There is empathy and there is sympathy, and they are 2 totally different things. You cannot say: "We are all in this together" when you have never been there. I am very sorry. I am absolutely sure if this gets passed, the actual proposition gets passed - forget (a) and (b) - the whole intention is to do it quick, do the bully-boy ... I called the Minister for Treasury and Resources Dick Turpin. We will be highway robbers, I think it is absolutely terrible. The whole States will go straight to compulsory purchase.

[11:30]

We have heard what Senator Bailhache thinks of the developer. He has called him "misleading", he has called him "unco-operative", he had a cheek, the Constable was vehement, yes vehement: "How dare he?" I mean, how many of you in this House have bought property and it has gone up in price? Are you speculating? Did you want it to go down in price? Well, this is what this book value means. It was explained to me what this book value meant was what properties sold for last year. Why are people taking down their for sale signs? Because they want to wait until it goes back up. I do not know which way the Constable of St. Lawrence is going, I think she has wavered either way, but the Constable of St. Lawrence pushed the valuer on Monday at the Town Hall 3



times and said: "Is this what we will pay for it?" he kept saying: "This is the value" and he could not confirm to her that: "This is what we will pay." So what... the Minister for Treasury and Resources keeps butting in, Sir, but you know, I was at the Town Hall, so was the Constable of St. Lawrence. I think, the Constables of St. Saviour, St. Ouen, Deputy Green, who lives in St. Ouen, and the others in here do not really care how much you are going to give. They have no interest. It is absolutely buy this, because there is not much open space in St. Ouen, is there? We must have this bit back. It is the same picture. I picked the Solicitor General up on that one, because I looked at the one ... it is so unfair that we have not got the developer's picture in here. Looking at that, you might see a few of the third cluster of houses at the bottom left-hand of the picture. So, he would be doing all this. In the budget we have put up the ordinary man's pint. You have the Constable of St. Saviour coming and saying: "How dare we have a rise?" and: "You are all going to support me." Does not matter how much you spend on this beautiful bit of land up at St. Clement. You have got the Minister for Housing. He is going back to the House for Longueville Nursery and he is going to get it, because he is not building anything. He is going to get Samarès Nursery, because they are not building anything. You want me to say that we are going to not have these ... you know, the developer's plan to me, he has bent over backwards, it is 28 homes. The Solicitor General said on the planning: "The Planning Review Officer reluctantly gave permission" and I know people say: "Oh, the Minister for Planning and Environment should not have given planning consent and we could have got it even cheaper." Well, apparently that is wrong, because now we know the value we can deduct this, take off that, there is going to be no profit for the developer. How dare they? If I was a developer I would void everywhere, and say: "Jersey go away. Do not come here." Why would you want to come here, the things we are calling this developer. I am no friend of a developer, but everyone else in this House used to be. But by the way if the Minister for Planning and Environment had gone against the independent advice, we would be in Royal Court now, thousands and thousands of pounds. As for I have total faith, and I have total respect for our legal advice, I say one word: "Les Pas Holdings". Whoa. Sorry, 3 words. **[Laughter]** Sorry. So, where Deputy Baudains is coming from is the minute ... and it will be. Tomorrow or today, if we decide stupidly to give an open cheque, it will go straight to sea. There is no negotiation. I would not negotiate. That probably was the man up there with his radio, being beamed in, seeing the names about what everybody is calling him today. Why would the developer or the owner want to sit down and have a conversation around the table with Senator Bailhache who has called him every name under the sun? Why would he? No. He has legally bought this and he can legally make a profit. He is doing a fantastic development up there. Somebody mentioned to me that my Constable thinks all the people are going to go up there and see it from St. Helier. Well, great. But, somebody else said: "When the new bus people come in ...". Why would they send a bus up to Plémont from St. Helier, because there is nothing up there. There is nothing up there and there will be nothing up there. While I am on my feet, I do apologise to the National Trust, because I do realise that we already own much of the headland and we are not keeping it up. Maybe we should have ceded that to them many, many years ago, while this was wrangling. T.T.S. (Transport and Technical Services) do a good job. He is not here again. **[Laughter]** I have do have no difficulty in saying no to this, no to the proposition. There is so much more. But, I do pick the Minister for Treasury and Resources up on the other one point, where he has said he has never been so confused on both sides since the G.S.T. debate. Did he have thousands and thousands of people phoning him and saying: "Please bring in G.S.T."? Never. He had 17,000 signatures. But that one we always ignore. 10,000 on this one. I am consistent, 2006, 2008, 2009 and again this week. I will not support it. I think the plans are fantastic. We have a shortage of homes. I have kids ...

**The Bailiff:**

Deputy, can I just bring you back to the amendment?

**Deputy J.A. Martin:**

Okay, Sir, yes. Well, you did not bring the Minister for Treasury and Resources back. I am sorry, Sir. I will sit down now, because I have really said what I can. But, he did not even tell me how I was going to pay for it. Sorry, Sir. Thank you.

#### **1.2.8 Deputy J.H. Young:**

I will try and be brief. I think it was interesting, the last 2 speakers. But I think all the issues of the amendment are out on the floor now of the Assembly. I think we had excellent legal advice, we had a very passionate speech from the Minister for Treasury and Resources, which I certainly found very informative and very useful. I take note of his commitments that he will look after this matter to see that the risks are manageable. This amendment is about risk. Deputy Baudains: a very well-meaning proposition. All of us are worried about limiting risk. But he does it by a means that I think clearly removes the ability of achieving the result of the main proposition. So, it would effectively make it impossible to achieve, because compulsory purchase reserve powers, because this is what they are in the main proposition that the Deputy is proposing to remove, it says to agree: "That in the event of it not being possible to agree a fair and proper price for the owners in the land." That means it is a reserve power that would only come into play after a process of negotiation had exhaustively been completed. I certainly think there I want negotiations to happen. I can plainly see some elements of why the negotiations so far have broken down. I think there does need to be some revision and a fresh look about how we approach those negotiations and maybe even some change of the team and personnel, how we do it. That is not a personal criticism, it is just that you need to have ... negotiations are a difficult task and when you get to a rock and a hard place you need to rethink strategies. So, I expect there will be negotiations that have to happen if the substantive proposition is going to go ahead. I am relying strongly on what the Minister for Treasury and Resources told us. He has told us that he has reviewed the valuations and he believes that right is on-side, that there is not a risk, that the cap that Deputy Baudains is seeking to put will be ceded. I think it is also in his hands, because he has also told us procedurally, the final decision where there is a point of no return is when the compulsory purchase notice is served. We have been told that that decision will be made by 2 Ministers. It will be made by the Minister for Treasury and Resources and the Minister for Planning and Environment personally. I trust both of those Ministers not to invoke that compulsory purchase notice as a last resort and send us on the point of no return unless they are totally satisfied that negotiations have been exhaustively done, that the valuations have been tested to destruction and that we are on firm grounds and those risks that are there are as minimised as they possibly can be. So, it is not abnormal. In fact, there are housing sites now where the reserve powers were included, which are still valid. There is one housing site that I can recall in St. Lawrence, which is zoned, I think, in the early 2000s with compulsory purchase powers there, still have not been used. They were also put in the case of all the over-55 housing, they were put there for school projects, they were put there for pumping stations, for roads, all sort of things, but always reserve powers. I think the practicality is unless you put reserve powers in there there is nothing to discipline and bring the negotiations. Because in negotiations people always start asking for the moon, that is the way of life. If you start in negotiations with a low figure when you want to sell something that is the best you are going to get. So, you have to start high and come down. That process is the normal stuff of life. We need to allow it to go on. I think where that takes us is we should get on with the main debate about whether we go ahead with the acquisition at all. I think because this is a package we should have to reject this amendment. It is well meaning. Let us have the main debate and if we can move to that as fast as possible.

#### **1.2.9 Deputy G.P. Southern:**

I just want to remind Members that legal opinion is just what it says; it is legal opinion. We have heard today at length from the Solicitor General as to his opinion. It does not become fact until it

gets heard in a court or by the arbitrators or whatever body is there. The debate still has to be had and the presentation of this case versus that case needs to be heard. So it is not as straightforward as if the Solicitor General says it is not so, it is not necessarily so. It is an opinion. So do not place absolute faith in the fact that you have heard an opinion, not fact; you have heard an opinion. Secondly, since we are talking about in this amendment, I think, risk and the limitation of risk, we heard yesterday that obviously my original proposition was to transfer that risk to the National Trust. That is what I believe we should be doing. However, we appear to be about to take it on or not in the main debate. One of the ways of assessing a risk and prioritising - that word again, priorities - is to take the size of the risk and the likelihood of it happening and you simply mark it on a scale one to 3, small risk, little chance of it happening. One times one. Or largest risk, 2 or a 3, likelihood of it happening, it is possible. Is it a 2 times 2? In which case it is 4 times. Is it 3 times 3? In which case it is 9 times. Low risk, high risk, how do you prioritise that? I think in this one it is not definitely a one in terms of risk. I think it is somewhere at the high end of the scale of one to 9. That is what we are trying to limit at the moment. The Minister for Treasury and Resources says: "Ye of great faith think the risk is very low." I do not.

#### **1.2.10 Deputy J.M. Le Bailly of St. Mary:**

Senator Bailhache has a beautiful picture hanging there on how Plémont would look if returned to nature. However, this is an aerial view that most people would never see. They would need to swap their Ford Escort for a Cessna in order to see it like that. The developer's plan is a good one. However, it could be better. It has been said before: "Hindsight is a wonderful thing." Plémont is a mistake. It evolved when nobody cared for the environment, as we do today. The next mistake was failing to purchase the site when the venture ceased trading, at a time when the States coffers were overflowing. Are we about to make another mistake? Either way someone will think our decisions are a mistake. Ten days ago I sent a letter to the St. Mary parishioners asking for their view on this controversial subject. The response has been incredible, phone calls, emails, letters and, of course, the ever-growing pile of Plémont hearts. This has not just been St. Mary parishioners. Of course, there is a great deal of opposition to the purchase.

[11:45]

However, there is strong support to save this site for the Island, as one last opportunity. The stumbling block for most people is money. Where does it come from? How much? If we can spend money on this site why can we not do other things which people feel are more important? That sentiment cannot be denied. God is not making any more land. But there are always possibilities to obtain money. At the moment we have a pretty disgruntled property owner who expects his crock of gold. The public perception of property developers is not one of reverence. After all it is their vast profits which have caused our property market to spiral, leaving very little hope of the ordinary working man aspiring to own their own home. Either way this property owner is on a win-win situation. He will get his crock of gold. But he will also have lost; lost something far more valuable than gold: respect. A long drawn out legal battle will only cause resentment to both parties. Negotiation rather than compulsory purchase is the way forward. I would like, therefore, to appeal to the good nature of Mr. Hemmings ...

#### **The Bailiff:**

Please do not use the name. Members have so far been extremely good in not using the owner's name. It is not necessary you can just refer to them as the owner.

#### **The Deputy of St. Mary:**

Sorry, Sir. I would therefore like to appeal to the good nature of the property owner on behalf of the Island. The public wishes are obvious: "Please accept this. Allow them to purchase this site at the cost to date, earn that priceless achievement, respect, and make all our Christmas wishes come

true.” Members may say that this will never happen. To find out, that question has to be asked. If this method fails then I would favour compulsory purchase. Thank you.

### **1.2.11 Deputy M. Tadier:**

I will follow that up and I will go one better and ask the owner if he is listening - I am not sure if he is, but certainly some of his representatives are - just give us the land, please. We would really love that land. I have my phone here. I will be speaking for a few minutes. Hopefully, I will get that phone call. If I do, I will be quite happy to pay the £10 fine, perhaps donate that to the National Trust cause. We never know, we may be given the land for free. That is not sarcastic. We have had benefactors in the past who have done that, like the benefactor for FB Playing Fields. Florence Boot was the person. It is great when that happens, because you do leave a legacy which is more priceless than gold and which does go on past the grade. Nonetheless, we are not here to change the world and Jersey is a haven for the wealthy. We have to be careful in not scaring off these very beneficial people to the Island. This part of the debate has been strange because we have, perhaps necessarily in some cases, drifted into the main debate. Hopefully it will not mean that we have to rehash those arguments again later. This is ultimately about compulsory purchase. A lot of the arguments we have heard from some States Members, that there are the 2 positions, remain. There are those who want to protect the Plémont headland and there are those who want houses on that, for whatever reason. It could be for political reasons because they think they need to stimulate the economy, blah, blah, blah - we will hear that later - or for other reasons. I agree that the sentiment, I think, from Deputy Baudains is correct. If it was passed it would do the reverse of what it seeks to achieve, which is he wants to keep costs down for the taxpayer. He does not want to go down a route which would mean that we would have a liability that was unknown. What it does it ensures that the land will not be purchased for less than £8 million. I think those points have already been made. The developer knows the price. He is saying: “Look, okay, £8 million is the maximum. Therefore, I know you are wanting it. You are probably the only willing buyer apart from my developer. I will take you for £8 million. Because, perhaps, I have been messed around, I am not sure if this is the case and I am fairly ...” He may be the type who is not necessarily willing to negotiate. It may be more of a point of principle for him rather than the money. I believe he is very wealthy, so he does not necessarily need the money *per se*. It is more a point of principle as it is for those who want to save Plémont. He will not cede on that point. We will find out that while we have delayed these processes somebody else has stepped in and bought the land for less than £8 million or maybe slightly more than £8 million, whatever that figure is. It does not do what it says on the tin. I do believe a compulsory purchase ... if we want to save Plémont we have to compulsorily purchase it. That is the only way there is to do it. If you do not want to save Plémont then do not vote for the compulsory purchase, which we will be debating afterwards. Those are the only 2 positions. If I qualify this by the fact that I can understand the costs of legal fees ... someone beat me to the argument about Les Pas. We have had a strange speech, I think, in some ways from the Minister for Treasury and Resources who was telling us we should disregard all the fluff and then gave us 15 minutes of fluff, for the most part, the last point about compulsory purchase being the one key point that needed to be made. He reminded us that he is not a lawyer. Judging from J.C.G. in the past, Lime Grove and the decisions at the Radisson, presumably he is not necessarily the most adept at planning. We are grateful we have him at Treasury now, where his skills can be best spent. So, I would take anything that he says to do with valuations of land and legal fees with a pinch of salt. I do think that is an issue, because I will be supporting Plémont. But we have to be realistic and honest with the public. I was speaking to a Minister yesterday in the coffee room. I will not name him, because it was in that sense confidential. It is important for the public interest that I was told he thinks the value in the end of the day will be £6 million or £7 million, which is what I agree with. The whole issue of legal fees and legal disputes is that it is not a case of whether or not an argument is finally successful. It is a case of what is the legal

challenge or legal challenges that the counterparty wishes to bring? Even if there is, for example, a 30 per cent chance of that party winning, of course, you have to take that risk. The States, not only it has been said that they are not good at picking winners, we often hear that, they are also not very good at dealing with legal disputes. That is why legal disputes, 9 times out of 10, will always end up in settlements and that there will be a pay-out. I think we have to be realistic. I think the figure is not, by any means, what the owner is saying. Interestingly, just to reinforce the first point, yesterday we were told by the developer that if the States want to come and talk to us with a ballpark figure around about the £40 million mark, then we will start to discuss things with them. So, that just goes to emphasise, I think, the fact that the developer is not going to settle for £8 million. The only way of getting a fair and reasonable price for the land is to embark on the route of compulsory purchase, whether one likes the principle or not. I do not have so much of a problem with compulsory purchase. If I had my way we would compulsory purchase the whole Island and then redistribute it on a means basis. Take that with a pinch of salt. That was a joke for the people in the gallery, perhaps. **[Laughter]** Thankfully I will never be in that position of despotic power and able to test that theory. We have beaten around the bush for far too long now, compulsory purchase is a necessary part of this proposition and it will be when we move on to the next part. If you do not want to buy the headland, we will debate all those pros and cons later, but this has to be rejected to be having any meaningful way forward.

**1.2.12 Connétable S.W. Rennard of St. Saviour:**

It has very little to do with Deputy Baudains' proposition. I am just very angry ...

**The Bailiff:**

In which case I hope you are going to be brief, Connétable.

**The Connétable of St. Saviour:**

Yes, I am. I am just very angry that I have been accused of not caring. I have not even spoken this morning on anything to do with this and yet the Deputy has decided that I do not care about what is going on. I find that very, very offensive. Because I do care what is going on. I have been sitting here and listening. So, from somebody who I had a lot of admiration for, I have taken a very rude remark from and I cannot see how she can say I do not care when I have not even opened my mouth until now. I am very disappointed in her behaviour.

**Deputy M. Tadier:**

Sir, can we just specify for the record that she is not talking about me? **[Laughter]**

**The Connétable of St. Saviour:**

No, I am not.

**The Bailiff:**

I think on the basis she talked of "she", we can be reasonably confident. **[Laughter]**

**The Connétable of St. Saviour:**

No, for once in my life ... no, not for once, I have been here a couple of times, I am with Deputy Tadier on this. But I do resent the remarks that have looped me in the fact that I do not care about what is going on when I have not spoken about what has been going on this morning, but have taken on board everything that has been said by this Assembly and also by the parishioners who have elected me. As a Constable, I was elected. I know it aggravates people, but I was elected. I do resent being told I do not care.

**Deputy T.A. Vallois of St. Saviour:**

May I ask a question of the Solicitor General?

**The Bailiff:**

Yes.

**Deputy T.A. Vallois:**

With regards to the compulsory purchase, of course, the amendment is asking us to delete paragraph (c), so I think it is appropriate to ask my question in this area of the debate. It states in Article 3 of the Compulsory Purchase Law part (b) that: "A credit of money is necessary to meet the expenses to be incurred in the acquisition of the land has been voted by the States." Therefore, my question to the Solicitor General is, would the Minister for Treasury and Resources have to come back to the States for the monies necessary to meet the expenses?

**The Solicitor General:**

The short answer is no. Assuming there is a debate on the main proposition and assuming for a moment that the States accept and approve of the Chief Minister's proposition then inevitably the States would be agreeing that the monies necessary to meet the expenses to be incurred, you are in effect voting for that when you vote for the proposition, in my view.

**Deputy T.A. Vallois:**

Sir, can I just ask one further question? In terms of the Public Finance Law and the Minister for Treasury and Resources' responsibilities, could he explain whether he is bound by the financial directions which are issued by the Treasury under that law?

**The Bailiff:**

I think that is getting rather far off the subject, is it not?

**Senator P.F.C. Ozouf:**

Sir, I can assist with that.

**Deputy T.A. Vallois:**

I can explain how it is related, Sir. It has been mentioned by the Minister for Treasury and Resources about using contingency funding. Contingency guidelines are explained within the financial directions, which are issued by the Treasurer of the States who, under the Public Finance Law, is independent and provides those rules for accounting officers and civil servants to abide by. I am asking whether the Minister has to abide by those financial directions as well.

**The Bailiff:**

Do you know, Solicitor General?

**The Solicitor General:**

I need to look at the Public Finances Law. But, I have to say, Article 3 of the 1961 Law simply requires that a plan showing the land to be acquired has to be approved by the States. The States also have to approve those monies. Clearly, when you vote for that, because of the way the process works, you will not necessarily know the exact value of the monies that are necessary, because they may ultimately be determined by a board. Therefore, you cannot vote for an exact figure. You vote for the credit that is necessary. If I can have a moment to look at the Public Finances Law and I will come back to Members.

**Senator P.F.C. Ozouf:**

I am not a Solicitor General, but I do know the law that I am responsible for. Sir, if I could assist while the Solicitor General is consulting his notes? The Deputy is asking what discretion the Minister for Treasury and Resources has. The financial directions, which set out effectively the procedure by which the Minister for Treasury and Resources will make an allocation for contingencies, what we have done is we have boxed ourselves in. I signed some financial directions yesterday and I consulted with the Treasurer.

[12:00]

Basically they said that if, in the event of withdrawing contingencies, a business case is put forward by a department, it is then analysed by the Treasurer, who then, as my accounting officer, gives advice and she gives me advice. I then consult the Council of Ministers and then I make a decision. The decision, of course, of the Minister is able to set aside the advice. Then I have to issue effectively a letter of instruction to say: "Treasurer, notwithstanding your advice, I am making this decision." The Minister for Treasury and Resources does have the ability, as one would expect, that is why I am elected to do difficult jobs, to allocate contingency money for certain circumstances. The procedure under financial directions is set out, which is designed to be robust, to ensure that I do not make decisions just by myself and that is the case. Now, in the case of the allocation of money, I have said upon advice that I would allocate money for contingencies for this amount of money. There is no other better fund that I have. I am suggesting that if the States approves it then I will allocate money to contingencies according to those financial directions.

**The Bailiff:**

That will do, Senator. You will have the ability to speak again if we get to the main proposition.

**The Connétable of Grouville:**

I have a question of clarification. Is the Minister for Treasury and Resources aware that a memo was sent round this morning from the Minister for Economic Development, part of which says: "The contingency fund is already mostly if not entirely allocated."

**The Bailiff:**

I am sorry, Connétable, we cannot now have question time of the Minister for Treasury and Resources. He has spoken in this debate. We come next to Deputy Le Fondré.

**1.2.13 Deputy J.A.N. Le Fondré:**

I was half going to wait for the Solicitor General, Sir. At the end of the day the whole principle behind Deputy Baudains' proposition, as we have heard, is about trying to cap the risk. Obviously, it is about the 2 key issues for Members which are in this instance about money and also compulsory purchase. I think also, just to address one point, I will be interested to see what people's reactions are to this, is that arguably we do have a willing seller, but he just disagrees on the price. It has been made very clear to Members that he would sell tomorrow if we turned up with a cheque for £14 million. At least those were the words of his architect on Tuesday at the Pomme d'Or. I will deal with the issues about the £14 million shortly. But, those are in the context of this debate. But, obviously it goes into the wider proposition because part of the debate is to withdraw the compulsory purchase. So, I think it is relevant to touch on the issues surrounding the compulsory purchase matters. Also, I think I will start off with the principle as well that the proposed scheme is an improvement on what is there at the moment. You have to say that. We have a hideous site up at Plémont and we are going to get some nice brand new sparkling buildings. Only because Members have put this to me on the issues of compulsory purchase, I am a landowner of a property in a very sensitive location. I therefore am very twitchy on this particular subject. It has been one of the hardest areas for me to resolve. As Senator Bailhache has said, I would hope there would be a vast difference between an acquisition of a site for this type of purpose which was

acquired by a developer on a speculative purpose in the last 7 years than something which had been locally owned on an unspeculative basis for perhaps 50 years. I think that goes back to the whole argument about what would happen if this was someone's garden or privately owned land. I think there is a difference in each of those examples. Now, to reiterate, there are no issues about the owner of Plémont. They have not done anything wrong. To be blunt, the arguments that have been made, sometimes in the *Jersey Evening Post*, that he should make a gift of the site to the Island are, in my view, a little unrealistic. To go back to a principle, which is where I get to the issue around compulsory purchase, I have had to look at some of the matters I have had to deal with or campaigned on very heavily in the past. Millbrook Playing Fields in St. Lawrence: huge outcry about protecting that open space, about protecting the facility. The States voted to improve the protection on that particular site, despite the fact that it is pretty well in an urbanised area. Let us go to the Goose Green debate, La Providence and Dandara. I was one of the people who campaigned long and hard against development on that site. As a starting point, I do not support greenfield development. It would take a lot to shift me from that stance. Part of this site is development on greenfields. When the National Park was being consulted upon, I made a distinction between improvement of certain commercial sites; let us take St. Catherine's Café versus the spread of residential development. I would support improvements in that type of tourist amenity. I would be very leery if somebody came along at St. Catherine's and converted that to 6 luxury flats. It is in the National Park. It is a tourist amenity. What we are looking at, at the moment, is an old tourism amenity that is now being converted to residential. If you look at La Pulente, over a number of years there has been a gradual increase in the number of residential units in that area. So, there is a continuous pressure of development creep. That is where, I think, the argument about looking after this Island for future generations comes in, that we are the custodians for the future and that this is an opportunity to mitigate some of that pressure. That is why it is relevant on this debate, because obviously part of this amendment is about removing compulsory purchase. This was a tourist site, it is now being lost for ever and residential is being replaced. It was bought on a speculative basis. I think on that basis it would be right that we should be challenging that. The other part of the matter is about risk and is about the numbers. Certainly reference has been made to £14 million and indeed £16 million. Reference has been made in this debate to the Bel Tabarin site. Certainly, as Members will know, I was at Jersey Property Holdings for about 5 years. This issue came up in terms of compulsory purchase and a specific matter of Plémont and £14 million at the time. Basically, we did not consider at that time, the basis for the analogy of using the Bel Tabarin site as being a sound basis for an evaluation. So, to go back to the compulsory purchase matter directly, if I have understood correctly, we need to demonstrate it is in the public interest. I think the Solicitor General has been very clear on that. We have the money allocated. We will be hearing advice on that shortly. Again, I think that is covered. We have exhausted all possibilities for negotiation. In 2 capacities I have sat in front of representatives of the developer. Once this year in a private States Members' capacity, if that makes sense, purely to listen to their side of the argument, and the earlier one was in Property Holdings. They are hard-nosed developers. When I say that, I do not mean that as a criticism. They are developers. That is their role. They are going to be hard-nosed about the argument. They are going to place every legitimate fact that they can come across to put their side of the argument. That is the nature of the game. Again, I think it was very useful today for the clarification to be made about some of the comments in this pack. There have been some inaccuracies, let us say, to put their side of the argument across. That is we need to cut out some of the fluff. But, we do have the difficulty that a lot of what we do is in the public domain. It is kind of like playing poker with your cards down on the table. That limits our options. Therefore, why I am certainly not going to cast doubt upon a professional valuation, Members do need to recognise, as was stated on Monday, this is a professional opinion. The Minister for Planning and Environment's decision to grant permission has brought greater clarity to the picture. I certainly do not condemn him in any way shape or



form. He had no choice. He has done his job as Minister for Planning and Environment. That has brought a degree of greater clarity to the position, because we know how many houses we are dealing with. We know what we are dealing with on the site. But, it is still an opinion and there will be a counter-opinion. That is particularly the case when we are dealing with something that is not yet built. There are not necessarily direct market comparables. You know, we have had best guess, but they are not there on the site and there is nothing next door that has been sold in the last month that can give us a value. Therefore, it would seem to me that given that people know that this is going to be placed into the public domain, that one would err on the side of conservatism in order to support one's opening negotiating position from perspective. Now, while I do not support the acquisition at any price, I think there is a range of tolerance. I think that particularly when one deducts the incredible contributions from the National Trust. That resulting cost is justifiable when one looks at the longer term. One cannot have absolute certainty, which is what Deputy Baudains is trying to achieve, I believe. However, what we can try and do is try and make a decision based on the best ... it is an assessment we have to make. It is trying to say we have the best information at this stage, bearing in mind what I have said, to go into a negotiated position. I think we have a range of values to which one can give credence. I say "a range". I think at this stage it would appear that those ranges are probably within a level of tolerance that would be acceptable. I am not going to bandy around numbers in the public domain on a live valuation. But, I cannot place credence on £14 million or £16 million as a market value. In fact, we were told yesterday that the way they got to the £16 million, which was labelled as "this is the use of public funds". It was £14 million plus the £2 million at that point being raised by National Trust by the subscriptions to National Trust members. I have to say that was adding apples and, I do not know, cactuses, to produce the amount of fruit in a bowl or something. It was, as far as I could see, a completely erroneous figure.

**The Bailiff:**

I appreciate Members have quite properly had to stray into the main proposition to a degree, but we must come back to the amendment.

**Deputy J.A.N. Le Fondré:**

I am nearly at the end. The point is that the thought process on this is if in people's minds we are dealing with £14 million and Deputy Baudains obviously wants to cap it at £8 million, I am trying to say that if one does that, we may cause the whole proposition to fall, but we cannot go into that position. That is the reason for not, in my view, supporting the amendment, although I understand completely where Deputy Baudains is coming from. In fact, Sir, I only had about 30 seconds left to go. So, in other words, we have to accept here is a risk, in my view, that measures have been taken to identify within a tolerance the level of that risk. It is clear that the owner is not going to move on his price, unless he can be brought to the negotiating table. We need a hook to bring him in. That hook is the risk for him of compulsory purchase. As I said, at the moment, if there is no hook, if there is no drive to bring him to that table, to empower - and that is the whole point about reserved powers - then you will not get any more movement than: "£14 million and that is our bottom line." While, I absolutely understand, as I said, and respect and to an extent agree, as it were, with Deputy Baudains' views and concerns about trying to cap the liability and he is correct that if compulsory purchase were to start, we are committed to it. But there needs to be a hook to bring the developer to the table to negotiate on price. We are required to negotiate before we go through the compulsory purchase stage. It is on that basis that I certainly cannot support the amendment. I hope that clarifies the position for other Members.

**The Bailiff:**

Can I invite any other Members who wish to speak to consider carefully whether they have some new aspect to add to this debate on the amendment. Deputy Green.

**1.2.14 Deputy A.K.F. Green:**

As usual, I will be very brief. I would just like to make one comment before I start. Deputy Martin thinks she can read my mind. She cannot. I have never said that I want to get Plémont at any price and nor have I thought it. If she is thinking of taking mindreading up as a career, I suggest she gets further training or thinks again. More to the point - and I will come straight to the point - I would like to take Members back to the early 1980s when I first came back to Jersey and when I first joined the Civil Service ... because while this proposition is well meaning, and I think it is well meaning as it is thinking about reducing the risk, can I take Members back to the way the States used to do their capital projects. When we used to come here - when I was a civil servant and many other Members were not in the Assembly - but they used to come here and vote for different capital schemes. Say a project was voted for £2 million, then they went out to tender. Lo and behold the tender came in at £2 million. There is a surprise. We accept this amendment. It will be £8 million. That is the minimum price that was set. For that reason we should reject it.

**1.2.15 Connétable L. Norman of St. Clement:**

Again, very, very briefly. My instinct, my inclination and my nature is to support this amendment. I can recall 2 items where we have agreed compulsory purchase here in my time in the States, there are probably many others. One was Lesquende when we went to compulsory purchase to build some houses.

[12:15]

The other one was a building called Kent Lodge, whose town I cannot remember where it was, when I was president of the Housing Committee, which we decided to purchase to build houses. Now, we are being asked to go to compulsory purchase, not to build houses. The world has gone full circle. When the Deputy lodged this amendment on 10th October, he based the numbers in his amendment on the report of the Chief Minister, which on page 9 indicated that the upper-end evaluation was £7.8 million. We are now told that the true value of the land is something closer to £4 million. Members have indicated quite rightly that if we go with this and we talk about it not exceeding £8 million, that is the sort of number we are going to be expected to pay. I cannot support compulsory purchase. There is no justification for compulsory purchase. I cannot support paying up to a maximum of £8 million when the States have been told it is worth £4 million. I would just ask the Deputy if he could have his amendment in 2 parts. Perhaps parts 1 and 2 together and the third one separately.

**The Bailiff:**

Connétable, you may not have been in the Assembly, but I rule that is not possible, because unfortunately, of course, the States cannot in law, impose a minimum price, but then go to compulsory purchase. Once you go to compulsory purchase you cannot have maximum price. So the 2 must stand or fall together. If you have a maximum price, you cannot have compulsory purchase.

**The Connétable of St. Clement:**

Thank you, Sir.

**1.2.16 Senator I.J. Gorst:**

Very briefly if I could. I was reminded during Deputy Baudains introduction of happier times when he and I sat over there against the back wall and we represented the fair Parish of St. Clement. I am not sure that we are quite in agreement this morning as we were in those days. I

wanted to just simply clarify 2 issues. The first was the accusation that has been made that it is my intention to go straight to compulsory purchase and not to seek to negotiate with the landowner. That is not the case. It is quite clear from the main proposition that that is not the case. I am asking the States for authority to negotiate with the landowner. I wanted to make that absolutely clear, because others have suggested otherwise. The other point I wanted to just touch upon was a recognition that I understand that for some Members the move to compulsory purchase is a very difficult one and they find that hurdle is a difficult one to clear. It is quite simply there to enable meaningful negotiation to take place. I hope that Members will understand that, that with that stick one would hope that it will draw the owner to the table and will be able to reach an agreed price for the land. Thank you.

**The Bailiff:**

I heard someone's telephone there. Is anyone owning up to it? Very well. Does any other Member wish to speak? Then I invite Deputy Baudains to reply.

**1.2.17 Deputy G.C.L. Baudains:**

I will be fairly brief, I will not refer to all those who have spoken. I do thank all. Let me see, what have we got? If I could jump straight to the comments of Senator Bailhache, who started, I believe, by suggesting in no uncertain terms that I have misled Members by giving an incorrect interpretation of the law relating to compulsory purchase. If I have, perhaps he would refer me to which Article I have misrepresented. I have the law in front of me and I have read it several times. He also takes me to task that it is unwise to suggest a limit to the price you are prepared to pay in negotiating circumstances. Of course, I totally agree with him. I have to point out, of course, that £7.8 million was listed in the main proposition. Indeed, as Senator Ozouf this morning has suggested that £8 million might be his top limit, because he would be severely unhappy with £9 million, £10 million or £11 million. I would suggest that my £8 million limit is effectively the same as everybody else's. I do not feel I am giving everything away. I am, having been in business for many years, used to negotiating. The cat is already out of the bag. He then went on to support the valuation he received suggesting that builder's profit could not be incorporated into such a valuation. As I have mentioned in my opening remarks that even without profit, the value is at least £8 million or thereabouts, maybe more. Whether or not profit is included or indeed what the land is worth, it really does not matter what we think or what we may consider. That is for the board of arbitrators, they will do that, not us. Senator Ozouf, I do thank him for his speech and I am genuinely grateful for the time and effort that he has spent ensuring that he understood the valuation and the risk to which he might be exposing the States in supporting the main proposition. As I mentioned just a few moments ago, he identified that he would not support a figure of £9 million, £10 million or £11 million. Of course, I would remind Members that if we do go to compulsory purchase, whether you like £9 million, £10 million or £11 million if you are opposed to that it really does not matter, because if that is the price that is arrived at by the board, that is the price you pay whether you like it or not. The truth of the matter is we cannot put a limit on the price and keep compulsory purchase in the proposition. The compulsory purchase will always override the other. That is why I brought the amendment the way I did. When I first started out, I had hoped simply to put a limit on States expenditure on this purchase. I found, as I said in my opening remarks, having had discussions with the Greffier that that was not possible, because compulsory purchase would override that limit. It could be any sum. So, here we are having to guess what the board of arbitrators might arrive at. Deputy Young, I thought, brought up an interesting cash compromise suggesting that we should keep compulsory purchase but only as a lever to progress negotiation, but without using it. I have to say that is seductive. But, in my view, the developer will call our bluff and take it to compulsory purchase. The point of no return, as the Deputy called it. I believe, while being helpful he is hanging on to a vision that will not happen. In

my view, it will end up as compulsory purchase with all the risks involved. Deputy Southern was helpful in his remarks when he referred to the Solicitor General's advice being legal opinion. It is not necessarily what a court might come up with. In fact, I would say that I believe during the various answers given by the Solicitor General that he was suggesting that profit would not be included in the valuation. I think that may be at variance with the Compulsory Purchase Law. I will come on to that in a moment. The Deputy of St. Mary: the developer's plan is a good one, but could be better. What I particularly enjoyed was his comment that God is not making more land. We appreciate that, but we are. We have the reclamation site, for starters, so maybe we will have one up there. He asked for the property owner to allow the site to be bought at cost. That would be nice. Is he philanthropic? I do not know. I do not know the developer. I have never met him. I cannot say. Deputy Green, I think if I heard correctly, said that Deputy Martin could not read his mind, well, nor can most of us. I said I would brief. I did have a note passed to me during the debate suggesting that if Senator Bailhache believes £4 million is a fair price, maybe I should lodge a late amendment making that the upper limit. Seductive, again, but as I said just a few moments ago, as long as compulsory purchase is left in, whatever we set as a maximum price is completely meaningless, because if we go to compulsory purchase it will be what it is. I urge Members not to be seduced by thinking that somehow if we leave compulsory purchase in we can only spend up to what we are happy with. In fact, I have got rather tired of hearing this £4 million over the last week or 2. So, what I am going to do is ask all those who believe £4 million is a valid and reasonable valuation to personally guarantee to make up any difference between that and what a board of arbitrators might come up with. Do we have any takers? No, I did not think so. To conclude, I maintain a compulsory purchase will cost us a substantial amount in legal fees. There is the open cheque issue. We would be committed to pay whatever price the board, appointed by the court, arrived at. What we think may be a fair price, the maximum we are prepared to pay is irrelevant. Once started, the process cannot be stopped. We cannot pull out of it halfway along because we realise the price might be getting more than we are prepared to pay. As I said in my opening speech, I have done my own calculations and I do not believe £4 million is anywhere near accurate. I think really it all hinges on whether profit is included or not. Even without profit being included we are still way over £4 million, at least double it. So, do not be thinking you can buy this site for £4 million, £5 million or £6 million. It will end up nearer £8 million, but possibly a lot more, because Article 10(1)(b) of the Compulsory Purchase Law states that the value is the amount at which land might have been expected to realise on the open market by a willing seller. Notice the words "willing seller". I am quite sure that there will be an element of profit in this otherwise it would not be a willing seller. I believe that makes plenty of room for legal argument, which of course adds more cost. I am quite sure profit, maybe not all of it, will be included in the cost if we go to compulsory purchase. I believe Article 10(1)(i) reinforces that view. In my view, we simply cannot afford the risk of going to compulsory purchase and I make the amendment and call for the appel.

**The Bailiff:**

Very well. The appel is called for then in relation to the amendment of Deputy Baudains. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 10</b>		<b>CONTRE: 39</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon		Senator P.F. Routier		
Connétable of Grouville		Senator P.F.C. Ozouf		
Connétable of St. Clement		Senator S.C. Ferguson		
Deputy R.C. Duhamel (S)		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Senator F. du H. Le Gresley		
Deputy S.S.P.A. Power (B)		Senator I.J. Gorst		
Deputy S. Pitman (H)		Senator L.J. Farnham		

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

### **1.3 Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – third amendment - proposal under Standing Order 26(7) for matter to be considered at present meeting**

#### **The Bailiff:**

Very well. Now, the Chief Minister has lodged a third amendment. Are you going to be asking for that to be taken today, Chief Minister?

#### **Senator I.J. Gorst:**

If I could, Sir, yes. Would you like me to make that case now?

#### **The Bailiff:**

Just before you do, as I did with Deputy Maçon, I do want to remind Members of the wording of Standing Orders. It is that the States may reduce a minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay it debate.

#### **1.3.1 Senator I.J. Gorst (The Chief Minister):**

Thank you, Sir. Thank you for your clarification of that Standing Order. You will appreciate that it is quite difficult to make that case.

[12:30]

Having said that, I believe absolutely firmly that now is the time for us to make this decision. I am persuaded strongly in one direction. I know that others are persuaded strongly in the opposite direction. I believe that we should make the decision and put this issue to rest once and for all. I believe that not to do so would be prejudicial to what might occur at the headland. Here we have a most generous offer from the National Trust. I believe that if we are not to accept that generous offer that also would be prejudicial to us and to our deliberations today.

**The Bailiff:**

Is the application to reduce the minimum lodging period seconded? **[Seconded]** Does anyone wish to say anything? Very well, all those in favour of adopting the ... the appel is called for then in relation to the proposition of the Chief Minister to reduce the lodging period for his third amendment so that it can be debated now. So if you want to reduce the lodging period you vote pour, if you do not you vote contre, and the Greffier will open the voting.

<b>POUR: 45</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of St. John		
Senator P.F.C. Ozouf		Connétable of St. Brelade		
Senator A. Breckon		Deputy G.P. Southern (H)		
Senator S.C. Ferguson		Deputy T.A. Vallois (S)		
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				

Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

#### **1.4 Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – third amendment (P.90/2012 Amd.(3))**

##### **The Bailiff:**

Very well, now that the Assembly is in a position to move the third amendment I will ask the Greffier to read it.

##### **The Greffier of the States:**

Page 2, paragraph (e), for the words “A consideration of £2 million” substitute the words “50 per cent of any consideration paid to the owners up to a maximum of £3 million”.

##### **1.4.1 Senator I.J. Gorst (The Chief Minister):**

I believe that I have said virtually all there is to say on this amendment in my opening speech this morning in response to Deputy Southern’s amendment. I am indeed extremely grateful, and it bears repeating, to the work that the National Trust have done and to those individuals in our community who have, to coin a common parlance, put their money where their mouths are. I am extremely grateful to them and I ask that Members do accept this amendment because I believe that it goes a long way to reaching that pound-for-pound position that Members spoke about yesterday and of sharing risk rather than simply trying to offload risk from one party to another.

##### **The Bailiff:**

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

##### **1.4.2 Deputy G.P. Southern:**

Just before I start, I may have inadvertently misled the House earlier. I have been contacted by the National Trust. They did succeed in finding my email address at 7.18 a.m. this morning. That is the only contact I have had with them. Just to say that as I suggested in my opening debate also, I think the Minister has the balance wrong. This is about limiting the liability of the National Trust, it is not about limiting the liability of this House, of the States of Jersey to potential high costs involved and it says it is now up to £3 million and covering £4 million, that is the maximum liability, but not for us, not for the States of Jersey. There is no limit on that because that is what we have entered into, so I cannot vote for this at all.

##### **1.4.3 Deputy G.C.L. Baudains:**

I regret I will not be supporting this amendment for the simple reason - and it is not out of spite, I have to say, that my amendment was not approved or adopted - that now that we have the shadow of compulsory purchase hanging over us, this amendment works on the idea that we will, in fact, be purchasing this site for £5 million or £6 million. As Members will know I am not convinced by

that argument at all so, in effect, by setting the maximum of £3 million as the Chief Minister has done it really makes very little difference at all and the States Assembly could still be saddled with a substantial sum.

#### **1.4.4 Senator L.J. Farnham:**

Very briefly and for Members who may be struggling with this concept, but particularly the previous 2 speakers who are presuming the amount is going to be considerably more than the valuation, although this does not effectively limit what the States may spend it does potentially reduce it by £1 million, which is considerable and commendable and I will be supporting it.

#### **1.4.5 Deputy J.M. Maçon of St. Saviour:**

Very briefly, given that, say, in theory the amount which is negotiated goes to, for example, £4 million, presumably that would be £2 million either side, let us say it was £3 million, presumably then the pledged monies of £2.5 million we then could not claim if we were to accept this amendment? If the Minister could just clarify that point I would be grateful.

#### **1.4.6 Deputy J.G. Reed of St. Ouen:**

First of all I am grateful for both the National Trust and the Chief Minister for bringing forward this amendment, and the generosity again shown by the National Trust. I would just like to remind Members briefly that the National Trust already owns 1,100 vergées of land that is available and open to the public at no cost to the taxpayer. They also have a large range of property that equally we enjoy and provide that enhances our Island. I think that their contribution to this proposal shows their ongoing commitment to providing for it.

#### **1.4.7 Deputy J.A.N. Le Fondré:**

I think equally the point I just wanted to make is that where people have said: “Why should the National Trust not be buying it themselves?” and all the rest of it, my perspective is this is a public matter. It is absolutely right for the States to look at the wider public interest and be acquiring the land. The point there is that I think people are looking at it from the wrong angle. I think we should be turning it around and saying: “This is an incredible support from a charity which has an interest in protecting the environment as one of its functions and that it is incredible that they are giving this level of support to effectively what might be a States decision.” Irrespective of which way that debate goes, I hope people will recognise that and will be appreciative of it. It is unparalleled as far as I can see and I think it should be recognised. **[Approbation]**

#### **1.4.8 Deputy J.H. Young:**

I think this amendment is a real positive movement in the right direction. It may not be ideal but it shows incredible commitment by the National Trust of Jersey. I think we have to go with it in view of the fact that we know that this does carry the commitment and support of the National Trust. So looking now at how that effects the substantive proposition, there are at least 2 points I would like to raise. The proposition, if amended by this provision, allows that the land should “forthwith” be sold, so it suggests that the land would immediately go to the National Trust. Of course, what I would like to have clarified is whether we will still be in a risk position at that point. I know that now the compulsory purchase is very much in the substantive proposition and I would like to raise whether or not and in view of the comments made about we are still at risk even with this amendment, whether if the owner takes unreasonable positions on value and forces us to compulsory purchase, whether or not the board of arbitration has the power to award costs against the owner. I would like if that question could be put to the Attorney General.

#### **The Bailiff:**

I think that does not arise out of the amendment, Deputy.



**Deputy J.H. Young:**

In that case I will perhaps ask the Chief Minister if he can help us with either of those 2 points in his summing up.

**The Bailiff:**

It really is a very short amendment.

**1.4.9 Deputy M. Tadier:**

I just want to deal with the argument which I think has been raised about the fact, which goes like this. Basically if the Council of Ministers is so sure about their figures, why is it that we are putting a cap of £3 million if we are so sure that it is going to be much less than £6 million? I think the answer is very simple; it is because that is being underwritten by the National Trust and that they do not have unlimited resources and it is a realistic figure. If we are going to carry on the perhaps slightly unfortunate poker analogy that we had earlier, which refers to gambling, is that you do not bet more than you can afford, and I think that is exactly what the National Trust have done and they need to be commended for it, so I think that argument needs to fall away.

**1.4.10 The Connétable of St. John:**

I have been somewhat quiet so far within any of the previous debates and I do not want the Deputy from St. Saviour No. 2, I think it is, intervening again. I voted against this proposition just now because until this amendment came in had we not been told that some £2.9 million had already been collected by the National Trust towards this. That being the case, by putting the cap on at £3 million it cuts their liability full stop; that finishes it. So that means they will not be doing any more fundraising; they have just got another £100,000 or whatever the figure is to raise. That is the way I am reading it. Before the Minister for Treasury and Resources jumps up and tries to intervene, maybe the Minister himself in his reply might want to answer that, but that is the way I read it and I cannot have something that is capped and expect the taxpayer to pick everything else up. We had a news release this morning from Health and it says: "Island is reminded to get seasonal flu vaccination" but it could quite easily have read: "News release from health: bird flu or swine flu pandemic and we need £3 million or £4 million." Just remember that because at any one time we might need the money we are talking about that we are going to take from the Treasury which we do not really have. We could need it for something that can drop on us just as this dropped on us this morning. It is only a reminder in this case but I have seen in the past when we have been in here that we do get swine flu and all of a sudden we do need the £2 million or £4 million to get the vaccine in. That really hit me this morning. I cannot support this amendment.

**1.4.11 Senator F. du H. Le Gresley:**

Listening to the Constable I am reminded of the last debate when he was referring to doom and gloom sitting alongside him. [Laughter] In fact I think he is both doomed and gloomed today. I think the National Trust have made a fantastic movement here towards trying to assist this Assembly in reaching a decision. We have to remember, and we keep going back to the independent valuation that the Treasurer has obtained, and that was that the site is worth £4 million. So if that evaluation is anything like 50 per cent wrong, we may have to pay £6 million. It is a big "if" that the valuers appointed by the States to do a particular piece of work get it so wrong that they are 50 per cent out, but it is possible. So if that was the case we would be paying somewhere in the region of £6 million for this valuable Plémont site and the National Trust will pay half of that, so on a pound-for-pound basis they are matching what they are asking the States to put in and I remind Members that back in 1987 Hamptonne Farm in St. Lawrence was saved from development in a joint venture between the States and the National Trust on a pound-for-pound basis. I would also remind Members that the Trust do not receive any funding from the States

compared to other cultural organisations such as the Jersey Heritage Trust where we spend in excess of £4 million a year. So with the fantastic fundraising that they have done I think they are to be applauded and I am sure Members will want to support this amendment. **[Approbation]**

[12:45]

**1.4.12 Senator P.F.C. Ozouf:**

I completely agree with Senator Le Gresley, I think Hamptonne was a joint venture between the National Trust and the La Société Jersiaise, if I recall correctly. I will address the main debate on this issue of contingencies and I would just say to the Connétable of St. John, the Treasury do hold contingencies, as I think I have explained, for short-term issues and also we hold contingencies for aspects that the States may determine and we spoke a lot in the M.T.F.P. about flexibility ...

**The Bailiff:**

Senator, it is not clear to me this relates to this amendment. This is really quite a short amendment whereby the National Trust increases its contribution.

**Senator P.F.C. Ozouf:**

Fine, so I will limit my remarks. I joined the Chief Minister last night in negotiating with the National Trust on this issue and we pushed the National Trust hard. I certainly questioned the National Trust really hard in relation to the loan issue and the National Trust have come forward with this additional amount of money. So they are signing up in this amendment to a very significant increase in the purchase price and they are sharing in the risk of that purchase price which I will not rehearse the arguments about what I think the determination of a reasonable arbitration board would do. But on the worst case scenario of a price of £6 million or higher, can I also just remind Members of the additional obligation that the National Trust are taking on which is to clear the site. So they are going to be faced in a position ... I want to reduce the risks of the States but I do not want to be unreasonable to the National Trust. The National Trust are signing up to £3 million purchase price and if it is £6 million or above they then have to raise the money to clear the site and that may take them a number of years - we had a discussion with the senior officers of the National Trust - to do so. So I think this is about as good an offer to show the determination of these individuals and these volunteers of the historic organisation that we can push to and I am grateful to the Chief Minister. I was worried about his adjournment but I am pleased we had the meeting and I think the National Trust are going just about as far as they possibly can go and they are going to have to work extremely hard in the risk-sharing in terms of clearing the site. I urge Members to support the amendment.

**1.4.13 The Connétable of St. Mary:**

Just following on from what the Minister for Treasury and Resources just said, can the Chief Minister in response give me some assurance that this has not pushed the Trust too far? Because we have heard they have to clear the land - that is understood and it was always a separate issue - but they have to maintain the land year on year as well, along with a huge portfolio of other land. Can the Chief Minister address that in his summing up please?

**The Bailiff:**

Does any other Member wish to speak? Then I invite the Chief Minister to reply.

**1.4.14 Senator I.J. Gorst:**

I am grateful to all those Members who have recognised the fantastic and valuable contribution of the National Trust. I spoke quietly to the Connétable of St. John some moments ago, suggesting to him that he had been quiet so far this morning. I obviously spoke too soon and it was too good to

be true. I think that if I, with respect, might suggest that the Connétable of St. John should be supporting this amendment because I know he is concerned about costs to the taxpayer. He is concerned about sharing the risk and whatever his position on the ultimate proposition this would at least be more of a shared risk with the National Trust than is currently on the table in the propositions. I ask that perhaps he will reconsider. Deputy Maçon, if I understood his question correctly, I think he is right in his assumption but of course on top of that the National Trust are still committing to find the just over £1 million for the demolition, removal and restoration of the derelict building on the site as it currently stands. With regard to Deputy Young, I think they probably were more appropriately questions for the Solicitor General but I am not sure that they need to be addressed now; I think they probably can be addressed in the main debate. I simply reiterate my thanks. I do not believe that the National Trust have over-extended themselves. As I said in my opening speech this morning, they recognise the difficulty of the decision that Members are being asked to take, they recognise that a loan for them was impossible for all the reasons I outlined at that point but they still wish to help to share that risk and that is why they have come forward with this increased money. I maintain the amendment and call for the appel.

### The Bailiff:

The appel is called for then in relation to the third amendment lodged by the Chief Minister. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 42</b>	<b>CONTRE: 5</b>	<b>ABSTAIN: 0</b>
Senator P.F. Routier	Connétable of St. John	
Senator P.F.C. Ozouf	Deputy J.A. Martin (H)	
Senator A. Breckon	Deputy G.P. Southern (H)	
Senator S.C. Ferguson	Deputy S. Pitman (H)	
Senator B.I. Le Marquand	Deputy G.C.L. Baudains (C)	
Senator F. du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. Saviour		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérissier (S)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		

Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

## LUNCHEON ADJOURNMENT PROPOSED

### **The Bailiff:**

The adjournment is proposed so we will reconvene at 2.15 p.m. to then return to the debate on the main proposition.

[12:51]

## LUNCHEON ADJOURNMENT

[14:15]

### **1.5 Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) - as amended**

#### **The Bailiff:**

We now return to the debate on the Chief Minister’s proposition as amended by his own amendment.

#### **1.5.1 Deputy E.J. Noel of St. Lawrence:**

I am about to deliver what I believe to be described in military terms as “friendly fire”, hence my desire to speak early in this debate to allow my furry friends to fire back. What we are really asking today is for the States to acquire effectively a third of the Plémont site for up to anything from £4 million plus costs up to ... well, that is my point, we do not know. We do not know what the upper cost will be. So the final figure for compulsory purchase could be much more than the £4 million residual land value recently calculated by professionals. We simply do not know, we can only guess. As I understand it, under compulsory purchase it is we, the States, make an offer of shall we say £4 million and then we pay over almost immediately three-quarters of that sum on account. The land is then transferred across to us and the former owner of the land can either accept the offer or reject it. I am in no doubt whatsoever that the current owners will reject a compulsory purchase order offer, whatever that may be. They will seek independent arbitration as is their right. Under such arbitration what can be guaranteed is that we cannot be certain of the final total cost to the taxpayer. Under C.P. nobody can tell us what the final cost will be and that worries me. So, is using taxpayers’ money to acquire an extra third of the Plémont site what we should be doing? In my humble opinion, and after considering the “once in a lifetime chance” as some will say, or perhaps once in 100 years, or once in 1,000 years, I do not think so. Perhaps I could be described as being short-sighted in holding this view and that I and others like me should

be looking at the bigger picture. Well, when I want to buy something I look inside my wallet - something as a Jerseyman I do not like to do that often - and that I do, to see if I can afford whatever object I am looking at. Can we really afford this nice-to-have, and I admit it is a very desirable nice-to-have but it is not essential. I look at the capital programme for 2013 and the draft capital programmes for 2014 and 2015 and I worry. I worry that we will incur substantial additional capital costs for a new police headquarters, should we use the Green Street site. I look at the requirements for capital expenditure on health, on housing, on our infrastructure, and on our education needs. I look at the capital funding pressures and I simply cannot justify to myself purchasing a nice-to-have. Our finances are tight; I have no desire to make them tighter. I would not say that it is impossible for the Treasurer to find a way of financing the purchase of Plémont. It is not going to be easy. There are no hidden pots of money. One source could be contingencies. Is this really what we set such funds up to be used for? As the Constable of St. John reminded us before lunch, these funds were set aside for matters that come up unexpectedly. What would the F.P.P. (Fiscal Policy Panel) say in these economic times of such a move? The Council of Ministers' number one priority was, and still is I believe, in the words of the Chief Minister: "Jobs, jobs, jobs." If we had the spare cash, and in reality I believe we do not, surely we should be using those resources to tackle our number one priority. Just yesterday we heard of the collapse of one of our larger building firms with a loss of several jobs just before Christmas. I do not believe that using our contingencies and our monies to purchase a nice-to-have is what we should be doing. We should be concentrating on our number one priority. But please, Members, do not get me wrong; with regards to Plémont my number one priority is to get the site cleared, to remove the eyesore that has remained there for far too long. I just happen to believe that the quickest, most certain way to do so, is to use planning obligations to ensure that the developer remediates the site before they do anything else and to do so within a specified time. I am also concerned that the National Trust will not have sufficient funds to completely clear the site from day one and will have to carry out further fundraising. I know and fully appreciate that they are well on their way to raising the funds to pay the States for the formerly proposed £2 million, now £3 million, and that they have substantial pledges and a significant proportion of their estimated £1.1 million needed for the remediation. On that one note, one of my colleagues who sits behind me, a few weeks ago told me that he had seen a written quote from a qualified professional for clearing and remediating the site, which amounted to some £2 million. Even the independent professional used to establish the residual land value of £4 million has estimated that the cost of demolishing the existing buildings on the site and to remove the asbestos alone is £1.1 million excluding the landscaping costs. So perhaps the National Trust provision is on the light side. The National Trust also claim that they have substantial amounts of backlog maintenance, almost £2.9 million, in fact, as per their 31st December 2011 accounts which their C.E.O. (Chief Executive Officer) distributed to all States Members in his email of 28th November, this backlog maintenance figure is not the end of it. I quote from note 16 on their 2011 accounts that in addition to the £2.9 million I have just mentioned: "There are a large number of unquantified outstanding tasks for our lands such as dry stone wall repairs, woodland management and new fencing" which means that the overall backlog figure is much higher. They go on to say: "Given the extent of the tasks facing us and the increasing areas of land and the number of properties we are responsible for, it is unlikely that in the absence of very substantial donations and unencumbered legacies the costs will always outweigh available funding." I am sorry but how can they care for and maintain Plémont if they cannot afford to carry out all of the work currently required on their existing portfolio? Will they need additional funding from taxpayers to do so? This whole compulsory purchase process has far too many variables for my simple desire to get the site cleared as soon as possible. I favour strong planning obligations of operations that include for the developer to provide funding for the first 25 years of maintenance of the two-thirds of the land that will be given back to the public. I would support the idea that these two-thirds are transferred to the ownership of the National Trust for free

along with the fund set aside by the developer for the maintenance of those lands for 25 years. This brings me on to another point: why just Plémont? Does not all our coastland deserve the same level of protection? When the Watersplash site comes up for redevelopment should we not buy that and restore that back to nature? Should we not have a project to remove all of the World War II structures from our headlands and return those back to nature, because after all they were only constructed in the 1940s? Plémont Holiday Village was constructed in the 1930s and the hotel predates that. Should the States use compulsory purchase while depriving a landowner of their rights to assist another organisation in their endeavours? When has compulsory purchase been used by Government against a landowner in favour of another body? Is it in fact legal under the laws of this Island? It appears from the Solicitor General's opinion that that is for this Assembly to decide. Could the owners of the land challenge such a compulsory purchase order in the courts? Who knows? If so, who would carry the risks of the costs associated with such an action? Compulsory purchase has a time and place. I would support compulsory purchase to acquire property, say, adjacent to the existing General Hospital site for expansion and rebuilding as an example, but to require a headland on behalf of what is a third party; perhaps not. I would like to recall to Members what is a true story. In the late 1960s a Jersey working-class family with 6 children owned what could be described today as a small holding, consisting of a farmhouse, some outbuildings and an adjoining field, all of which were in St. Helier on the outskirts of town. The owners at the time wanted to carve up the field into 6 plots, one for each of their children. Their thinking was that over time each of their children would be able to use the States Loan scheme to build their own homes. I believe that this is not an unreasonable ambition for the parents, however, not unsurprisingly, the Planning Department of the time rejected all the applications because the field could still be used for agricultural purposes. However, within a year or 2 the owners were approached by the States and offered a sum of money for the small holding and the field. Now admittedly that sum was above the agricultural value of the land but it was nowhere near the development value. The owners were given quite a simple choice; sell at the offered price or have to sell under compulsory purchase at a value less than that offer, that is, at the agricultural value. The result for the owners was that with 6 children, some of whom were relatively young, that they accepted the offer albeit with some reluctance. The outcome for the States of Jersey was Pomme d'Or Farm Estate. Was that equitable? Perhaps it was not. I have a good reason to like C.P.O. (Compulsory Purchase Order), the process, unless it is used for a really good cause such as facilitating a new hospital; but to buy a third of the Plémont site? I will let Members make their own minds up on that. For those Members who may be tempted by a land-swap arrangement, let us be clear. A land swap is no different to paying in cash. If you swap a piece of land worth say, £5 million for another, what you are really doing is paying £5 million in cash because that is what you could have raised if you had sold the original piece of land. As regards the idea of getting an extra planning gain from the sale of the development of another States site which could generate additional monies to pay for Plémont, with all due respects I think that is a flawed argument. In practice it is hard enough to extract planning gain currently from States-owned sites let alone extra planning gain. As an example I cite the recent refusal of a planning application at Gorey. Property Holdings were trying to obtain planning permission on a property in Gorey purely to extract a planning gain so the site could be sold at best value for the taxpayer.

[14:30]

What Property Holdings has ended up with is the suggestion that the site is used for something that will not generate the same level of gain but instead it will generate a cost, completely opposite to what Property Holdings is trying to achieve. A few weeks ago, during the debate on the M.T.F.P., we had a number of Members, including myself, debating over what the preference shares in Jersey Telecom were worth. Different evaluations were proposed, all based on reasonable methods of calculation. Today we have a similar debate but as to what is the value of Plémont. To some it is

priceless and I accept that but today we must confine ourselves to what arbitrators would consider value under a compulsory purchase order. There may be a number of reasonable valuation methods which the board of arbitrators would consider. They would include the tried and tested method of the £4 million valuation as used but they may consider other bases and assumptions valuing the land. We have no certainty. Because of my Property Holdings hat I have seen 2 professional valuations by 2 different professional firms, one carried out in September before the planning obligations had been published by the Minister for Planning and Environment in his Ministerial Decision and that had an estimated residual land value of £6.6 million. The second, with the benefit of the knowledge of the planning obligations has been undisclosed to States Members and has a residual land value of £4 million. But they both used the same method. Admittedly, they used slightly different assumptions, slightly different. So how can the spread of £2.6 million between them be explained? The first value, the gross sale proceeds of the 28 houses at £26.4 million; the second at £25.4 million, so only £1 million difference there. The cost of the first to build the houses was £16.3 million versus the latest valuation of £18.1 million. That is an additional £1.8 million difference. Both used the same percentage for developer's profit and I am advised that this is currently the market standard. So 2 valuations, both carried out in 2012, are some £2.6 million apart, both using the same method. Incidentally, if you combine the best and the worst of both valuations you end up with a spread from a land value of £2 million up to £8.5 million. Some additional information that I received yesterday afternoon is that if you flex the current valuation figures by increasing the gross sale proceeds by 5 per cent and if you decrease the build cost down by 5 per cent, I am advised that you end up with a revised residual land value of not £4 million but £5.4 million. Small differences in percentages can end up in a large difference in the value of the land. What does all this tell us? Quite simply, that valuations are not a science and they cannot give us certainty. On a slightly different matter, it has been suggested that the central area of the land to be gifted to us is nothing more than a village green and that because of that Islanders will not use it. Yesterday I asked the owners' architect if the public will have access across the link road from the lower part of the land past the third group of houses and he confirmed that that would indeed be the case. Therefore this area in reality is part of the whole area that is being gifted and not some separate, isolated island of natural land. Finally, on a slightly different tack, we have all received, as the good Connétable of St. John has in front of him, the National Trust green heart cards sent from their supporters. Perhaps they have not all come from their supporters. I was shocked to witness these green hearts being touted round at St. Peter's residential care home recently. Elderly residents were being asked if they would like to fill them in. This happened while I was visiting my parents who recently moved into the home. Two young ladies came round with a bundle of these green hearts. They even said that it was not going to cost the States anything because the National Trust was going to be paying for Plémont. When I pointed out that this was not the case they were a little shocked themselves. I am sure that the National Trust would not condone such antics and if this had been a candidate for election doing a similar thing we would be concerned and rightly so. But I think we should congratulate the National Trust on running an excellent campaign, even if some of their supporters on this one occasion were a little bit too enthusiastic. In summary, I have emptied my virtual gun and delivered my friendly fire. I hope that the return fire will not be too fierce. We want very similar outcomes for Plémont. I just want to keep the States' wallet firmly closed and I want to avoid the use of compulsory purchase for a nice-to-have.

### **1.5.2 Connétable A.S. Crowcroft of St. Helier:**

I am pleased the Assistant Minister for Treasury and Resources mentioned the M.T.F.P. because I am going to mention that myself and aim a bit of friendly fire back in his direction. First of all, the obvious question: why should the Constable of the most densely-populated Parish with a third of the population, a lot of the business and most of the traffic of the Island support the purchase of

Plémont for the public? After all, if there is money to be had should the States not have finally addressed the issue of their not paying rates from their properties, not just to St. Helier but to other Parishes? Should we not be funding public amenities out of general taxation rather than out of the ratepayers' pockets in St. Helier? Fort Regent still languishes up there. This money would do a lot to restore Fort Regent, as has been mentioned by people in the press and Transport Policy funding agreed 2 years ago in this Chamber was cut in the recent Medium-Term Financial Plan at the same time as regeneration funding was explicitly given to non-urban Parishes and not to St. Helier. The town park was only delivered thanks to a ring-binder, although I think we should also give Deputy Southern some credit. I might also mention that the proposal for a feasibility study for a St. Helier country park agreed in the Island Plan more than a year ago has only just led to an officer working group meeting once. So given all that and the fact that St. Helier's priorities do seem to get neglected then why would I support the purchase of this site? First of all, let me say that like many Members I have had a lot of lobbying, and I agree with Senator Ozouf who said earlier that probably not since G.S.T. have we had our ears so mangled as we have had in recent weeks. But I have certainly had more in favour of the purchase than against and certainly the tone of the arguments in favour have generally been a lot better than the tone of a lot of the more recent and fairly strident emails that I have received. I was taken to task by someone recently who asked about their knee replacement and surely this money could be better spent on their health than on the countryside. Perhaps I am getting a bit cynical but I said that if this money was not spent on Plémont I did not know that they would get their knee replacement any faster. I said: "Surely the best thing to do is to put pressure on the Minister for Health to see why we cannot speed up the delivery of these kinds of operations?" One of the first political stands that I took was against the development of a housing estate on the edge of a marsh. I argued way back then and I argued in vain, as I often do in the States, that this development of essentially suburban character would introduce all kinds of things into that unspoiled area. It would introduce cats most obviously which are the enemy of our wildlife, it would introduce various kinds of pollution - noise, light, run-offs from driveways, and so on - and of course it would introduce a certain amount of human activity into the area which would stop it being truly wild. That development went ahead. I supported some years later the purchase of Bel Tabarin, which has already been referred to, a very expensive and some argued at the time extremely wasteful manoeuvre when all that happened was that the building was knocked down and left to the weeds. But when I go to our sister island - and I have a lot of time for our sister island, particularly St. Peter Port, which has always been compared more favourably against St. Helier - I am often struck by the fact that what Jersey has that Guernsey does not have is a substantial amount of wilderness. Guernsey has a small section but it really is small when you fly and when you visit the island. You can get round it in a couple of hours on foot. As Members will know, Guernsey has had a lot of ribbon development; it is very difficult to get away from the urbanisation of that island. Jersey has been fortunate for lots of reasons, not least the successive Island Plans which have concentrated development in the urban area and keeping that area at the north coast and the west coast relatively free of development. So I want it to stay that way, particularly as pressure grows on the urban areas. We have already had the phrase "concrete jungle" which I think is an exaggeration. There may be parts of St. Helier and other Parishes that are concrete jungles but I do not think they are as I see them. Never mind how it came to pass, we do have the town park and we have other open spaces in the offing. Once Fort Regent is taken forward there is a great deal of open space on Fort Regent which will be made more accessible. I fundamentally believe, and I have made this argument many times over the last 15 or so years, but one of the advantages of concentrating development in certain urban areas, is that not only does it leave the natural part of the Island relatively natural and protected from development, but it makes the urban areas make more sense. It is much better to live in a busy, vibrant, active town where lots of people are living and bringing up their families than to live in a suburb where you do not see people very often. And of course, there is, as I say, the *quid pro quo* that sustainable development,



which is essentially what that is, for lots of reasons we do not need to go into them today ... sustainable development, which is approved in the Strategic Plan, approved in successive Island Plans, allows the natural part of Jersey to be natural and to continue to attract people to our shores. I want to refer to the economy because mention has been made of the extremely regrettable collapse of a local building firm and the fact that these houses could have, I suppose, found their way on to their order book. The fact is that I believe that the economic benefits of this site, if it is undeveloped, far outweigh the benefits of its development. There will be a one-off set of receipts if this area is developed for housing. If it is kept for tourism and for the kind of tourists who come to Jersey and who enjoy our north coast, it will go on benefiting the Island for years, for decades, for centuries. I have met enough tourists who come to Jersey precisely because of our unspoilt north coast, to believe that the economic argument is worth making. So as a town dweller, I want to be able to enjoy the natural beauty of an unspoilt northwest coast. I want to enjoy it, I want my children and their children to enjoy it and I want that area to be as large as possible. I was quite worried by the Assistant Minister who spoke before me when he referred to a village green, a link road and the third cluster of houses. That is not how I want to enjoy the north coast when I walk along the footpath; I want it to be as wild as possible. To finish, if I may be forgiven, to introduce poetry into a debate: "Let them be left, oh let them be left, wildness and wet, long live the weeds and the wilderness yet."

### **1.5.3 Deputy A.E. Pryke of Trinity:**

I may be the lone voice on the Council of Ministers here, anyhow ... first of all, I would like to congratulate the National Trust on the all the work that they do for this Island and also for their commitment they do as well, but also congratulate them on their P.R. (public relations) campaign. As has been said, this proposition has divided the Island. I have never in my time at the States seen so much lobbying for and against a proposition. We have had a great number of hearts sent to us but it has surprised me over the last couple of weeks, those who have emailed or written, called the silent majority.

[14:45]

I want to support the principle of this proposition, but I have difficulty. There has been a proper planning process by an external, independent inspector to build those 28... plus, importantly, planning obligations to return two-thirds - whether it is two-thirds, 60 per cent - some land is being returned to public ownership, which is what the National Trust would want. But also, money given for research into the Puffin colony, demolish the buildings, which alone is being estimated to cost at least £1.1 million, all at the owner's expense, not a burden on the taxpayer. This is not our money. It is hard-working Islanders' money [**Approbation**] and we wish to give it to the owners who have already agreed to give it to the public at no cost. The proposed houses would not sit on the edge of the headland but half a mile back and some of them as said in the report would not have sea views. But to be fair to the National Trust, they are not happy with that but we need to be fair here. There has been and always will continue to be, I am sure, other applications which are in the coastal national park. And will the National Trust oppose every single one or even wish to buy the land? I am sure they will not. Well, I hope they will not. So instead of saying it is a good planning decision, a win-win for all, the States want to buy it and to add insult to injury, by compulsory purchase order. That is totally against my principles. Compulsory purchase only should be used for the purchase of land and or buildings where it is essential for all Islanders, not just a few. Compulsory purchase would undoubtedly lead to arbitration and the States would have to pay the legal costs of both parties and that comes at a price. To me, compulsory purchase goes right against the grain of a Jersey man and woman, and for me, it is morally wrong. Be under no illusion, if compulsory purchase is approved today as part of the proposition, it is a very serious step. In these times of austerity, we cannot afford to use precious taxpayers' money to buy this site.

People are working very hard. Public money should be used for the benefit of the whole community. This is not the role of the Island. We know we have had a pay freeze. My nurses, my staff look at me and tell me that each day of the week. It is a role of government to build schools, hospitals with taxpayers' money. I shall just finish with an email from a native Jerseyman, hardworking on his lands, paid all his dues all his life. He is a member of a silent majority, listens sometimes to the States, takes a good interest, who took time the other day to send me an email. This gentleman loves his Island and he is proud of it and he wrote - and it is extremely short - he said: "For the first time in my life, I have written to various States Members. I am against the States buying Plémont." To me, those few words said an awful lot. Please, I urge Members to use their common sense and let it prevail. I do support the headland being returned to its original state, but not at an unknown price. This is a nice-to-have, not an essential. **[Approbation]**

#### **1.5.4 Connétable M.P.S. Le Troquer of St. Martin:**

I thank the Chief Minister for asking for the adjournment yesterday afternoon during Deputy Southern's amendment, because every option had to be fully explored so that the answers could be given. I express my admiration, as I did yesterday, for all the work that the National Trust have done and now for the additional funding that they have come up with overnight. I am not sure that I can add much that has not already been said to us as Members in recent months, at public meetings, in the letters that we have received, on the post cards, emails and phone calls from so many members of the public, from the media stories that we have read, during the presentations we have received as States Members in private meetings and of course the many things that have already been said in this debate yesterday and again today. Sir, I know that in the past you have suggested to Members, asked if there is anything new that anyone wishes to say during a long debate, so I have got in early. **[Laughter]** I believe you even said it yesterday and again this morning when dealing with amendments. I feel that this debate is somewhat different and you will allow everyone the opportunity to put their views across; their views in the hope of influencing another Member one way or another. We also know that many members of the public are listening to our individual views, out there judging every Member. I just hope they all understand that not only has this issue divided the population, but it has divided this Assembly too. What a sorry situation we have arrived at. Things have been said, even in this Assembly, even in the heat of the moment, to express a person and Member's passion and I do not look at anyone individually. I personally think it is a very sad situation that has arisen. We heard it yesterday and again today and how true it is. The Plémont issue, has in many ways, divided the Assembly, divided this Island and it has caused strains on friendships, even within families. I even heard over the weekend that a fight broke out at a wedding reception recently over this very issue. The interest that Plémont has raised is something that I have not experienced before in my short time in the States, but I understand this has been so even for the most experienced Members and, other than the G.S.T. that we have heard about, we have just heard another Member say that they have never had as much lobbying. Nearly everyone I meet seems to have a view on this issue, although they could be seen to be of 2 main opinions. Please save Plémont for the future of the Island or please do not spend public money on Plémont. Let the houses be built on the land and use the money on something more worthwhile. There may have been those at the Town Hall meeting last week who thought the meeting was a National Trust A.G.M. (Annual General Meeting). I too was a little bit uncomfortable that the meeting may not have been entirely representational and I can accept the views of some at the meeting that it may have been one-sided. It was maybe unfortunate in hindsight that the Chief Minister did not ask those present to show how many were members of the National Trust, to declare an interest, as we do in this Assembly. However, those opposing could have had their opinions known more forcibly during the meeting and that is democracy; as will be the decision that we make today. I am a little uncomfortable again that there is a large picture on the wall and what it might look like without the 3 complexes. Maybe we should have had one

showing the same picture but with the proposed new houses and maybe one with Plémont as it is now. However, I was also surprised yesterday, when together with 30-plus States Members, we attended a private briefing given by the owner's agent, where we appeared to have had a register of our names taken on our arrival. I am 61, a States Member. I am a Connétable and I have been invited to the presentation but I had to have my name taken. Today we have to make our views and decisions. We cannot be intimidated by opposing views but we must and will respect the views of other Members and of the public as to how we decide to vote. I just hope the public will see that too. Some will disagree with us, others will not. I am sorry, but I believe the developer has driven a deep wedge between Islanders. It may be not his fault but unfortunately it is a fact that has happened. I have spoken about the Plémont issue to very many but I suppose it could be referred to as the Plémont debacle, as it has been rumbling on now for at least 15 years; far too long. We all understand the public's concerns. I have concerns, we must all have concerns. Like everybody else, I have heard the valuations creeping up by the week. Maybe £10 million, then it was £14 million, last week we heard £16 million. It is no wonder the public are concerned. I do not wish to spend £10 million, £12 million or £14 million, but those experts in their field tell us that this is incorrect. None of us have come here today without being concerned about the public views and how we will vote. I have daily contact with many people, all of us do, and very many other people at other meetings, functions and presentations. I have had a few who have said: "Please do not support the proposition. Use the money on pensions ... on something else." Others have said the compulsory purchase route is fundamentally wrong in a free society, ordering someone what they can and cannot do with their own property. I have had a number who have been very concerned about the situation and asked for a greater explanation of what is happening because they do not know or understand the full facts. I hope that they know during Senator Bailhache's clear proposition when the full facts were given a full public hearing. However, I have had many, many people who have come to me and asked that I support the proposition, regain the land for future generations and avoid building on a unique and beautiful piece of headland. I am unable to come to this Assembly today and say that every parishioner in St. Martin has told me to save Plémont headland and vote for the proposition. They have not, but it is impossible to hold a ballot and a referendum for every decision. Even if we had a referendum, what would the turnout be? Probably high on this one. Today's debate is not whether the Plémont decisions of the past were right or wrong. It is not about putting blame on others as to why it has taken 15 years to reach this stage of missed opportunities and the like. We have to move forward and show that we now have the courage of our convictions. I just hope that in 10 or 15 years' time, new Members of this Assembly will not be criticising decisions by lack of fast progress, by indecisiveness made by me and made by this Assembly. We, like Members before us, have difficult decisions to make and we have to stand by them. If I can briefly speak on compulsory purchase. I am sure that the road to compulsory purchase is not something that any Government wishes to take but it implies that the Government, unable to get what they want in one way, forces the issue against the wishes of the individual. Some have indicated to me that it is a form of oppressive Government behaviour. I accept and listen to their opinion and views. We all know this is not the case and is avoided by the use of an independent board of arbitrators, but the bitter taste remains; that Government have forced their will on somebody else. I know this has caused some concern to some parishioners in my Parish and I fully understand their view. We live in a democracy; a democratic society. But I say to those people, why have we got the Compulsory Purchase of Land Law that was introduced in 1961, if it is so wrong? Let us remove it from the books if it is so oppressive. If it is so anti-human rights, then why is it on those statute books? On this occasion, we are not discussing the compulsory purchase of somebody's home or garden, say to enable a road to be built through it or to build a new housing estate in their prized garden. We, as States Members are not trying to gazump the developer in order that we can make a greater amount from building our own houses or flats on the site. Quite the reverse; we are trying to work with him, to reach a compromise. He has

been asked to discuss it with us. We are not trying to obtain something that the owner does not wish to sell. We are seeking to acquire an area of land at a realistic price from a speculative developer who seems to want an unrealistic price and save him the problems associated with subsequent construction. To acquire it from a developer who, after purchasing the site, also took it upon himself or his company to purchase an additional 4 fields to the east of the site and it is not to improve the views from the houses on that side. Compulsory purchase: an oppressive behaviour of Government? I think not on this occasion.

[15:00]

Remember the developer is not pleading to retain his site. Remember the developer is prepared to sell. He is prepared to do a land swap. At the moment he is seeking to obtain a price for the land that we believe is totally unrealistic and of course we heard the rumour this morning - that Senator Bailhache mentioned - that he may even be trying or thinking of selling. We are not sure of that. The initial purchase of this land was speculative in the first place. The owner would have known that. The site had not had an easy ride before he became involved. We already know that there were initial proposals of building 117 houses and that had failed. It was only after that decision that the site was acquired by Plémont Estates Limited, following which proposals were made for a development of 36 houses in 2006 and then in 2009, the construction of 46 2-bedroom and 27 3-bedroom catering units. So it was all to do with speculation. House prices have fallen since then, land prices have fallen since then. If the houses are to be built, the developer has to sell them. Far easier to get the highest possible price without the worry of having to build. The Minister for Planning and Environment has now approved the development of 28 houses on the site and that decision may have increased the value of the land but the expert valuations that we have received as States Members shows that the figure being quoted by the owners is excessively overpriced and even that valuation, calculated with the buildings being built. I am uncertain whether the decision of the Minister for Planning and Environment for the permit of 28 houses will be subject to any appeal as being in contravention of the Island Plan and how that might affect the situation if the proposition fails today. There are a few other issues that I would like to say to Members today. The ceding of certain areas of land. I have experience of this and I believe there is always a reason why someone wants to give you something. We have heard of discrepancies of the areas of land being offered to the public and I do not believe it is so clear cut, as being suggested by the developer. Since taking up office, I have been working closely with my colleagues, the Assistant Minister for Treasury and Resources, the Connétable of St. Saviour, the Deputy of St. Martin, Deputy Le Hérisseur of St. Saviour to finally resolve the ongoing issues that have been under discussion since 1979 over the ownership and maintenance and common areas of a village, an issue that has been to many previous States Assemblies over the years. I had similar problems over the ownership and maintenance issues of St. Martin's village off the Rue de la Haye complex. The easy option for the developer at Plémont would indeed be to hand over the central common areas to the States or the National Trust to maintain, and I have no doubt whatsoever that this area will remain a thorn in the side for many years to come, with disputes over maintenance, rights of way, repairs and the like. Building on the headlands, can I remind Members of the fierce public criticism of one house, accepting that it is big, being built on a coastland headland in my Parish at La Coupe and the great public criticisms of homes built on the headlands at Portelet, yet here we are, some of the public wishing the Government to make no attempt to stop a housing estate, or call it 3 housing estates depending how you wish to look at it, being built on another area of natural beauty, on a headland, visible from the sea and land and from other headlands considerable distances away. If I could ask Members, and you have looked at them, I am sure, to look at pages 29 and 30 of the proposition. I cannot see another house on those photographs. Now think of positioning 28 houses, probably 50 or 60 cars, a couple of vans, some motorcycles, trailers, garden sheds, trampolines in some of the gardens, cars up and down the small lane. Think of your own home and

your garden. Homes in housing estates do not look like they do on the architect's plans; even those that cost £1 million or more. We look at the need for homes only to be convinced that the building of 28 houses will solve any housing shortfall for those that really do need housing, although I do not think that has even been the boast of the developer. Some may argue that the homes will allow people to move up and free cheaper houses, but is that really going to happen? I fear not. Some of these houses may take many years to sell and the estate agent will put on there: "Public have a right of way through the areas near your home." These homes will not be for your average, young family on the housing waiting list. They probably never will be and, in any case, some will probably be resold at profit within a short time because of the unique location and then further speculation. We talk about builders and building firms. How often have we heard in this Assembly that there are numerous building projects ready to start all over the Island but the developers and builders are waiting for a safer time to start their projects? I do not believe that this project is going to save the building industry in Jersey, an industry that is ready to start with many approved projects. So we have got the cost to the taxpayer, this with compulsory purchase issues must be the biggest worry to the majority of the public and to the Members today who are unsure and uncomfortable with the situation but can I remind Members that at our next sitting on 15th January 2013, we will be debating setting up a Committee of Inquiry into historical child abuse on the Island and we have no idea how much that is finally going to cost. So we can look back into matters that occurred in maybe the 1960s, maybe even the 1950s. That is a debate for another day but the public need to know that on that date, we shall be asked to agree something on which we have absolutely no idea of the final cost and believe me, it will cost many, many millions. So to conclude, I have said before, I have many concerns. I care for people and we all care for people, every Member in this room cares for people. I think of my mum and my family and they have not got the understanding of the money we are talking about, I can understand that. Lunchtime today in King Street, the Christmas collection, a lady came up while I was speaking to the collector, in her wheelchair with her few coins, this was at lunchtime today. I understand these people and I have got the concerns and I do think of them. If I can remind Members that the site is acquired by the States. It is a one-off acquisition and unlike a school or a hospital or a States building, unlike pensions and pay rises, improved social security benefits, it is a one-off. It will not require continued funding by the taxpayer. Who gains from the development? 28 new houses - the developer and a little for the rates of St. Ouen. Who gains without it? The environment, the wildlife, the flora and fauna and all future generations of Islanders and tourists alike. This has come about, in my opinion, as a speculator whose only apparent interest was financial gain, where it has not gone as expected, where he may have paid too much for the land when prices were better and who now sees a way of securing better returns by way of holding out for as long as possible ... by holding out, and in the meantime, this community has been divided. Deputy Southern spoke about it and other Members have spoken about priorities and we cannot leave this because this cannot come back. This is a priority for today; it cannot come back at a later stage because once a decision is made, it is gone. I urge Members to think about a future generation of Islanders. Those who could look back in 50 or 100 years' time and thank us for a decision that we made today, the 12th of the 12th of the 12th. If I could just finish with some words that were told to me last week and they were taken probably from someone else: "We do not inherit from our ancestors, we borrow from our children." I urge Members to consider carefully, maybe reconsider how they were going to vote and ensure that we do everything to avoid losing this area to housing, an area that really belongs to our children and our children's children. Change your mind if you want to. Change your mind from the views that you may have had, that is the purpose of debate but I am uncertain, I do not think that any Members will probably change their views and would have voted the same this morning as they will this evening. I will obviously be supporting the proposition, yes, with concerns, but I urge Members to be courageous and not miss this opportunity of retaining this unique section of land for future generations to enjoy. **[Approbation]**

**Deputy E.J. Noel:**

Sir, may I ask for a point of clarification from the previous speaker? I did not want to interrupt him in full flow but did he say that some of these properties will be resold at a profit?

**The Connétable of St. Martin:**

To indicate that I think they will be sold ... there will be a price for them. People will be after those houses, if that is what you mean.

**1.5.5 The Connétable of St. John:**

So many bits of paper here now. The previous speaker spoke of a wedge being driven by the developer. I do not think that is the case. I think the wedge ... in fact, this shows what a wedge looks like; I have had 78 of these love hearts, in fact it is 77, from my parishioners and I have had 22 emails in favour of this development. I have had umpteen calls and emails against, those I have not counted, but every time I open a door somewhere, whether it is in the Parish Hall or going into my local or going to the supermarket, I am confronted by somebody who says: "Connétable [or Phil or Deputy - they do not know whether I am Deputy or Constable] **[Laughter]** ... please, we cannot afford it. Please, we cannot afford it." But the 100 or 102 in favour, when I look at my electoral list for St. John, which is in excess of 2,000, this is not 1 per cent. This is not 1 per cent of my parishioners and all these are St. John's addresses, as I say, bar one. Some of these are hardened supporters of mine, or were, and I hope they understand that we cannot all ... we have to vote with our conscience but also I am looking and I am reflecting on what has happened over the last few weeks and months in relation to this and I have to weigh-up what I believe is best for the Island. What is best for the Island. Until several weeks ago - if I can find my actual speech now - I was not 100 per cent sure where I was going. At the time I had a raging toothache, then all of a sudden a proposition comes across our desk. They have killed the pain. I thought: "Wow, where is the Chief Minister coming from?" We have got a Committee of Inquiry going on at Plémont, and all of a sudden, he brings this proposition. We are smack in the middle of a Committee of Inquiry and I thought: "Wow, what are we doing? Why did we not allow the Committee of Inquiry to do its work before he tries to influence it?" I believe that is why this was brought, to influence that Committee of Inquiry. That is just my view. I believe the Chief Minister was totally out of order because I think he would be one of the first to criticise myself or any other Member if we did that at the time of an Inquiry. Then I look at the property portfolio and it has been suggested by some that we should sell some of our assets to help fund this. Then I look at how we got those assets. In a lot of cases, they were bequests to the Island, and think of the Le Seilleur building. I thought: "We could not sell that if we wanted to because there are caveats within the gift that it is for Health." But what have we done since we have had it? We have just left it to sit there, decaying and why? In part, because it is clamped with one of these Sites of Special Interest. So, we cannot move on that because one area of Government does not really want to play ball with the other and that is how we go on continually. We have got historical monuments all around the Island, whether it is churches and the like, we cannot move forward on because they have got S.S.I.s (Sites of Special Interest) on them. We have got a property portfolio, yes, which runs into billions of pounds, but what does it consist of? Buildings like this, jetties and piers around the Island.

[15:15]

Some are historical which will once again have got "historical" stamped all over them so there is little we can do. So what do we try? How do we try and get over that problem? We bundle the whole thing into a new and incorporatised - or supposed to be before long incorporatised - Harbours and Airport. So we lumber them with some of our historical monuments to look after. All these are part of our "X" number of billion pound property portfolio, plus our sea defences, plus a lot of land which makes up our cliff paths. Not all of it, but some of it because in part, they run

over private property, and so on. Our hospitals: all part of that portfolio, sewage works and so on. All of that has to be maintained. Our roads: yet again, that is part of our property portfolio. We are being asked to increase that property portfolio by purchasing this land and giving it over to the National Trust who have also got a problem in maintaining what they have already got. We are told by the Minister for Social Security yesterday that they are losing, or it is costing them, in excess of £250,000 a year that they cannot find and yet we want to increase their expense annually. I think: "Well, what are we doing?" We cannot afford to look after what we have already got. If we look at the state of our roads: in a poor state of repair. We have got approximately 2,300 homes on this Island still pouring crude sewerage into the ground. We cannot afford to put the £70 million-odd required to couple-up all of these properties on to main drains and yet we are looking at spending money on nice-to-haves, because that is what this is. It is a nice-to-have. I could go on, but I do not want to, because I know other people will have plenty to say but for those people who are listening out there, yes, I have listened to what you have said and I have weighed-up where we are today. As I said this morning when I read out the latest information we had from the Health Department on the influenza jabs, all we need is a couple of serious issues in the next 12 months, whether it is swine flu or bird flu and we have got to spend £3 million or £4 million on getting the necessary vaccines in. That £3 million or £4 million that we may be asked to spend, over and above the £3 million that National Trust, but it may be £8 million, but if we are hit with a couple of these things, or some other disaster, we are going to have to dig into the other reserves which we do not know what is on the horizon. I was listening to the radio at 5.30 a.m. this morning, and they were talking about the double-dip yet again, the problems going on in America and, of course, the figures of unemployment in places like Spain at 25 per cent and Greece and so on and I thought: "Wow, we cannot afford to have the nice-to-haves." We have got to make sure we can protect our population if things go really sour in the next year or 2 and beyond and we will not be able to turn round and say: "Oh, we can sell off Plémont" because we will not have the money. Nobody is going to have the money to be able to pour back into the coffers. What it will mean? It will mean hitting every one of the people in this room here today, in this Chamber and up in the gallery, with an increase in G.S.T., because that is the way they will get the money. That is the only way we can get the money. But we might hit others with an increase in taxes in other ways but I believe it will be coming the easiest way now. We are at 5 per cent on G.S.T. They will just raise it up to 10 per cent or 15 per cent and then that is where we will be. So it is entirely up to Members how they vote but I am hoping that the people out there will understand why I cannot support this proposition because it is a nice-to-have and if this had been when I first came into the States in 1994 or right up to 1997 when we had reasonable balances in the bank and we were well-cushioned. But the Treasury have been hit year-on-year now since 2008, one way and another, and the barrel is virtually empty and I do not want to take out the last few drops of money that we have in that barrel just to have a nice-to-have. So I hope people understand. Thank you.

#### **1.5.6 Deputy S.G. Luce of St. Martin:**

Every day, at some point without fail, I remind myself how grateful I am to live in Jersey. Indeed, a member of my family who travels the world with his work is always asking me why any of us feel the need to go anywhere at all when we have such fantastic natural facilities right here on our doorstep. We travel away for any number of different reasons but we always come home, or at least I do, and think: "That was fine but I am glad I live here in Jersey." As we travel around our Island, especially the north and east coasts, I am sure there are many of us who occasionally look out to France or the other Channel Islands and think, for a brief moment, how nice it would be to leave our Jersey problems behind and just move over the water. Those of us who are fortunate enough to sail or motor to the outlying reefs of the Écréhous and the Minquiers, always get at least one brief moment every trip when we feel we have stopped off at some extra special paradise. But, you could not live there. Well, not for very long. The point I am trying to make is that the grass,

literally in this case, is not always greener and, try as you might, you cannot attain paradise; you cannot acquire Utopia. You can make things better but you will never achieve perfection and that, in my view, is where we are with Plémont. We should be working together with the developer and not against him. I know from personal and practical experience that we will never really and properly return the site to nature. We should not be striving for perfection. We should be realising that what we can have is a pretty good compromise and certainly, not one to complain about. **[Approbation]** There is absolutely no question that what we have at Plémont at the moment is nothing less than disgraceful and there is absolutely no question that given the opportunity, the option that every one of us would take would be to step back in time and never allow anything to be built on that location. But at this point in time, we have only 2 options and both were distinct improvements on what we have at present and for that, we should be grateful. Let us put the environmental arguments to one side for a moment and consider the economic and commercial questions. The first is financial. How much will it cost? The second is the use of compulsory purchase. Is it really justified? I have always believed that compulsory purchase should only be used for public safety - roads, education and health - and only then in the most compelling and unique cases. If a road needs widening, then that work can only be done in that particular place. If a school needs extending, it can only be done in that location. What is the proposition really trying to achieve at Plémont that we cannot achieve somewhere else? I am sorry, but I do not see the argument that the Assistant Chief Minister has put forward before us today as either particularly compelling or unique. We are being asked to safeguard a view, a stretch of cliff top, some headland. But we have that, all 3 of those, in abundance, all over the Island. We could be talking about very many other places in Jersey, could we not? Yes, Plémont is special. It is very special, but no more special than many other locations around our wonderful Island. In every Parish we could find some land with similar qualifications, land that we could purchase that needs improving, improvements that would make things better for everyone. But for the sake of argument, let us assume that we have made the decision to compulsory purchase. How much will we have to pay out? The straight answer is, we do not know. We think we have got a good idea. We think it might be around £5.5 million. I am convinced that it might be very much higher than that but I am not going to argue the point. When it comes to the purchase price, the straight answer is, we do not know. If we sign up for compulsory purchase, that decision is completely out of our hands. If it was our own money, would any of us seriously turn up at the Royal Court on a Friday afternoon, put our hands up to pass contract on a property and then allow the lawyers from both parties to start negotiations over the purchase price? But let us agree for the sake of argument that £5.5 million is a good estimate and if you turn to page 2 of the comments of the Minister for Treasury and Resources, you will see that that is a number he comes to as well. So we are being asked to spend £5.5 million to preserve a small site of 26.4 vergées, from 28 houses, that are well designed and in keeping with local building techniques. That is £208,000 per vergée. Please remember that. We could in theory use the money to purchase other parts of the Island, maybe coastal areas somewhere else, maybe agricultural land, and let us consider both those options. If we have that amount of money to spend on buying-up Jersey, and return to nature, then what is the price of agricultural land at the moment? Maybe £5,000 or £6,000 a vergée for the better stuff? Quite a bit less for the north coast marginal land, and the type we are considering here is certainly not prime agricultural ground. So let us agree £6,000 a vergée for the good stuff and half of that for the marginal land. We could pay our £5,500 purchase over 900 vergées of good agricultural land and getting on for 2,000 vergées of marginal land. I can see a few faces around the Assembly looking puzzled and I know why. How big is a vergée? Well, there are one or 2 in this Assembly who know the answer but for those others, a vergée is the size of the Royal Square and yes, I have measured it. What does 1,000 or 2,000 vergées look like? Well, even the farmers in the House will struggle with that one because to imagine that amount of area in one block is really difficult. But think on this, for the same money that we are being asked to spend on Plémont, we could purchase between 1,000 and 2,000



vergées of agricultural land. The total area of St. Clement is 2,513 vergées. So, if you want to buy a headland, cliff land, marginal land or agricultural land, we could do a lot better. When it comes to taxpayers' money, I am committed to spending less, or at least getting more for the same. I am committed to getting value for money. This deal is not good value for money. If you want a genuinely protect Jersey for the future, then you can do much better, you can get an awful lot more for your money and so can the National Trust. Even they should be thinking again. If they really have £2.5 million of their members' money to buy land to safeguard for future generations, then they could purchase over 800 vergées of marginal agricultural land, nearly a third of the area of St. Clement. As Members heard on a recent presentation about their proposals, the National Trust have potentially 4 schemes for the Plémont area. First, a demolition clearance of the site, restoring the area and resealing; secondly, making good the footpaths and bridal paths around the cliff; thirdly, the creation of a bird sanctuary on the coastal area below the site; and fourthly, the creation of a new car park to serve the beach. What they have failed to tell us at the presentation was why they are not at work already. With the exception of the site itself, all 3 other schemes could be in progress right now. They could have been done last year, or even earlier. There is nothing to stop the cliff paths from being improved now for the bird sanctuary or the car park being created today, or tomorrow, regardless of what happens on the site. Then there is the question of what happens to the £5.5 million, should we decide to spend it on compulsory purchase. We certainly will not see it back in the local Exchequer at any time in the future. It will be gone out of the Island to be spent and invested somewhere else. If we compulsorily purchase the land, then the current owner will not be reinvesting it here in Jersey, and who could blame him? You will notice that so far, I have not spoken about cost. I have mentioned the level that we would have to pay out and the purchase price, but not the real cost and there is a big difference.

[15:30]

We have only 2 options before us today; only 2 ways of proceeding. Please remember that the *status quo* is not an option. We will not be standing still. Number one option involves the Minister for Treasury and Resources paying out money and number 2 option involves him receiving money. The real cost to the Island and the Exchequer is the difference between the 2. Let us consider for a minute the income to the local economy in developing the 28 houses. We can allow the owner of the land to demolish the old buildings at his own expense using local contractors, restore the site, build the houses designed by Jersey architects, buy his construction materials locally, employ local tradesmen in all phases of the work, sell the properties through local estate agents, have them bought by purchasers paying stamp duty, and then have those houses furnished using local shops and stores and the gardens laid out by local suppliers. We can see from our own valuation that the estimated number is, when you take off the developer's profit and add the cost of furnishing the properties, conservatively £21.5 million, over £22.5 when you add the G.S.T. So, we can have £22 million added to the local economy or have £5.5 million taken out of it. Over £27 million. And the direct effect to the Minister for Treasury and Resources? Well, on one hand, there is £3.5 million to purchase the site and around £1.25 million G.S.T. lost if the buildings are not constructed. Maybe another £1.5 million in lost I.T.I.S. (Income Tax Instalment System) for the workers' wages.

**Senator L.J. Farnham:**

Sorry. Just a quick point of clarification if the Deputy would give way very briefly. I do not believe you pay G.S.T. on housing purchases?

**The Deputy of St. Martin:**

I believe you pay G.S.T. on construction, on new build construction.

**Senator L.J. Farnham:**

No, not new build, only refurbishment.

### **The Deputy of St. Martin:**

I will take back part of that £1.25 million G.S.T. **[Laughter]** There will also be many other indirect benefits that the Minister for Treasury and Resources will not take into the Exchequer, and then there are the legal fees. Let us agree that the difference to the Minister for Treasury and Resources would be £6 million or £7 million. That is enough to build St. Martin's School; that is enough to buy 3 MRI scanners; it is enough to knock off the 3pence a litre fuel duty until the end of the decade. Compulsory purchase is a double-whammy. It costs us not only the purchase price, but also the lost revenue for local businesses and tax take for the Treasury. And please, let us not forget this is not me making my decision to spend my money to improve my property. This is us, spending taxpayers' money, money that they have worked mighty hard to earn, money they expect us to be using to the best effect to find ways to best serve their needs on the Island, money that they cannot really afford to pay in these hugely difficult economic times. Every time, almost without fail, this Assembly debates a new proposition, we are told by the Council of Ministers how we cannot afford to spend more money, how tight the budget is, how we must save. Surely we are not so hypocritical as to accept this proposition today? Members of the Love Plémont campaign will be thinking that my commercial approach is missing the point and I just do not seem to appreciate the need to safeguard the Island for future generations. To be perfectly honest, if we are talking about saving Jersey for genuine environmental reasons, then we should be putting this money into reducing carbon emissions or sea defences or renewable energy production, something that will really make a difference in the future. I spoke earlier about the impossibilities of trying to achieve perfection. I would hope that we would all agree that with or without Plémont, we are truly blessed to live in such a beautiful island. Maybe we should stop for a brief moment and reflect on how lucky we really are. Maybe we should think about spending this money, not on ourselves, but on others less fortunate than us. Maybe we should put the money into helping the local homeless community, or the less well off, or the Children's Service, or old age pensioners, or local charities. Maybe we should think less about ourselves here in Jersey and more about others outside the Island and increase our donation to overseas aid and help people who really have nothing, people who will never have a view of the sea, people who will never see the countryside. On a number of occasions over the last few weeks, I have asked myself how, what we are proposing here, must look to outsiders. Are we really so wealthy, so self-centred, so blasé and unconcerned about others, so convinced that we are doing the right thing? I am not looking at this from a purely commercial perspective. It is just that, whichever way I look at this proposal, there is a better reason for doing something else. I love and appreciate my Island at least as much as the next man, probably more so, but this proposition is not right. Whether it is the fact that we would be committing to spending an unknown amount of money, or the fact that we really do not have the money to spend in the first place, or that if we do spend it, it is not good value or that if it is of no benefit to the economy, or that there is far better environmental projects we could commit to, protecting much larger areas of the Island, or that we should be thinking of others and not ourselves. My conscience does not sit well with this proposition. Both my head and my heart are telling me the same thing: say no. I would ask Members to reflect on these matters. We could and should be working together to achieve better than this.

### **1.5.7 Deputy R.G. Bryans of St. Helier:**

Just on Monday I was told that I was a question mark on a list in Deputy Noel's pocket. He may need to review that list now. I feel I have to stand because as somebody that has always supported culture to the *n*th degree, I feel extremely - as Deputy Tadier said, some time ago now it seems - agonised over these decisions and very conflicted. I do not agree with the Constable of St. Mary when she said it is just about putting houses on land. I think it is much more than that. It is much

more fundamental. I have 2 problems with it. One is the first, the notion, I did state at a Culture Conference, the notion of legacy and we have heard a lot about leaving legacy of this particular plot of land to our children's children. My legacy concern is that of the way in which we have gone about this business in particular. I was hoping when Senator Bailhache stood up to speak I would have something to hang my hat on and say this is definitely the direction I am going in, and I do not have that. My concern is about this notion of having a compelling case of public interest to go into compulsory purchase. I feel at this point in time, I do not see the moral imperative to buy this land. In fact, I just find moral ambiguity. What I was hoping for at some point in time, there is some way through Deputy Southern's amendments and the various ones that we see, and in fact, the discussions that happened last night, there could be some way of working to reach a resolution on this. We are all looking for it. This Assembly in particular is desperate to get to this end result and I do not think there is anybody in this Assembly that does not want this land bought to some degree, but not at the price that is being discussed at the moment. So, what are we teaching our children? Here we are, as the lawmakers. We create the rules and the regulations and this particular individual who seems to have been quite demonised and I do not know, I do not have any particular side on this chap, bought this land legitimately, and legitimately after a planning application and was given it, and then suddenly, when it does not suit us, we circumvent the system and we apply this compulsory purchase. That does not feel right and I equally have gone out and spoken to various people. I think Senator Bailhache said he spoke to a lot of young people about it; I have too and I have reached the conclusion from all of that they said to me, they are not happy about it. In their particular words, they say, it just does not feel right. The other thing is the matter of cost. We are in the middle of a double dip-recession and as a lot of people say to me, we should cut our cloth accordingly. I just want to read out, this is our economic outlook for December: "The global economy has weakened further this year and ongoing uncertainty in the euro area and the U.S. (United States) has led the O.E.C.D. (Organisation for Economic Co-operation and Development) to revise down its forecasts for next year and state that a major contraction cannot be ruled out." A major contraction. Then it goes on to say: "Overall trends in the local economy have deteriorated since the crisis in the euro area took hold." That leads me to believe we are heading into very choppy waters. We only saw the other day that Deerglen has gone under and all of this sort of thing concerns me greatly. In fact, in the *J.E.P. (Jersey Evening Post)* just the other night, the deposits were reduced by £1.2 billion. Jersey Finance did not go and ask McKenzie to look at their situation without the thought that they themselves are heading into dire waters and we need to take a real concern with this because if we are starting to hand out money in the way that we are, what route are we heading down? Now, from my perspective, as a cultural Minister, I am deeply behind all of the people that have put a lot of time and effort and, in fact, I would like to thank, as we have done, all of us have done, the National Trust for the effort they have put into this, but I would equally like to thank all of those people that have written me letters and sent me emails and phoned me at all odd times of the day, just to let me know what their thoughts are. This has divided the Island. It has divided this Assembly. But I think for the 2 concerns that I have at the moment, I have sat today listening to the Jersey Arts Centre, making a case for the offerings it is going to give us in 2013, running into difficulties because they just cannot find the money to make all of these things happen. Here again we are making a decision that I think the Chief Minister quite often refers to things as a win-win situation. No matter where we go today, and no matter what is decided, it will be a win-win. Something will be decided and we can crack on and move on from this because we really need to start taking the effect of a political assembly and dealing with the issues at hand, not this issue. So, in my mind, I cannot support this proposition.

#### **1.5.8 Senator S.C. Ferguson:**

It is a rare occasion today. It is not only 12.12.12 but I am thinking I am going to agree with the Minister for Health and Social Services, the Deputy Minister for Treasury and Resources and

possibly Deputy Southern. **[Laughter]** It is incredible. I rather regret that at the moment I am a member of the National Trust but I hope they will not expel me after today. But I think the saddest thing about this debate has been the divisive effect on the community and I found this particularly noticeable at the Town Hall meeting when there was an underswell of booing against people who disagreed with the majority of the people at the meeting, and I felt that was quite wrong. That was not the Jersey way. In fact the people who disagree have been almost driven into a more furtive approach. Certainly I know that many of them have been intimidated into sticking to phone calls and emails. Some have been brave enough to write to the *J.E.P.* but an awful lot, as I have said, have resorted to somewhat furtive phone calls. I am sorry, if you disagree but you have to be able to disagree openly. I can quite understand the arguments made by the National Trust because, after all, that is their *raison d'être*, and where possible, I agree, I think it is essential to preserve our heritage and our history. In the *J.E.P.* this week mention was made of Rommel and Members may not all remember I was responsible for bringing the proposition to the States to save Warren Farm from developers, so I do know a bit about that case. The public raised £1,195 19s 0d - it was old money - and the States contributed £7,004 1s. But there are 3 major differences to today's debate. Firstly, there was a willing seller. Secondly, she was prepared to accept a consideration which was well below market value. Thirdly, there was no question of compulsory purchase, and in fact I would suggest that, being immediately after the Occupation, I would have thought that compulsory purchase would have received short shrift.

[15:45]

Then, of course, at a later stage my Public Accounts Committee, principally in the shape of the Deputy of St. Ouen, was responsible for preventing part of Howard Davis Farm from being sold at a knock-down price. It is now on a lease to the dairy with the blessing of the Davis family and thanks to the invaluable work by Deputy Le Fondré, and currently I am having a happy little battle over the Zanzibar site. So, I think I do have a little credibility environmentally. However, it seems to me that the 2 bones of contention, as Members have said, are the compulsory purchase and the valuation. As far as the compulsory purchase goes, I think it is obnoxious. The only time that I think it is sustainable is in times of war. Apart from that, it seems to me to be bullying and, if the owner does not have a deep pocket to fight it, it verges on theft and it sets a thoroughly unwelcome precedent, and I am totally against it except in times of war. But, as to the valuation, I am not a property expert. However, during the Lime Grove House review we were told by experts that the bottom of Green Street car park, the part that was not built on, was worth about £2.5 million to £3 million for residential building. So, I am very confused because, if that little bit is worth that amount, then I cannot quite see the valuation for Plémont. After all, as we know, Lime Grove House itself was about £8 million, and I think the residual land was possibly in for £1 million or £1.5 million. But that I find confusing and, as the Chairman of the Public Accounts Committee has stated, do we really have sufficient reliable information to make the decision? At the moment the owner holds all the aces. If he refuses to sell at the price the Council of Ministers thinks appropriate then the proposition plans to go to compulsory purchase. But the odds are this will go to arbitration and whatever is decided by way of consideration will be augmented by the cost of valuations and payable legal fees, which will all be payable by us or by the taxpayer. This seems a little foolish when we can get two-thirds for nothing. It might be worth negotiating for the agricultural land, Fields 48, 52, 53, 54, but that is not in the proposition. But perhaps the Chief Minister might like to consider this. The other thing which bothers me is that it is unlikely that the deal can be solved by negotiation, as I have said. If we go to compulsory purchase we appear - and I would be grateful for clarification on this - to be giving the Council of Ministers a blank cheque and, as P.J. O'Rourke said, giving a blank cheque to politicians is like giving a teenager a bottle of whisky and the keys to the family car. The Minister for Treasury and Resources has said that the purchase can be funded out of contingencies. The Minister for Economic Development sent an

email round to Members today saying there is not any money left in contingencies, or it has all been allocated. There is a limit to the amount we can put into it, so what is the limit on contingencies? How much has the Minister for Treasury and Resources available? Perhaps he would like to tell us when he speaks in the debate. As a further thought, it is no use having a wonderful open space in St. Ouen if we are condemning people to live in rat traps in St. Helier, and that is what we are developing. We have flats where the show flat had scaled-down furniture and in the end they found sofas could not be carried up the stairs. There are flats where there is virtually no storage and flats where there are wooden or laminate floors where you can hear every footstep in the flat above. These are the ghettos of tomorrow. Yes, by all means let us have a vibrant urban area, but do not let us have a series of ghettos, please. I am sorry this debate has come at this particular economic time. If the situation was better, if the outlook was rosy and if we could afford it, then I would have gladly supported a realistic negotiation. At the moment I do not think that is possible. I am not happy with the current economic trends, the economic outlook is just not good and I really cannot justify this action, and I shall not be supporting the proposition.

**1.5.9 Deputy R.C. Duhamel of St. Saviour:**

It sounds as if some of the Deputies from the eastern part of the Island paid the same script writers, so apologies if I repeat anything; I will try not to. One of the comments that Senator Bailhache and others made was that if we are going to compulsory purchase orders, it must be in the public interest. Indeed, in making those comments he also indicated that the quality of life for town dwellers is as important as for countryside dwellers, and I agree with that sentiment entirely. This is really what is troubling me. I am not at all sure at this point in time that the value that we get out of this particular course of action is as big a value to the public as perhaps it could be, and I would just like to say a little bit about that. It is sometimes said, I think, that accountants know the price of everything and the value of nothing, and from some of the comments we had from the Deputy of St. Martin, I would just like to amplify on the picture that he was painting. I went to the Jersey Property Holdings Department and to Maillards to ascertain what the going price for ordinary agricultural land was, and it has already been referred to. It is of the order of £5,000 or £6,000 according to J.P.H. (Jersey Property Holdings). That being said, calculations can be easily made as to the number of vergées, if you are dealing with those units. For those who need to know, a vergée is 19,360 square feet, but most for Members they do not work in square feet any more.

**Senator P.M. Bailhache:**

I am sorry to interrupt but would the Deputy mind speaking up? I am having a little trouble hearing.

**Deputy R.C. Duhamel:**

I am being amplified and perhaps if the Senator places his hearing aid on he might be able to hear me a bit louder. But I will speak into the mic. I have got a bit of a crapaud in my throat at the moment but I do not need a glass of water. Thank you. So, the indication given by the Deputy of St. Martin was that if you took the amount of money that might well be expended on this venture it could stretch between £4 million to £14 million, and if you were £14 million at £600 a vergée, that gave you 2,333 vergées which is St. Clement. Not just part of St. Clement, not just Green Island, but all of St. Clement if, indeed, St. Clement were just agricultural fields. But this is the point. St. Clement is not all agricultural fields, and certainly to purchase the whole of St. Clement would be a lot more expensive than £14 million. But the point that the Deputy of St. Martin was making was one of scale and quantity. What could you achieve if you were going to buy on the open market agricultural land in a different place for a different purpose? It is fair to say that, if we again think of the statistics, St. Clement is 3.5 per cent of the whole Island; it is 1.6 square miles. It is not 7 vergées; it is 2,333 vergées, which is an enormous difference. Some people might say that is

utterly unrealistic. Let us use £8 million instead. Well, even if you do that you are still at 2 per cent of the Island - 2 whole per cent - and that amounts to some 1,333 vergées, a sizeable amount. It is 60 per cent of St. Clement or, if you want to put it into St. Helier terms, half of St. Helier. The Constable of St. Helier, during the Island Plan debate, came forward with a sensible idea to suggest that perhaps, in order to extend the benefit to those persons who are living in the areas that are going to be regenerated in town, and who are going to be called upon to live in accommodation that he thought might be built at too high density or whatever, we had to have an overflow into the countryside, the very thing that Senator Bailhache was talking about, to bring equity to the situation, to allow fair shares for all. Not just to give Plémont for a small number but to bring a greater benefit to a wider number of people. So, I asked the Planning Department if they could produce for me a small map of the area that the Constable of St. Helier had asked to be considered by the Minister for Planning and Environment, to see to what extent we could, at some time in the future, bring forward a country park for all the residents of St. Helier and those in Parishes who live close by. If we look at the numbers of persons who could be affected we are talking about 40,000 people who could quite easily, if we spent £14 million or £8 million, avail themselves of the benefits of walking in a country park on the north of their Parish. But perhaps that is not to be. So what are we going to be led to spend our money on? Well, we are going to spend this enormous sum on 7 vergées. It is preposterous. I ask myself: "What can I do at Plémont at the moment?" If we argue that Plémont is a wider area, and certainly in some environmental circles you might well be arguing that, it is not just the area of headland or the inner grassland areas that we are talking about which relate to this purchase. It is the whole of the headland as indicated on the picture on the board. So, what can I do? I can walk along the cliff paths at the moment. I do not need £8 million to do it. I can go to the café, and their prices might well be high but certainly I do not need to clock up bills for £8 million to go and get some beverage or whatever, or to avail myself of a small dinner or lunch. I can go down on to the beach. There is not as good fishing as there used to be in the old days because of global warming and everything else, but I can still go down there and I can surf, if I could surf, or I could paddle my canoe or my kayak around to go to the headland. I can do all of these things at no expense. I can do that now, for what am I going to get for my £4 million, my £8 million or the higher sums that have been spoken about? I am going to get 7 vergées of land which will be added to all the things I can do at the moment, and I do not really think that is a very great extra benefit to myself or, indeed, to any of those persons who will not be able to avail themselves of the infrequent bus services that run there, but perhaps we are going to running buses on a more frequent basis than the 6 to 8 services that run there at the moment, and none on a Sunday, by the way, when perhaps most people could go there. So, we are going to need, if we are going to ramp up the usage of this area, to ask the National Trust, or pay for it ourselves, to spend more money on extra car parking in order to give more people the opportunity to enjoy the village green area, as it has been termed, or, indeed, the other bits and pieces which amount to the two-thirds that were being offered to this Assembly for nothing. Or we are going to remove the buildings and have a slightly bigger area, which we would have had the bulk of anyway, to walk over the grass.

[16:00]

I think it is fanciful, and that is why I said yesterday that there was an alternative point of view that should be looked at in terms of the negotiations. I am not particularly happy with compulsory purchase, but as I would have some remit in bringing forward those orders, I should not go down that path too much other than to say that I think if negotiations can be undertaken, or were to be even considered, whereby the £4 million or thereabouts could be spent on taking back a part of the development that has already been agreed, then that might represent a betterment that could not be bettered in financial terms or other terms of public interest. So, the £4 million that is raised, just to reiterate what I said yesterday, could buy you all the development if it is valued at £4 million, and

we are told that is the price. If it is £8 million, your £4 million buys you half, and if it is £12 million it buys you one-third. In speaking to some members of the Trust, it has been stated that, indeed, some of the argument, as I mentioned yesterday, is that perhaps there are one or 2 hamlets too many. Certainly, the monies raised already and an equivalent sum would go pretty well all the way to resolving the issue without having to spend any monies from the public purse or, indeed, to go down the route of asking for compulsory purchase powers whereby, for most Members, there have to be very sound reasons that are in the public interest, which I do not think have been made. I think that is pretty well where I am at. I do not think it represents value for money. I do not think it represents a way forward that is fair on as many persons or Islanders that could benefit in terms of the spend. I think it is pretty expensive. I think it takes us, as Government, into areas of trampling on the rights and freedoms of the general public in terms of owning property, and it is certainly not a direction that I would go down if there were other ways. I think there are other ways and, in voting against the proposition, perhaps it will draw minds together if, indeed, that route is chosen. It might concentrate minds to get to the negotiating table and to come forward with something that does represent a betterment and ticks more boxes. On the basis that a picture is worth 1,000 words, and I have probably had about that many - I do not wish to take up much more time of the House - I have copied for every member a little Christmas present before my end of the year speech. It is just a map outlining what the actual sizes of the fields would be in terms of the country park suggestion that was made by the Constable of St. Helier, and I would ask the Usher to hand those out.

#### **1.5.10 Deputy S. Pinel of St. Clement:**

I will be brief as I am going away on Monday and I do not want to miss my plane. **[Laughter]** I also see little point in repetitions so I will avoid valuations, compulsory purchase and other developments. This is indeed an emotive and divisive subject. I, like all States Members, have been inundated with emails, phone calls, letters, cards and face-to-face interrogations. Two friends and nominees for my election campaign and a close relative have said that if I support this proposition they will no longer support me. Many others, however, have said the opposite. I do not think there has been such an extensive land and environment that has raised temperatures so high since the flooding of Queen's Valley. The land at Plémont has been under discussion for at least 14 years. Bought and sold, planning permission granted and refused, suggestions of compulsory purchase, the National Trust coastal campaign and we are still discussing it. It is time the Government made a decision. That decision should be one of vision. Many have said: "Why did we not buy the land when we had the opportunity years ago?" I suggest that in 14 years' time, if we do not act now, the same question will be asked of our political generation by our children. **[Approbation]** The necessary spending on schools, hospitals and housing is well documented in the M.T.F.P. and the Budget. We need to see beyond the immediate issues with a vision for the future, one that does not involve another large development of luxury houses with all the requisite infrastructure, but conserves a beautiful rugged headland and its natural habitat. As with castles, the coastline and the countryside, we are the caretakers of our heritage and, as such, should take care to preserve the natural environment of Plémont for the future generations of our children. The Government of Jersey had the vision to acquire Noirmont for the public in 1947, surely in more austere times than now, after a world war and 5 years of occupation. There are few worthy principles that do not have cost attached. The return on the investment may not be measured in direct financial terms but will be invaluable and long-lasting to many people in many ways. Have the courage to make a decision with vision, if not for yourselves then for your children. We should agree to buy Plémont within a reasonable ceiling. That ceiling is perhaps open to argument, but the independent valuation of £4 million is, in my view, with the help of the National Trust, much more affordable.

#### **1.5.11 Deputy J.P.G. Baker of St. Helier:**

I think I should start by thanking the Minister for Planning and Environment for lightening up the debate a little bit and talking about him surfing down at Plémont, which conjured up quite an amusing image for me anyway and lightened up the debate. Like Deputy Pinel, there is much potential for repetition which I shall try and avoid. Unfortunately, though, I will use the phrase “nice-to-have”, and I was going to start by saying that the Connétable of St. John last week used the phrase not in relation to Plémont. But that is my view. Plémont very much is a “nice-to-have”, and unfortunately that sound bite, as they say, has been used a lot already. I am philosophically opposed to the idea of the States using money that we have collected from taxpayers and buying part of a headland. It is not good use of public money and the States, like all governments, do not have a good record of getting good value. Like every Member here, I guess, I have been lobbied. I have been lobbied pretty hard; 11:45 p.m. last night was the last phone call. It was not coherent but the subject was definitely Plémont. **[Laughter]** Those that are for argue strongly we must buy the headland to protect it from development and leave a legacy for future generations. We must not allow another Portelet type of development or a Radisson type of hotel to be built there. To a certain extent I agree with them. The idea of a sprawling development somehow which turns the headland into a carbuncle in an area of great natural beauty would be an inexcusable travesty, and we must not allow that type of development to go ahead. From what I have seen, the plans, the model and the mock-up of the development, I see a sympathetically-designed development of houses, broadly in keeping with good building design in the Island. I have not seen anything that resembles the starkly different and modern designs of Portelet. We also have had rather mixed messages about the cost of this planned purchase, either via compulsory purchase or via negotiation with the owner, and I do not wish to get too drawn on what is the correct figure to pay. But I would judge that the figures at the lower end of the scale that we have heard are somewhat fanciful if a deal is to be done commercially. While the owner has no need to act in any philanthropic way, should he accept an offer of £4 million, £5 million or £6 million then I would say he was being generous. My simple maths and calculation, including the significant fact now that, of course, planning permission has been granted, can, including the costs of all the work on the site, come up with a figure north or south of £10 million. I do not think, in terms of cost of what we are trying to do, that figure should be discounted. I have read the valuations we received and, if I owned the land, I do not think I would be minded to sell at the level we are currently talking about. Having said that, I do see the sense and follow the logic of what Senator Bailhache said this morning in his argument relating to valuation. So, the true cost of the purchase is not known and the idea that we can buy the land without any impact in any area within Jersey’s economy is financially naïve. Any expenditure has an opportunity cost and whether it is £4 million, £6 million, £8 million or £14 million, this money could be used elsewhere and without doubt weakens any near-future argument about affordability or non-affordability in any other area of our economy. I would agree that we could buy the land and it would have limited appreciable impact, but there would be some impact somewhere. It is a simple fact and it cannot be ignored, and there are 2 messages that we need to hoist on board. If we say yes to this expenditure, then we are not in a great position to say no to much else. The second message which the Minister for Health and Social Services and others have said is that this money comes from somewhere. It is not our money; it is the money of Islanders who have paid through general, direct or indirect taxation. The question must be asked: “Do Islanders who are finding it very hard in the work environment, particularly currently, really want to see this increased pressure on Jersey’s finances?” I would suggest that they do not. I would suggest those people who are out of work or whose businesses are under even greater pressure would agree with me that buying Plémont is a nice-to-have, and that, quite frankly, we would look pretty daft agreeing to compulsory purchase this land at a time of record unemployment and growing threats to the Island’s prosperity. Perhaps Members wish to ask themselves who elected them and what would the majority of their parishioners or residents of their Districts say. I was elected by the residents of St. Helier No. 1. I am also Assistant Minister for Economic



Development, and I cannot see how the planned purchase has a positive effect on the economy. We have a level of unemployment that is unprecedented. We have school leavers who face an uncertain job market, and we have seen, particularly recently, a significant number of redundancies across the Island, not to mention the growing external pressures on our main industry. How do I, or any of us, tell these people that we are putting all our energies behind the Council of Ministers' strategic aims by buying Plémont? If, however, we had a surplus of tax revenue, then I accept the argument would be different. To be clear, I am not opposed to the idea of the States assisting with Plémont, but I think we may have exhausted those arguments so far. There are other ways. Deputy Southern's amendment and Deputy Maçon's went some way to deal with that. We talked about loans, soft loans, long-term loans and, indeed, matched funding. Any of those scenarios do allow the headland to be bought, but in fairness they also send a clear message that we are mindful of the climate in the Island, yet recognise the importance of Plémont. Perhaps that is what a Government should be doing. If we simply write a cheque out to buy Plémont we get no return, we create no jobs, we do nothing to assist with the housing market and we make our hitherto financial prudence look somewhat profligate. Those Members who do support the idea of simply buying Plémont must understand that this creates increased pressure on G.S.T., more pressure on impôts, more pressure on direct and indirect taxation. There is an opportunity cost to proceeding with this purchase, and those that argue against that need to understand that resources are finite. They must also understand that we get nothing in return. It is wishful thinking to suggest that it would have a positive effect on tourism, or certainly a measurable effect on tourism. If, on the other hand, Plémont is left to its current owner, and the plans go ahead to remove the derelict holiday camp, we see an injection of cash into the economy. We see the creation of jobs and a small but measurable positive effect on housing. We will also end up with a development that is markedly better than what has gone before. It is in line with our Island Plan and has been passed by our Planning Department. In summary, I wholly recognise the sensitive nature of this debate, but Members should understand that buying Plémont sends out a strong signal that this Assembly is ignoring the priorities in our community. It is ignoring its own strategic aims and dismissing the severity of the threats to our Island's future. Plémont is a nice-to-have but is not a priority that I can support.

[16:15]

#### **1.5.12 Deputy G.P. Southern:**

I start this key part of the debate, because this is where we are talking about voting or not voting for an additional spend; this is where the crunch is. I start with a reference to the word "priorities". It is clear where many people's priorities are in one particular camp. But I would just like to start with the words of Senator Maclean. It is not very often I agree with him and I must be in very strange company, but nonetheless I do wholeheartedly ... he cannot be here today but he sent round an email last night and I just want to highlight some of the things he says. He says: "I write to apologise for the fact that I will not be in the Assembly tomorrow. I wish you luck with your deliberations over Plémont. Much as I support the principles of saving our coastline, if I had been present then I would not have supported the proposition to purchase the Plémont site. But the Minister for Health and Social Services had more than one Minister in the Council of Ministers on her side. It is, among other things, an abuse of process [and I want to investigate that in a minute] but more fundamentally, at a time when we are constraining the wages of our workforce, cutting services and facing a challenging economic future it is not, in my opinion, a time to be spending our critical contingencies on a nice-to-have proposal. The contingency fund is already mostly, if not entirely, allocated, which leaves a very uncomfortable position of any unforeseen issues emerge in the coming months. Beyond that, an increasing number of Islanders are suffering from the difficult economic climate and many have lost their jobs or are struggling to pay their bills. In the light of this, spending millions of pounds, an exact sum that is unclear and could escalate considerably on a relatively small piece of land is neither a good nor a credible message." That is

from within the Council of Ministers. This has indeed split the Island not just outside this Chamber but inside it. Let us look first at this “an abuse of process”. I think what the Minister is trying to get at there is that - and it has been mentioned already but I will mention it again - this proposal is brought in the name of the Chief Minister. I believe that should never have happened. I believe it should have been brought in Senator Gorst’s name or in Senator Bailhache’s name or whatever, but is more appropriate for a Back-Bencher to bring. It is not, I believe, appropriate to use the position of Chief Minister for what seems like a personal crusade, no matter how well supported, and to use funds from the department to promote that. I think that is an abuse of process. But it goes further than that. The Minister for Treasury and Resources has said that he will support this and will find the funds from contingencies. So, let us take a look. Very usefully he has given us the Financial Direction 4.3 on contingency allocation, and I am glad he has because it is very revealing. It starts off: “What is a contingency? Contingency is set aside for unforeseen and urgent expenditure.” Is this urgent? Was this unforeseen at any stage in the last few months in devising the M.T.F.P. or the Budget? Did they not see this coming? Were they not working on it then? They knew full well that at some stage they were going to bring this proposition to buy Plémont, and yet we can fund this through contingencies for unforeseen and urgent expenditure. That is not for contingencies. This is not a contingency; this is not an outbreak of flu; this is not the rising cost of a public inquiry. That is a contingency. This is not a contingency; this was foreseen. They knew it was coming, but it is not in the Budget. We did not say £6 million or thereabouts to fund the purchase of Plémont in the Budget, nor did we see it in the Business Plan. We prioritised in the Business Plan and this was not there; it was simply not there. It then goes: “Contingency is a fundamental part of a Medium-Term Financial Plan as it gives the States a degree of flexibility to manage its finances over a longer time period.” I ask you again, is this effective and good management of our finances 8 weeks after we have decided our priorities and allocated our spending to then say: “Oh, by the way we have between £4 million and £10 million of spending extra to do this little [and I will use the cliché] nice-to-have project”? Then finally in 2.13: “An allocation from contingency is provided as a final resort to spending pressures only after individual departments own reserves and opportunity for reprioritisation have been thoroughly explored and exhausted.” Having brought this as Chief Minister, is he saying that the costs should be met by his department and we can prioritise? Because that is what the rules say. Only if you cannot reprioritise your own budget and get the spend from within your department do you go to contingency? Can the budget of the Chief Minister stand that amount? Of course it cannot, but here we are ignoring the fundamental rules over contingency; a big mistake, I think. If you had brought it as a Back-Bencher it would not be on your budget, but it is now. We have heard a dozen times it is the Chief Minister’s proposal in this debate. Well, fund it from the Chief Minister’s budget then, because that is what the rules say you should be doing. It then goes on: “There are a number of different ways contingency funding can be approved. Initial amounts for each year in the M.T.F.P. are approved by the States [well, we have approved those]; allocations from growth expenditure as approved by the States as part of the annual budgeting process [we have done those and we did not allocate any spending for this particular thing]; transfers from a head of expenditure within or after a financial year, if approved by the Minister of Treasury and Resources.” So, transfers from a head of expenditure. So something goes in order to transfer the funding to this particular project. What is going to go? That is the key question, because if we approve this spend, rest assured something goes or gets postponed. That is the reality. We fix the limits and if we move some extra money in here, something has to go. We do not have a magic pot or a magic wand. “Allocations from revenue heads of expenditure underspends that are not carried forward [I will refer to those in a minute; they are non-existent]; allocations from departmental incomes that are in excess of expectations either within or after the end of the financial year.” Are we expecting a sudden rush of extra income that we have not already allocated now that we have scraped almost every pot we possibly can? I do not believe we are. But let us look, and I remind Members of the funding options for Plémont as

defined by a note from the Minister for Treasury and Resources: “Currency Fund not available; reprioritisation of capital programme not therefore deemed appropriate [this is the Minister for Treasury and Resources’ own words]; unspent capital balances from prior year approvals, there will only be a minor proportion of these balances not required already [no funds there]; the use of receipts from asset disposals, disposal receipts for immediate opportunities have already been included in the Medium-Term Financial Plan and the Long-Term Capital Plan; underspend projections [there it is], departments have submitted carry-forward requests for the majority of these balances [not there]; additional returns from strategic investments, not in a position to return in appropriate form [not from there].” Stabilisation Fund: again, that would require a change of purpose and there is only £1 million available, so not there, then. So, where is it coming from? Where indeed is it coming from? Let us go back to what happens to contingency requests: “2.1.5 The following types of expenditure allocations can be made from contingency; permanent and non-repayable expenditure that is due to a change of circumstances or service requirements.” This certainly would be one very large change of circumstances, a deliberate attempt to ignore the financial planning that we have already put in place. “Short-term non-repayable, invest or save initiatives”; as has just been explained by the Assistant Minister for Economic Development, this is not invest or save. This gets no return. “Variations in expenditure that have nil net impact; expenditure that may require variation between heads of expenditure.” Here we are again. Variations in heads of expenditure; what is going to go or be postponed or delayed in order that we can afford this? It then goes on to how that is allocated: “2.2.2 All business cases for requests from contingency expenditure should be submitted to the Treasury for review.” The Treasury says: “Right, we can make the business case.” Where does it go to? Who decides whether to allocate? “At the next available meeting [why] the Council of Ministers will review the request, considering both the department’s submission and the Treasury’s recommendation. The Council of Ministers will make a recommendation to the Minister for Treasury and Resources whether they offer support for the case.” So, the Chief Minister will Ask the Minister for Treasury and Resources to draw up a contingency spend and then have that contingency spend business plan brought back to him for approval. This is why this proposition should never have been brought in the Chief Minister’s name because it is a *fait accompli*. The Council of Ministers will approve his own spend on his individual whim. “This was my hot topic, nice-to-have proposition. I have brought it and I am going to deliver it”, unless this House stops it now. I was struck in the opening of this debate by the passionate remarks made by Senator Bailhache. His language from time to time was quite remarkable, especially when he laid into the owner of the site and their agent for encouraging people opposed to this proposition to come to a public meeting. Well, I might have news for the good Senator, but that is called democracy. It absolutely ruined what was intended to be a national rally. He also revealed himself somewhat, I think, when he started talking about the necessity for compulsory purchase and he compared this piece of compulsory purchase, which he seemed relatively happy with, to a compulsory purchase of a stretch of somebody’s garden to widen the road or make a pavement. He therefore revealed himself in saying that the health and safety of our residents or Islanders is less important than the purchase of Plémont. To me that is a very strange set of priorities, but I think that is the net result of what he was saying. As he did so, I was thinking about a different set of priorities. I was thinking about the Medium-Term Financial Plan and what happened to the Hoppa Bus. What happened to the Sustainable Transport Plan, for example, safety issues on Wellington Road and safety issues in Midvale Road; not sufficient priority. In the debate they went by the board. So, we are saying here then that, in terms of priority, this takes priority.

[16:30]

This is the most important thing we should be doing with between £4 million and £10 million. I do not agree, and in this House debated our priorities and that was not on the list, on the menu, at all. To finish then, twice or 3 times we have had reference to the town park. Once in the opening

speeches about: “How come I do not want a spend here when I wanted £10 million for the town park?” The reality of that £10 million for the town park - and I will always be grateful to the ring-binder for producing the result - was straight away the Minister for Treasury and Resources said: “If that is the vote I will have to do it, and I shall return within 3 weeks with which bit of capital expenditure I am going to remove from the Budget, because I have to balance.” The reality is that spend was removed from another project at the time, and that is exactly what will happen here. The Minister for Treasury and Resources, instead of battering these bland “I know what I am doing” statements, should say to this House before this debate is over: “What am I going to postpone? What am I going to cut from current expenditures you have decided on in order to fund this?” That is the reality and that is why I cannot vote for this. It is not my priority, no matter how important it is to others.

### **1.5.13 Senator L.J. Farnham:**

To coin a phrase of another Minister recently, there are so many red herrings flying around this afternoon I wish I had my fishing net because I could provide the hors d'oeuvres for the States Members' lunch and the main course tomorrow, free of charge. The biggest surprise of the debate so far is the fact that Senator Ferguson was a Member of the States prior to decimalisation. Thank you for sharing those facts with us. I would like to focus Members' attention on the key points of the debate and begin by briefly touching upon the principles of compulsory purchase in such circumstances. I will try to address the genuine concerns some Members have, including myself, with reconciling their position with the reality of this process. I was going to start by commenting on the claims that the process could be *ultra vires* and the potentials for long drawn out appeals. But the Solicitor General has covered that position and I hope Members are, as I am, reassured with his very clear explanation to the Assembly this morning. Members concerned about the precedent being created should be mindful of his comments about the States deciding on the public interest and how that might be viewed by a higher court. Firstly, we are talking about purchasing the land. Not taking the land but purchasing the land at a fair price, and the price must be fair. I believe that if the proposition is approved, then the process as prescribed in law will be fair and equitable in delivering an appropriate compensation to the owners. Contrary to other Members' comments, I have full confidence that there are valuers available competent enough to produce accurate, realistic and sensible valuations for this purpose. Secondly, it is now clear we are not proposing to acquire a piece of land that the owner wishes to keep. The owner does not want it. The owner wants to sell it. He is hoping to sell it, but not just to the States in the first instance. He would rather sell it to 28 individuals. Why? I thought I knew the answer, but clearly I do not because if it was just about any profit, then surely the owners would be willing to negotiate a fair price with the States. To that end I ask Senator Bailhache when he sums up to reassure Members that every possibility will be explored to facilitate a successful negotiation with the owner before going to compulsory purchase. At an interesting presentation at lunchtime yesterday, the owner's architects confirmed that the owner is prepared to negotiate the sale of the land and would even consider a land swap, if necessary, and that is something we must fully explore. In my own humble opinion, if the owner really wanted to build houses for the local people it would not matter where. It strikes me that the owner could become the most popular person in the Island overnight by agreeing to sell the land to the National Trust at a fair price, and by negotiating a deal with the States to provide land where they could build houses. Not necessarily £1 million houses but houses that we actually need. Affordable houses, houses suitable for our young people and first-time buyers, and houses in a location that would facilitate this. The owners would still make their profit and will be providing the Island with housing it needed. As I have previously stated publicly, the environmental issue is unassailable. The financial argument is not so strong. However, for me the important question is about balancing the cost of the purchase against the value of owning the land for ever. Of course we have an important duty to protect the public finances, but do we not also have a duty, a powerful

moral responsibility to leave at least some of the land in a better condition than we inherited it? It gives me no pleasure at all to recall and remind Members that in recent times the States have wasted millions, perhaps tens of millions in mistakes, whether it be the odd overspend or forgetting to hedge an exchange rate on a major building development or many more; I will not list them. We certainly do have a track record. So, clearly by comparison, this potential purchase has to represent a tangible and farsighted investment. If, in the unlikely event future generations should consider it a mistake, then at least they will have something to show for it. They will have that headland there to show for this mistake, if it is one. I would venture to suggest that the environmental marriage value alone of tying the ownership of this tranche of headland to the rest of the entire north coast and the national coastal park area is probably priceless. I am acutely aware of the many other financial priorities that exist for the people of Jersey, but whether we buy Plémont or not, in reality it is just not going to make a great deal of difference insofar as society will always face demanding financial challenges. By comparison, in an Island with a £90 million - give or take a few million - per year bill for income support, it does not sound so ridiculous to invest a reasonable sum of money in such an important environmental project. I am reminded that we as an Island quite rightly continue to give substantial amounts of money, regardless of the economic climate, to other worthwhile causes. Overseas aid springs to mind, but of course I am not suggesting for one minute that we change anything there, and neither would the vast majority of the Islanders. I am simply trying to demonstrate that a proportionate approach regardless of fiscal pressures is vital to maintain the perfectly acceptable balance in our community's wants and needs. Coincidentally, the Jersey Annual Social Survey for 2012 has landed on our desk today, and this document demonstrates the great diversity of our community and its common interests and priorities. In concluding, I would ask Members to please focus on the issue, focus on the headland and focus on the end product. Please do not just count the emails, the cards, the phone calls and the correspondence, and try to work out how many people are in favour and how many are against, and try to represent that calculation with their vote today. Think ahead and vote for the future. Do not vote for the future with half an eye on the election in 2 years' time. I am fully prepared - and yes, there is a number of us doing that; notice I use the word "us" - and I fully expect, and I am in this job to be held accountable. I am prepared, want and expect to be held accountable for my actions by the electorate, but I would much rather be prepared to be held accountable for this decision by future generations.

#### **1.5.14 The Connétable of Grouville:**

As usual, coming in at this end of the debate, I hesitate to repeat anything that has already been said and I am trying desperately hard to avoid that. However, before I start, I would just like to say that, in my position as Constable of Grouville I am president of the chef tenant du Fief de la Reine. We work side by side with the National Trust and we are extremely grateful for their help and assistance in all the work they help us with in the Parish of Grouville on our common. However, having said that, I am in agreement with most of what has been said by those who are not going to vote and support this motion. I am not at all happy about compulsory purchase in this particular case, and I am worried about the open-ended cost of compulsory purchase. I am also worried about the legal costs of compulsory purchase because, as I understand it, once we take that fatal step we will have to pick up the bills not only for ourselves but for the owner as well. That is, as I understand it, and I could be corrected on this. The other point I want to make is valuations. I am extremely unhappy with these valuations and I do not see how they could possibly stand up. We have 28 sites with planning permission. At the valuation figure of £4 million, that comes out at only £142,000 per site. I think most of us would be happy to pay more than that for a first-time buyer house to build. So I just do not see how this valuation comes out. If you include into the £4 million cost and up it to £5 million to include the costs of demolition and clearing up the asbestos, you still come in at £178,000 per site. That again is a very, very cheap price for a site for

any house these days. So I am worried about that and I hope to go back and tell you, at the risk of boring everybody here who was not around at the time, that in 2007 the Scrutiny Committee did a job on the proposed sale of the former Jersey College for Girls site and the valuation that came out of the Property Department at that time was £1.6 million for the whole property of the Jersey College for Girls site as it was then. We did a valuation on it ourselves and we brought in outside valuers and we were told it was worth between £4.5 million and £6 million. So thankfully we took it back to the Council of Ministers and they dropped the deal, however it did cost them I think about £300,000 in compensation. So that is a problem with accepting valuations at face value; they do not always work. I shall not be supporting this proposition; I cannot see, in view of this, the open-ended costs; I cannot put up with that, and also I am worried about the open-ended costs of the legal fees attached to compulsory purchase. Thank you,

#### **1.5.15 The Connétable of St. Lawrence:**

I believe the certainty in this proposition is that it is our last chance to acquire for the public in perpetuity this piece of land on our North Coast. It will be the fourth time that I have had the opportunity to vote for its acquisition and for Deputy Martin, who wondered earlier how I would vote, it is the fourth time that I will vote to protect, preserve and conserve part of my natural heritage, because if part of my legacy to the Island I serve is the preservation of this area of our coastline, and to me it can be nothing other than coastline, then I believe my legacy will have been worthwhile. I refer to Deputy Martin again because she told us yesterday that she does not have a mandate to vote in favour of this and I believe I do.

[16:45]

Because one of the commitments I gave to the electorate in 2011, when I was the only sitting Connétable to be re-elected, was that I would oppose what I saw as inappropriate development. Through what has been described as an anomaly, permission has been given to build houses on this 26 vergées site. The anomaly of course is that a building already exists, thereby allowing further development to be permitted. Clearly, it is an anomaly that should be considered and changed because there can be no doubt that if the development application was submitted today for an unbuilt site such as this it would be rejected. Deputy Le Fondré referred earlier to the public outcry that we in St. Lawrence saw when it was suggested that Millbrook Playing Fields be developed. A public meeting held at the Parish Hall saw hundreds of people turn out to voice their opposition. I wrote to the former Minister for Planning and Environment to request that the playing fields be designated as important open space and this Assembly voted to protect the land in the Island Plan debate last year; an easier result to achieve I think than what we face today. As Connétable, I believe that if I can protect the Green Zone areas in my Parish then I am fulfilling part of the function for which I was elected. If this coastline was in St. Lawrence, I would be fighting tooth and nail to acquire it, as did the former Connétable of St. Ouen and I know the current Connétable supports it too. I have experience in my Parish of land that has been preserved, because I see locals and holidaymakers flocking to Hamptonne where the Living History Museum reminds us of Jersey *temps passé*, and I am sure my colleague from St. Saviour could expand on that and expand on how beneficial it is to everyone who visits it. Hamptonne was acquired for the benefit of future generations by the States of Jersey of the day having the foresight to recognise that there would be benefits for future generations if they put towards the purchase cost. Of course the stumbling block for many of us today is the cost of acquisition through what will almost certainly be compulsory purchase. It is up to us today to decide whether paying this one-off cost to the public purse is worth it and I have found this to be the hardest part of this proposition and clearly I am not alone. But I am reassured by the recent valuation that has been received by Property Holdings, following the grant of building permission. The valuation has been undertaken by a professional valuer using the Red Book Guidelines. The sum that has been quoted surprises many of us because it is so different

to figures mentioned by the landowner and his agent. Some of my colleagues, who shall remain nameless - but the Connétable of Grouville has already questioned the figures publicly - some of my colleagues tell me that the valuation is completely wrong. But why would a professional valuer put their personal reputation and the reputation of their company on the line by providing an unreasonable valuation to us? They are professionals; they are not incompetent. That brings me to the compulsory purchase process, one with which I am uncomfortable. I asked myself whether this is a want or whether this is a need and my answer is that this is indeed a need because we need to protect and conserve our coastline; we need to protect and conserve many other areas of our Island, and I think to our shame we have not done as much as we could and should have done in the past to preserve what we have. Other countries recognise the need to protect their natural heritage; among them England, Wales, Northern Ireland and France, and of course the United States have policies that protect their natural environment. We have heard mention today of Noirmont and I ask Members to remember that Noirmont was purchased for the public by the States some years ago and I am one of the many members of the public who enjoy the view of that unspoiled headland as I drive along Victoria Avenue and sometimes I even walk along Victoria Avenue, and when I walk it gives me even more opportunity to enjoy the unspoiled coastland that is Noirmont, preserved due to the foresight of a previous Assembly. Some Members here today will remember the debate we had, not too long ago, when we considered the protection of another area of our natural heritage. We had to decide whether we wanted to preserve the future of our dairy industry and allow the importation of bull semen. It was an interesting debate and we had been lobbied quite heavily by many in the industry. Eventually we agreed to its preservation and I make the simile because we were preserving another part of our natural heritage, albeit that it cost us nothing. I believe that we should follow the lead that we gave ourselves so recently when we voted to preserve that important part of our natural heritage. I believe we should follow the lead given to us by earlier Assemblies who voted to preserve Hamptonne and Noirmont for future generations. We are one of those future generations who have the opportunity to benefit from that preservation. I believe that protection of our natural heritage is and must be in the public interest and it was disappointing for me to hear our 'Minister for the Environment' speak against the proposition. In closing, I urge all Members to support the proposition, be they heirs of our glorious heritage by adoption or by birth. I urge Members to see the wisdom in protecting for ever the natural environment on our North Coast that could and should be for ever unspoilt Jersey. Thank you.

#### **1.5.16 The Connétable of St. Mary:**

The Constables are on a roll at the moment I think. I cannot let that last speech go without making an incidental comment; the Constable of St. Lawrence really needs to think about what she achieved with the preservation. Until that time I had never seen a black cow in the Jersey fields, there are consequences to all actions; we must always bear that in mind. So many aspects of this proposition initially concerned me. The amendments in most cases only added to that concern; that we should even be contemplating discussing a loan to a third party who had not been consulted about accepting that loan; that we should consider compulsory purchase of a property belonging to one corporate personality, not to enable a vital capital project for the benefit of many, but in fact to immediately gift away to another body; that we should dress up the fact that we are using taxpayers' money by using terms such as land-swap or by saying we are disposing of assets not otherwise required or by using contingencies; by conveniently forgetting that contingencies have already, just weeks after agreeing the Medium-Term Financial Plan, been associated with other projects. Just how many times can the same money be spent? I have even heard others say; most recently I think Deputy Pinel, that projects in Health, Education, *et cetera*, will go ahead regardless as they are identified in the Medium-Term Financial Plan. As the song goes: "It ain't necessarily so." Ministers have pared their requirements down to the absolute minimum to fit the foreseeable available funds; they have done that because this Assembly has instructed them to do that. There

are great projects and worthwhile projects that we have not even come down to detailing yet. However, I am at least relieved that we are now discussing almost the original proposition and, from my point of view, an improved original proposition, and that we are at last moving slowly towards the decision. Like the Deputy of St. Martin whose speech I greatly enjoyed, I believe that Jersey is a remarkable place. Already there are vast areas of natural coastline and other assets under the control of either the National Trust or the public and the public here in Jersey is really spoiled for choice. On foot, by bicycle, by bus or by car, there is almost no one on this Island who cannot easily access some form of public open space and even wilderness with relative ease. Indeed, even with a population in the region of 100,000, it is still possible to find solitude. How often have I wondered, as I wandered, where everyone else was. Often there was no one else to be seen. But the management of these areas is an issue for both the States and for the National Trust and here I would like to say quite openly that I think the National Trust does a fabulous job in many areas and there is no criticism implied of either the National Trust or the people who maintain the public land. But there are quite frankly areas of land that need much more work doing on them in order to make them fully accessible and enjoyable to the public. There is more work that needs to be done than the budgetary constraints of either the public purse of the National Trust, I would hazard to say, can achieve. I say this, not in criticism, but simply as a fact. In fact I was contacted by one person whose family has in the past donated coastal land to the National Trust and they stated their dismay that the land is no longer easily passable as it has not been cut for some time and hence the way to the coast is blocked. This person, although a great supporter, urged me most strongly not to support this proposition as the maintenance and upkeep of this headland that we are currently considering would only surely dilute further the ability of the National Trust to manage the land it already owns. At present there is an ugly derelict complex on this headland, it is, by its bulk, its mass and even by its sheer plain colouration, prominent and viewed from afar it is a scar on the North Coast. I will not deny that; it is obvious. But whether we adopt this proposition or not, it will go. A large area of land adjacent to the site is already in public ownership. If we accept this proposition, the land will vest briefly in the public and then be transferred to the National Trust. Encumbered with the derelict buildings, the Trust will have the obligation to restore this to nature.

[17:00]

Once this is done with those additional funds, which are being raised by the Trust quite separately to the possible £3 million already pledged as consideration, and hoping, as I genuinely do, that if we go down this path this money is raised and that it is adequate to the task, the National Trust will still need to maintain the land and to keep it accessible to the public. I have already expressed my concerns about how this will be done. At the public meeting last week I did not find that their presentation went into any kind of significant detail about how this would be achieved, apart from linking it to sheep grazing, *et cetera*, as is happening in the Devil's Hole area. I did raise these concerns after the meeting. If however we reject this proposition, 70 per cent of the site will be transferred to the public, cleared of buildings, rubble, *et cetera*, for no cost to either the National Trust or to the public. As I understand it, the National Trust might not want to receive all of the land under these circumstances, namely the area between the house groups, and if that is true, and I have not been able to check that with them, but if it is true then surely that can remain in the public name, adding, I acknowledge, to the costs of States maintenance, but adding a quantifiable sum, which can be budgeted for and perhaps dealt with under future work placement schemes, *et cetera*. This morning the Solicitor General talked about the need to balance the needs of the community and the rights of the owner in coming to our decision as to whether compulsory purchase would be in the public interest. Is the need of the community best served by acquiring the entire site without new buildings, but of course with the old ones intact at a cost, and let us not argue now about what the costs might rise to, I think other Members have said enough. Or is it best served by acquiring 70 per cent of the site with 28 houses constructed on the remainder, but the derelict buildings



removed and the landscaping done for no consideration whatsoever? Our community at large needs a great many things, not only nice-to-haves, but essentials. Let us look at just a handful. I am of an age now when all of a sudden it seems to me that a great many of my older relatives, and indeed a lot of my contemporaries, are being afflicted with serious illness. I have always maintained that we have a good public health system here and I still maintain that our medical staff do their very best for all patients. But with more and more personal experience, I find myself questioning the level of care that they are able to give with the budgets that are available and I heard the Minister for Health and Social Services' excellent speech and it had a deep impact on me. Les Quennevais School achieves remarkable results in spite of the severe limitations of the building. We know about those limitations but that is one example of something that is not in the Medium-Term Financial Plan. How much more could that school achieve with improved facilities? Surely education is the gift that we can give our children and that is a gift that they all deserve. In my own Parish, we have been fighting for years for mains drains and upgrades to our road systems, among other items. I heard the Constable of St. Helier earlier today express his dismay that non-urban Parishes were being allocated regeneration monies in the Medium-Term Financial Plan. It is necessary because we have been largely ignored and overlooked for far too long and St. Helier in particular has been able to command much of the budget. Of course it has the largest footfall of Islanders with a call on Parish services so I am not saying that is not deserved, but these people come to St. Helier and spend their money there, they support St. Helier business and thereby in the round they safeguard a large proportion of the St. Helier rate. So what goes around comes around. I, as Parish Constable, subject to obtaining necessary legal advice, am presently considering asking parishioners whether they wish to use a sizable chunk of the Parish rate income, their funds, to kick-start a feasibility study, which in the normal course of events would be funded out of States funds, simply so we can get to a point where T.T.S. could begin our much-needed village centre improvements. For those Members who may be baulking about little St. Mary wanting taxpayers' money for this, I would remind them that the main northern cross-Island road runs directly through the heart of our village, a road that is too narrow to accommodate even a narrow pavement on one side. Every day our children wait on this road at bus stops and yet there is no funding to put them out of harm's way. Quite apart from regular traffic, this road takes heavy traffic from the 2 main Island quarries all over the Island as well as large agricultural machinery. In short, we suffer our share of the burden of securing economic activity and we deserve our share of the regeneration. The improvements needed could cost in the region of £1.5 million and of course I would then, once I have achieved a feasibility study, face a continued battle for funding to achieve them. At the moment though, I cannot even get to this first stage. It is by sheer good luck that there has not been a serious accident but it is perversely this lack of accidents that means we are such a low priority for funding. We should not be waiting for an accident to address the safety of our youngsters and of course other road users. A senior officer has had to respond to a concerned parent by explaining that, although this Assembly passed the Sustainable Transport Plan, they did not offer the funding to deliver all of the improvements necessary. He went on: "We have a resource of 2 engineers undertaking work throughout the Island. There are huge demands on the budgets to maintain our existing assets to an acceptable standard." In short, I interpret this as saying: "We are struggling to maintain the position we are at let alone make improvements." The Parish school in St. Mary needs considerable work and I am seriously concerned about the shortcomings I have recently been made aware of and as far as I know that is not even on the Minister for Education, Sport and Culture's radar at the moment as far as planning for results is concerned. There are huge demands on our resources, financial as well as environmental, but in determining what is in the best interest of the community at large, we must surely need to consider them all. We need to balance all of these issues. One brief word about the heart campaign now, and I think, to be fair, I think the National Trust has run an excellent campaign and I really do applaud the fundraising that they have been able to do and I mean that most genuinely. I think they have achieved remarkable results. But I

found out something interesting when I spoke to some of those who had sent hearts to me. I was very lucky that a number of people who sent hearts to me, a large number, wrote to me as well and gave me their reasons of why they have done it, and a couple of others I knew quite well so when I met them I asked them why they had done it. I had one conversation with a woman who said: "But our family is against it; we do not want you to spend the money on it." I said: "That is interesting", and I went and saw her husband and I said: "I understand you do not want me to spend any taxpayers' money on acquiring Plémont and he said: "Absolutely not." I said: "But you sent me a heart." He said: "Oh yes, but I was at the Cider Festival at the time and I had rather a lot to drink and the person who explained it to me, I am sure I recall them saying that it was going to cost £2 million and they had raised the money." I said: "They have raised £2 million but I think it is going to cost more than that." That is an isolated incident, and I really do think that they have raised a good campaign, and it certainly was good to receive all those letters. I have to say though, especially by email and especially in the last 3 weeks, I have received more people who were concerned, more notes than that. But what has made me realise however that I really cannot morally support this proposition, much as I would like to see that, if I had a helicopter as somebody pointed out, from the coastal path of course you see the coast, my husband kayaks around there all the time, you see the rugged beauty of those cliffs, you see the coastal paths but you do not see the top, not unless you are very far out. What has made me realise that I cannot morally support the proposition is something that a parishioner said to me recently, put it into perspective, there has been much talk of legacy, of being the custodians for future generations, having the need to hand things on as they are. I grew up with the reality of the Plémont Holiday Camp; my children grew up with a derelict site there, this did not stop any of us from enjoying the sheer rugged beauty of the bay, which is one of my favourite places, and not just in Jersey. It did not affect the development of my children, either personal development, physical or moral. So what was it that this parishioner said to me? It was simply this: "Having 28 houses at Plémont will in all probability not have a damaging effect on the next generation, but having inadequate facilities at both our primary and secondary catchment area schools will almost certainly compromise their education and thereby will do just that." We owe our children a great deal more than just open space. Life is simply not that black and white. Thank you.

#### **1.5.17 Deputy J.A. Martin:**

I do not have much to say because I have said a lot on the amendments, but I am glad my Constable has come back into the House because I cannot let him get away with what he said in his very opening remarks, because again he has laid down and said: "St. Helier can take it, St. Helier can take it, but I support spending X amount." We do not know the amount and I am not going to get into that, we do not know the amount. When we have been produced by the Minister for Planning and Environment the much wished-for St. Helier Country Park, either for £14 million or £8 million, and 17 per cent also goes into St. Saviour, a country park, how many more thousands of people of Islanders would that benefit? In St. Helier we just have eyesore after eyesore: La Collette Flats, I know we are building them, we are cramming people in. The Cedars: again, we need to do this. Fort Regent: and my Constable mentioned Fort Regent, it is decaying. I am told the old swimming pool is just a custodian of every bit of old furniture that no States department wants. What a waste. We are being walked all over in St. Helier and I am quite clear where I am coming from, the plan there would not look much different if we let the developer do it. There might be, as I say, on this right-hand side, a sight of the houses. It was interesting to note what you can get. I think somebody said two-thirds of St. Clement, so I do not think there is two-thirds of St. Clement left that you could even have. Do not forget we are coming back for Samarès Nurseries, and the Constable shakes his head. It is going to happen; I am sorry. It is going to happen. I am now at St. Clement, and I appreciate that there is going to be more ...

#### **The Connétable of St. Clement:**

I was going to vote contre but now I think I might change my mind. [Laughter]

**Deputy J.A. Martin:**

I go back to this; we are a new States and we have many new Members, and I say new, we are a year down the line and I think this has been one of the most, it is said divided, controversial, but no, this is what grown-up politics is all about. I am not going to fall out with any of you when I leave here tonight; you are going to vote your way and I am going to vote my way and you will do your best to persuade me and I will do my best to ...

**The Bailiff:**

Deputy, Members will do their best.

**Deputy J.A. Martin:**

Sorry, Sir, Members will do their best to persuade others of their opinions. What is different about this debate, as I think Senator Ferguson said, we have some very strange bedfellows. People cannot understand why their mate next door who normally or always votes their way is taking the totally opposite view. They have some very good reasons and you can listen and I can understand where the people are telling me that this is for future generations, but it is such a small amount of land for such a lot of money and I do not like the idea of compulsory purchase. Apparently I also owe the Deputy of St. Ouen, Deputy Green and the Constable of St. Saviour apologies because I said they do not care. If that is what they thought I said ... I said they will purchase, what I meant to say, to this, to them and others who have now spoken like the Constable of St. Martin and Constable of St. Lawrence, this is priceless to them. Deputy Green shakes his head; I heard him on the radio, like I did for the Constable of St. Saviour: "It has to be bought, it has to be bought, it has to be bought."

[17:15]

So whatever the cost, and we do not know the cost, I am not arguing about the cost, their political view is priceless. I am not going to give way, Sir. Deputy Green has not spoken yet. He can only say that I do not know his view. I have offered him a £5 bet that I know which way he is going to vote and I do not know if he has taken me up because he has not responded to my email. It does not matter; I respect his view, and I respect that we can have a good debate in here and I am sorry that some of Deputy Pinel's family might not speak to her, whichever way she goes. I try and leave politics at the door and I do not think my daughter would even know what I was doing in here today. My son does because I take him to St. Ouen 2 or 3 times a week because that is where he works and he is a stonemason, so if he was paying me any rent I should be maybe declaring an interest, but he does not live with me. But talk about the beauty and the Constable of St. Lawrence, her walk along Victoria Avenue, I go out to St. Ouen, I go down lanes, I see loads of these headlands and vast amounts of open space and then I was coming along Victoria Avenue, quite early because I drop him off at 7.00 a.m., and I see to the right the Radisson, then I see this, and then I am going home over the hill and I see the great big tin box we have in St. Helier. I am very sorry, there is no comparison. So do not get me wrong, the main person I am angry with is my Constable because he runs the Town Hall very well, he has the rates right, but he is absolutely pushing his luck with squeezing more and more and more, voting against building in Samarès, voting against building at Longueville, he cannot have it all ways. It is not for his information a vibrant town, it is getting squeezed and squeezed and squeezed, and a debate for another day, even squeezed in parking spaces to put a police station, if you like. We cannot have it all; we cannot have it all. So that is where I am, but I do have a couple of questions and it is on the contingency because being on P.P.C. (Privileges and Procedures Committee) and we did pass the F.O.I. (Freedom of Information) Law, and we were persuaded on P.P.C., and again my Constable just happened to be the Chair of P.P.C.: "Do not bring the money in the Medium-Term Financial Plan because, we are not sure, but there is money, we know it is going to cost X amount of millions, but

there is money in the contingency.” I asked the Greffe to get me what it was on the Freedom of Information and it is not only that, it is the Haut de la Garenne inquiry, so, unlike what the Constable of St. Martin said, we do have a contingency for that, and also to look at our legal aid system. They are the first 3 and there are more. But are these going to go if the Minister for Treasury and Resources... I am very angry with the Minister for Treasury and Resources because, if he has to find this money, I think he should abstain in this debate, because he has to find it from somewhere and he has not told us where. He has not told us on all the projects, is it going to be a school here, something, health down there, we know Scrutiny is urging us to spend more on respite, there is more, more, more we could spend. Is this my priority? But I do have 2 serious questions for the rapporteur. In between (b) and (c), I want to know exactly what is a reasonable time before they go to compulsory purchase, because we are asking the landowner to be reasonable and considerate, I think the words are, but many people have spoken on both sides of this debate are not being reasonable and considerate. I am not. I am adamant I am not spending a penny on that. Adamant. Other people are adamant that it has to be bought and preserved for future generations, whether they will thank us or not we do not know. I am only interested in the thousands who are unemployed now, the depressed kids, which we do have, who cannot get any work. But is any of this coming out of that? Is it coming out of Social Security’s contingency to get more people into work? The Minister for Treasury and Resources has not told me; he has done a couple of very long speeches. So I want to know what time is going to be negotiated with the owners before we go to this, what as everybody has said they are very unhappy with, to me it is Big Brother and it is worse because we are Government saying: “This is what we are going to do.” So what is the timescale? Lastly, does this... I have been told it does, some people do not, and I may have missed it and I apologise if I have - does the amount of money that is finally agreed on have to come back to this House before ... so it is no, I thought it was no. I was assured by Senator Ferguson at lunch that it would have to, so that is even more worrying, and it is clear now so I do not need that answered, unless the Minister for Treasury and Resources can enlighten me. But I do think it means, because once we have lost control, we go down the compulsory purchase... it is no good coming back and asking because we are in the hands of the courts and the money has to be there. So I mean really and truthfully, it is timely, we need to do it quickly, but just how much time we will be given between (b) and (c) because I do not believe that we ever really intend to negotiate, and he is not a willing seller. Senator Farnham, there was a land swap mentioned 3 or 4 years ago and the Constable of St. Ouen was negotiating on it. The unfortunate part, the land swap was still in St. Ouen and they did not want any houses there so it did not work. I am sorry; that is the facts. That is the facts. The Minister for Treasury and Resources shakes his head. I remember this debate too many times because I always knew we would get to this day. I voted against every time, like the Constable of St. Lawrence has been on the other side, I respect her very much for that consistency. I think the Chief Minister last time voted for part 1 but did not vote for the money, or maybe I am wrong and he did vote for the money, I am not sure. But I am consistent, so really I have one question, the rest I have said it all, and the way I feel is that we are just going to please a very few people. One man who phoned in really made me laugh, he phoned in the radio about 4 weeks ago and I was driving back from lovely ... and he said: “It is not fair, we have this one blot on the landscape in St. Ouen, one blot.” I am driving in and I think: “You might be right, mate, but we have another blot on the landscape and it is called St. Helier and I am not proud of it and I represent it.” I am very sorry the Constable of St. Ouen can shake his head. He is the Deputy, sorry. **[Laughter]** He can shake his head, it is. I flew in that way; I flew in this way, instead of coming into St. Peter I came across Le Marais was the first I saw, then more build, then more build and then more build. Slightly going out until I reached St. Peter and landed. So do not tell me St. Helier is not a blot on the landscape and we have it right and Guernsey have it wrong; I do not see any high-rise buildings over there. I cannot support this and at least I am consistent but I want that question answered, what is a reasonable time? Thank you.

**Senator I.J. Gorst:**

Sir, could I test the mood of the Assembly; I am not sure how many speakers you have remaining to speak, I know there are probably quite a number who have not yet indicated.

**The Bailiff:**

I have at the moment 6 I think.

**Senator I.J. Gorst:**

I was wondering, Sir, whether the Members are generally of the view that they would like to stay and finish this debate or not. That seemed to be a nod, Sir.

**The Bailiff:**

We will carry on until 5.30 p.m. and Members can decide at that stage. Deputy Tadier.

**1.5.18 Deputy M. Tadier:**

Maybe if the Chief Minister, the Assistant Chief Minister, who is the rapporteur, and probably a *bon viveur* no doubt, and if the Minister for Treasury and Resources had spoken in this debate then maybe we would be in a position to be able to finish but that is not the case. I want to address 2 main issues in this speech and I will try to do it within the next 10 minutes if I can but if you indulge me I will not take any longer than I need to. The first issue is the argument that is being used to say that: "This is not a good use of public money/the money could be used better if we did this," which we have heard several times, which is entirely expected. The other issue, which has not been addressed yet I do not think by anybody, and not really even addressed in the world of the internet when the debates have been happening, it is the issue of land use and land sustainability and food security going forward, because we do live in an ever-changing world where the political and social realities of today will not necessarily be the same ones of tomorrow, which are areas we should definitely be very concerned about because this is about long-termism and not simply the short-termism. That is what we are seeing today and I put 2 notes here, which says that the same old thinking equals the same old results and short-term thinking equals long-term problems. I want Members to hold those in their minds because we are focusing, we are fixated on the fact that we have X amount in our bank at the moment, we have this and we have not put it in the Medium-Term Financial Plan, therefore we cannot do that. That is fine, but what about in 50 years' time or 100 years' time when there are other generations that appear on the scene and those millions of pounds, half of which it looks like will be provided by the National Trust anyway, that has already been raised; that has been raised specifically for this purpose and it could be said to be ring-fenced, and the other I think modest proportion that we have to contribute to that; that will also be put into a pot and over 10, 50, 100 years that will have paid for itself. So I do not think the issue of value is so much of a problem rather than whether this is something we want to do. Are there issues of principle surrounding compulsory purchase? I do not think there are. I think we can be seen, we were told this morning this is certainly a debate about a matter in the public interest, and certainly any court would certainly see that as long as the decision is reasonable, for example the way I interpret that is it would not be reasonable to purchase a phone box for the sum of £8 million to put a mast there, because it is not in the public interest, it is not proportional. This headland is a reasonable purchase for the States. It does not mean that we have to do it, but certainly it would pass a test in court and that is what I am hoping. I need to get some confirmation from following speakers. The other point is that it is not Plémont that has divided this society, Jersey is divided already, and it is divided along socioeconomic lines, and to a certain extent, along north/south, town and country, but it does not need to be. I think what is often forgotten, we hear arguments about Fort Regent has fallen into disrepair and Fort Regent is in St. Helier therefore St. Helier is somehow being deprived. Fort Regent is an Island-wide issue. The fact that Fort Regent, part of it,

the old swimming pool, has fallen into disrepair is a monument, as I see it, of Government failure, successive Government generations have failed in this respect. I see that is the same for Plémont, we have had this building that has been standing there for generations, previous Ministers, potentially the current Minister, could have invoked Article 84 of the Planning Law, asked for this to be removed. That is the first step. Then we negotiate. That has not been done, so we have failed. That of course does not automatically lead to the position where we have to purchase the land for the public of Jersey and that we have to return it to nature, but it does show that we have neglected this position for so long and that it is an opportunity to seize at this time. We have heard arguments that Deerglen has gone under. All right, so does that mean, because Deerglen has gone under, lots of firms are facing difficulty, therefore we have to build luxury homes on one of the most sensitive areas in the Island? That cannot be true. What we need to do is support our Minister for Housing, we need to find plots for social housing, which has a distinct lack of availability right across the board, from one to 3 bedrooms, and we have talked earlier this week, we know about that problem and we share that issue. That is where we need to be guiding the economic stimulus to make sure we can identify these areas for affordable first-time buyer homes and for social rented homes, not for the priority, which it seems to be, of building on the headland at Plémont. I think the other argument is, and we have to take this as being true, if houses are built on Plémont we will still be able to go to the beach; that is fine, I will certainly go to the beach down there. There will be some houses there. This argument of the green in the middle, returning 70 per cent to the public ownership, let us look at that for a moment. The public will be able to use the space between the hamlets, is what we are being told. All right, so I will make sure that they are used, I will go up there, my friends will go up there and use them, we will have picnics right in between the hamlets. We will obviously clear up after ourselves, we may have a bottle of wine, we will sing some songs, we will play some music, have a good old sing-along, and what will happen? I imagine the Deputy of St. Ouen or the Constable of St. Ouen will be getting phone calls, the Honorary Police will be saying: "Can you remove these people from our area; they are causing trouble?" and they are enjoying themselves. **[Laughter]** "No, I am afraid we do not have any jurisdiction over that because this is public land."

[17:30]

All right, so it is public land, but the National Trust have already said that they are not interested in taking this land on, and why would they? Why would they want ... they are not in the business of maintaining housing estates, which is essentially what this would be. So who would be left to maintain this public land, which is being gifted to the public? It would obviously have to be maintained at the public purse. T.T.S. would have to be going up there; there would be bins to collect, which would be done by T.T.S., the footpaths would have to be maintained, but of course we know from the Constable of St. Mary the State has no money to do these things because we cannot even make road reparations in St. Mary. Therefore we will not be able to maintain these things, bins will not be emptied, the footpaths will not be maintained, it will fall to the taxpayer and, as we know, we do not have any money because it is not prioritised. On the other hand, the National Trust are willing to put their labour costs in to maintain these things for the next 50, 100 years for time as necessary going forward. The first recent interactions I had with the National Trust were a couple of years ago when I was invited up to Devil's Hole or, as it should be known in Jersey French as Creux de Vis, which has been marvellously restored down there, just down the road from the Priory Inn at Devil's Hole, and it is a wonderful job and it sounds clichéd but by going down there, and I have been down there since, it is one of those places in Jersey where you absolutely go down there, there is no development at all, It is completely unspoiled and it does wonders to the soul, if that sounds clichéd I am sorry about that, but it does. You go down there, you feel completely like you could be in a foreign country almost, especially if you live in one of the urban areas in the Island, you could be anywhere, you could be in the south of Cornwall, you

could be in Brittany, but we are not, we are in Jersey, and it is completely unspoiled. That really is priceless. That is not a lot of what I have heard about today. So we have ignored the fact that the National Trust have contributed; we have had an amendment from Deputy Southern, which I commend, which I supported, and that has resulted in a renegotiation of what the National Trust have been willing to put in there, a compromise has been struck, and they are now sharing some of the risk and they are contributing to the maximum what they can do; that should be commended. The other thing that I have to address is that I am isolated unfortunately and hopefully not for ever and I hope to change some of my colleagues' minds. I am being on the left in this debate and supporting Plémont because we are hearing lots of arguments to say this money could be spent on our hospitals, on our schools. Let us see what the former Deputy of St. Mary, who has already been quoted, says on this issue. He says this is a classic right-wing argument; you cannot have subsidised sporting opportunities, art and music festivals, a police authority, clean beaches, proper child protection, health promotion, delete whatever you think is not essential, or in my case a Discrimination Law, for example, because we need the money for a new hospital, refurbishment of Les Quennevais School, *et cetera*, and we hear all these arguments returned again and again, whatever your priority, it might be the roads in St. Mary, it could an issue in St. Brelade, which is regulated by the States, and goodness knows we have been grappling with Property Holdings long enough to know that is an issue. But the reality of this is that this money will not be allocated to those things, if we do not purchase Plémont today we are not going to find that the lady automatically jumps the queue for her hip or knee operation, we are not going to get free dental care for people in the Island who cannot afford it. What is interesting is that Social Security of course are now loaning money to people to get their teeth repaired, but they have to pay it back; that is perhaps an argument that should have been used earlier, but there are inconsistencies about when the States is willing to lend money to people and how much and when and how they can pay it back. These are issues of ideology and what the former Deputy goes on to say is that we can have both, we can have all of these things, Jersey is a well-run jurisdiction with large reserves, as our Ministry for Treasury and Resources tells us so often, so what exactly is the problem? The problem is ideology. When the Constable of St. Mary spoke earlier she was making a very good case against the low tax/low spend model that we have been living with for so long. The point goes on to be made, we simply do not spend enough on our public services; that is why Islanders have a hospital with sewerage running down the walls, it sounds shocking but it is the truth, and that is why our dear States voted against putting any kind of filters on chimneys at the former Bellozanne incinerator, preferring to run an incinerator that was poisoning their own citizens. This is the kind of Government we have had up until now successively and the 2 issues are completely separate, we can always find things that we would like to spend our money on, our priorities. But the fact of it is, and I hate to make it into a cliché, I think this is a time-critical purchase, we have to support this, we have to put aside any personal differences we have with individuals, which I am sure are not clouding our judgments on this, and the fact is, is this a good thing that we want to preserve? All right, so we allow building on that, who does that help? We get some luxury houses up there, they are called farmhouses, they are not farmhouses at all, they are faux farmhouses, which are constructed in a kind of simile farmhouse way. Jersey farmhouses do not stand on the edge of a cliff and, just to make a correction from the Minister for Health and Social Services, she said that the houses would be half a mile from the cliff, certainly if you look at the images you have one of the developments that is virtually on the cliff path, it is not a half mile away from the cliff. Just to finish on that point, there are 2 issues of concern I have in spite of the fact that I have given a fairly, I hope, rousing speech, encouraging Members to vote for this proposition. The 2 areas of concern I have are (1) are the figures correct, is there going to be a long protracted legal battle? We have been told that there is not. What concerns me is that the Minister for Health and Social Services does not believe the figures she has been given, we have been given a reassurance from the Solicitor General, both today and in the past, saying there is no reason that the legal fees should

escalate, and that is one of the areas, I think that is probably the main area, where there could be escalating costs if there were at all. But the Minister for Health and Social Services for some reason does not believe her colleagues in the Council of Ministers and the expert advice that she has been given. That is worrying I think because if the Minister for Health and Social Services cannot trust the accuracy of figures coming out of the Council of Ministers and their various reports, it tends to suggest to me that the various figures that they underpin the Health Department with, she also cannot believe coming out from them. So she is being very selective about when she chooses to believe figures coming out from the Chief Minister's ...

**The Deputy of Trinity:**

Just to correct the Deputy, I did mention ...

**Deputy M. Tadier:**

It is unfortunate, when you speak early in a debate of course, unless it is a point of order, you do not get to redress those comments, and, yes, we cannot harm people for trying, so I think there is a point there; I hopefully have confidence in this fact and I would like that to be reassured tomorrow from Ministers that we are voting on this on the basis that it is going to be a reasonable sum of money. If it turns out to be another debacle, which I seriously hope it is not, if it turns out to be in the order of £8 million rather than the £4 million or £5 million that we have been promised, I will certainly feel bad about that because I put in my vote in good faith, we need those assurances. Of course we realise that there needs to be wiggle room; that is not a problem, but if it turns out to be something of the order of magnitude that will be an embarrassment I think both for the Council of Ministers and for those who support this in good faith. So I would like reassurance on that and I would like reassurance from the Minister for Treasury and Resources about where the funds ultimately will come from once the consolidated funds that the contingency funds have to be reimbursed. Those are the 2 areas, because I do not want to fund Plémont at the expense of some social housing that could be made, we do a land swap, and what we see is more luxury flats being built in Jersey, which helps nobody. The issue of land sustainability, which is the last and most important point, which I will keep brief, is that we heard the comments from Deputy Luce, which said we should put money into cedar fences, reducing carbon emissions. Why would we do that if we did not believe that there was an issue with global warming, or perhaps that there was an issue with fuel sustainability? We should certainly be doing these things but what we should also be doing is looking at food security, because I believe there will come a time, probably a lot sooner than we think, when fuel prices go up exponentially and where it becomes more difficult and more price-expensive, I think is the word, to import food into Jersey. It would be more cost-effective for us to grow our own food, to raise our own sheep, *et cetera*, and this is something that I think, as custodians of the land, although it is not necessarily the best agricultural land, it certainly can be used for certain purposes for farming. It is good to have land bank reserves there, which are not built on, which, if need be, can be turned to agricultural use in the future and we have to be mindful of the fact... not to mention all the tourist arguments that have already been used and the benefit to the public for future generations. I will leave the speech there; I know I have gone on slightly longer, but then again I did have to wait about 2 hours to be called.

**The Deputy of Trinity:**

Can I just mention for a point of clarity, I mentioned no cost about legal fees whatsoever; I said the States will have to pay the cost of legal fees for both.

**Deputy J.A.N. Le Fondré:**

I would like to propose the adjournment, Sir.

**The Bailiff:**



The adjournment is proposed.

**The Connétable of St. John:**

Could I test the mood of the House and see if we could not work on until 7.00 p.m. tonight and see if we cannot get this done, Sir?

**The Bailiff:**

At the moment I have a further 5 people; I do not know whether others will also indicate and wish to speak, but there are certainly 5.

**Senator B.I. Le Marquand:**

Could I also mention I have 3 propositions, 2 of which I certainly want to bring before Christmas.

**The Bailiff:**

No doubt you can take them quite briefly when you propose them. **[Laughter]**

**Senator B.I. Le Marquand:**

I will be in the hands of the Assembly as ever, Sir.

**Deputy R.G. Le Hérisier:**

Is one of them the Father Christmas Appointed Day Act?

**The Bailiff:**

Very well, the Assembly will adjourn and reconvene at 9.30 a.m. tomorrow morning.

**The Connétable of St. John:**

You did not test the House, Sir. I did ask if you would test the mood of the House.

**The Bailiff:**

One moment please, order. My mistake, the Connétable did say he wished to check the mood of the House. I was not sure whether he wanted to pursue it, but he does. Very well, what is your proposal, Connétable?

**The Connétable of St. John:**

I propose that we sit until 6.30 p.m. or 7.00 p.m. and get this finished hopefully.

**The Bailiff:**

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

**Deputy A.K.F. Green:**

Can we be clear if we are voting 6.30 p.m. or 7.00 p.m.?

**The Bailiff:**

Connétable?

**The Connétable of St. John:**

6.30 p.m., Sir.

**The Bailiff:**

6.30 p.m.

**Deputy J.A.N. Le Fondré:**

Can I make the point that we do have a third day booked, it is a normal States sitting tomorrow. I am sure a number of people have commitments at different times, I know I have, I know Deputy Pinel has, and I suspect one or 2 others. I think we should adjourn at 5.30 p.m.; it has been a very long day.

**The Bailiff:**

The Connétable is entitled to put the matter and he has, therefore the appel is called for then, so if you wish to sit until 6.30 p.m. you vote pour, if you do not you vote contre and the Greffier will open the voting.

<b>POUR: 13</b>	<b>CONTRE: 34</b>	<b>ABSTAIN: 0</b>
Connétable of Grouville	Senator P.F. Routier	
Connétable of St. Clement	Senator P.F.C. Ozouf	
Connétable of St. Peter	Senator S.C. Ferguson	
Connétable of St. John	Senator B.I. Le Marquand	
Connétable of St. Brelade	Senator F. du H. Le Gresley	
Deputy of Trinity	Senator I.J. Gorst	
Deputy T.M. Pitman (H)	Senator L.J. Farnham	
Deputy E.J. Noel (L)	Senator P.M. Bailhache	
Deputy T.A. Vallois (S)	Connétable of St. Helier	
Deputy A.K.F. Green (H)	Connétable of Trinity	
Deputy J.M. Maçon (S)	Connétable of St. Lawrence	
Deputy of St. Peter	Connétable of St. Mary	
Deputy R.J. Rondel (H)	Connétable of St. Ouen	
	Connétable of St. Martin	
	Connétable of St. Saviour	
	Deputy R.C. Duhamel (S)	
	Deputy R.G. Le Hérisssier (S)	
	Deputy J.A. Martin (H)	
	Deputy G.P. Southern (H)	
	Deputy of St. Ouen	
	Deputy of Grouville	
	Deputy J.A. Hilton (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy S.S.P.A. Power (B)	
	Deputy S. Pitman (H)	
	Deputy K.C. Lewis (S)	
	Deputy M. Tadier (B)	
	Deputy M.R. Higgins (H)	
	Deputy G.C.L. Baudains (C)	
	Deputy J.H. Young (B)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Mary	
	Deputy of St. Martin	
	Deputy R.G. Bryans (H)	

**The Bailiff:**

So now the Assembly will adjourn until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:42]