

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 14th MARCH 2022

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of all Members, I would like to welcome His Excellency, the Lieutenant Governor to the Chamber this morning. **[Approbation]**

Connétable R.A. Buchanan of St. Ouen:

I am sorry to interrupt your flow. It is a matter of procedure of timing for our debate, and I would just like to ask Members if they would consider allowing an extra half an hour for lunch tomorrow so that Members can attend the funeral of my late father-in-law, the late Constable of St. Mary. I would propose instead of re-joining the Chamber at 2.15 tomorrow we re-join at 2.45. I make the proposition, Sir.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? In that case can I take it the proposition is approved on a standing vote? Thank you, Connétable.

The Connétable of St. Ouen:

I thank Members for their understanding.

PUBLIC BUSINESS

2. Island Plan 2022-25: Approval (P.36/2021) - as amended

The Deputy Bailiff:

That moves us on to Public Business. The only item of Public Business for this meeting is the Island Plan 2022-25: Approval, lodged by the Minister for the Environment. The Bailiff was to preside over this meeting of the Assembly but is unfortunately unwell. Members will be aware that there are a number of amendments and for the purposes of this debate the Minister will be the main respondent to those amendments. The Minister has indicated that he is willing to accept several amendments, as Members will know from the documentation provided in advance of the meeting. If Members are content, then the proposition will be read out as amended by those amendments unless any Member would wish for there to be a debate on any particular accepted amendment. I will now read out the list of amendments accepted and ask for Members to indicate if they wish for those particular matters to be debated.

[9:45]

The amendments being accepted are as follows: the 5th amendment, Children's Play Space, proposed by Deputy Doublet; the 9th amendment, Springfield Development open space, proposed by Deputy Ward; 13th amendment, Trees and Water Features, proposed by the Connétable of St. Helier; the 15th amendment, Corbière Walk protected open space, proposed by Deputy Truscott; the 21st amendment, Disability Inclusion - Active Travel, proposed by Deputy Gardiner; the 22nd amendment, Disability Inclusion - Homes for the Independent Living, proposed by Deputy Gardiner; the 23rd amendment, Disability Inclusion - Clauses, proposed by Deputy Gardiner; the 24th amendment, Disability Inclusion - Historic Building Accessibility, proposed by Deputy Gardiner; the 27th amendment, Waterworks Valley countryside access, proposed by Deputy Morel; the 37th amendment, Aquaculture, proposed by Deputy Morel; the 39th amendment, Conservation Areas, proposed by Deputy Morel. In relation to the 44th amendment, there is an amendment to the amendment from the Connétable of St. Brelade, and an amendment to that amendment by the

Minister for the Environment. Connétable of St. Brelade, are you content to accept the amendment of the Minister to your amendment?

Connétable M.K. Jackson of St. Brelade:

I am, Sir.

The Deputy Bailiff:

And you are content to proceed, Minister, with the amendment as amended?

Deputy J.H. Young of St Brelade:

Yes, Sir.

The Deputy Bailiff:

The 46th amendment, Driveways, proposed by the Connétable of St. Brelade; the 63rd amendment, Amendment to Policy SP1, construction materials, proposed by Senator Moore; the 75th amendment, Residential Delivery and Management Strategy, proposed by Senator Moore; the 79th amendment, Amendment to Policy C13, Our Hospital, proposed by Deputy Gardiner; the 81st amendment, Changes to Passivhaus Policy, proposed by the Environment, Housing and Infrastructure Scrutiny Panel.

Deputy R.J. Ward of St. Helier:

I would like a debate on that please.

The Deputy Bailiff:

Thank you, that is noted. The 84th amendment, Amendment to Policy C13, Our Hospital, proposed by Senator Moore; the 86th amendment, St. Brelade's Bay improvement plan, proposed by the Connétable of St. Brelade; the 93rd amendment, Policy ME1, 20 per cent reduction in target energy rate, proposed by the Minister for the Environment.

Deputy R.J. Ward:

I would like a debate on that.

The Deputy Bailiff:

You would like a debate on amendment 93? Thank you. The 98th amendment, Tabor Park, built-up area and over-55s, proposed by the Minister for the Environment; the 99th amendment, Minor Proposed Map Changes proposed by the Minister for the Environment, the 100th amendment, Sustainable Communities Fund, proposed by the Minister for the Environment; the 101st amendment, WER4 Land Reclamation, proposed by the Minister for the Environment.

Senator K.L. Moore:

I might have missed it, but I do not think you read out the 40th amendment in relation to Field 559, which I believe the Minister had accepted.

The Deputy Bailiff:

Is that correct, Minister?

Deputy J.H. Young:

Sorry, I was taken by surprise. If you give me a moment. Could I come back in a few moments to check?

The Deputy Bailiff:

You certainly can.

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

Also, amendment number 1 brought by myself. I believe that the Minister had accepted that.

Deputy J.H. Young:

I can deal with number 1 straightaway. I thought it was a significant item so I did not suggest, while I have indicated it is my intention to accept it, I did not include it in the list of matters I thought a debate would not be required. I considered that other Members may want one, but I am open, if Members feel that there is no need to have a debate on that, then I can accept it and it can be taken as read. That is amendment 1. I am coming back on 40.

The Deputy Bailiff:

I think Members may need a chance to reflect on these matters, but you are content in principle to accept the first amendment of Deputy Le Hegarat?

Deputy J.H. Young:

Yes, I am. But there are issues. I said I will accept it but if other Members feel there should be a debate.

Deputy I. Gardiner of St. Helier:

I believe amendment 7 is probably the same situation because the Minister indicated in his response; it is about Parish priority 50:50 that he is minded accepting but I am not sure where it stands now.

The Deputy Bailiff:

I think the current position is that there was no notification in advance of the meeting that they would be accepted. The current position is that they will be debated unless ...

Senator K.L. Moore:

Just to clarify the point. We were only told that the Minister had accepted and therefore the assumption was that there would be no debate on those because they were accepted by the Minister. So, it does have a bearing on the running.

The Deputy Bailiff:

I am sure in due course matters can be accepted and if no Member wishes for a debate to take place, then in due course those initial amendments can be accepted.

Deputy R.J. Ward:

I have got the same situation regards the 80th amendment, which I believe the Minister was going to accept, and the 10th amendment, which I believe the Minister was going to accept. If you read them out, I do apologise, I was trying to skirt through a spreadsheet at the same time.

The Deputy Bailiff:

I did not read out the 10th or the 80th. The 1st, the 2nd, the 10th, the 40th and the 80th are the 5 amendments ...

Deputy I. Gardiner:

And the 7th.

The Deputy Bailiff:

And the 7th

Deputy R.J. Ward:

Sorry, Sir, it is the 8th amendment.

The Deputy Bailiff:

I do not think there is any need to apologise. The next thing I was going to say is this is going to be a complex debate with the capacity to become very complicated for Members and the Greffier and, indeed, me. We are all going to have to be patient with each other from time to time. I understood when this matter was last debated in 2011, from time to time the Assembly did break in order for people to understand where they were.

Deputy R.J. Ward:

I may have misled you; I meant the 8th amendment not the 80th amendment.

The Deputy Bailiff:

Thank you very much. The Greffier has the proposition ready to read as amended with the 20 or so amendments that have been accepted so what we propose to do is get on with matters. The Greffier will read the proposition as amended and the Minister will reflect, I imagine, in the course of the morning with his officers on the 6 or so amendments that were outstanding and in due course let us know the position.

Deputy J.H. Young:

Thank you, apologies for this. I think I have found the source I was looking for. Would you mind just listing for me the amendments which you are waiting for me to come back immediately, so I can make sure I give you that answer as soon as I can?

The Deputy Bailiff:

Yes, it is the 1st, the 2nd, the 7th, the 8th, the 10th and the 40th. I ask the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to approve, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, as amended by the COVID-19 (Island Plan) (Jersey) Regulations 2021, the draft Island Plan 2022-25 except that (a) within Policy SP1, paragraph 6, before the word “utilises” there should be inserted the word “which”, and after the words “forms of energy” there should be inserted the words “and the use of renewable and recyclable construction materials; (b) (1) within Policy SP3, paragraph 4, after the words “accessible and inclusive design” there should be inserted the words “having regard to the needs of those with disabilities,”; (2) within Policy SP7, after the words “meet the changing needs of individuals and families” there should be inserted the words “including those with disabilities and additional needs”; and (3) within Policy GD1, there should be inserted the following new paragraph 2 – “2. It has regard to, and seeks to avoid or mitigate, the impact of the development on the needs of people with disabilities.” And the subsequent paragraph renumbered accordingly; (c) within Proposal – Sustainable Communities Fund, on page 78, there should be substituted the following for the second paragraph – “Work to design and introduce the necessary legal mechanisms for the Fund will take place over the plan period of the bridging Island Plan, ready for inclusion into the subsequent review of the Island Plan.”; (d) within Policy GD3, after the words “restoration of land” there should be inserted the words, “including infrastructure,”; (e) (1) within Policy H6, after the words “To enable the supply of supported housing” there should be inserted the words “and homes that will support independent living for those with disabilities and additional needs,”; (2) within Policy H6, after the words “proposals for the development of supported” there should be inserted the words “or specifically designed and adapted homes,”; and (3) within Policy GD6, after the words “achievement of the highest standards of accessible and inclusive design,” there should be inserted the words “having regard to the needs of those with disabilities,”; (f) after paragraph b. of Policy NE2 – Green infrastructure and networks, the following paragraphs should be inserted, with the subsequent

paragraph redesignated accordingly and the Plan further amended in such respects as may consequentially be necessary – “c. ensuring that new trees are planted in the ground if at all possible, with the rerouting of any underground services and other measures that may be necessary to achieve this being undertaken as part of the development; d. ensuring that, where appropriate, lost watercourses are restored and new water features provided in the public realm, especially in urban areas; and”; (g) to request that the Minister for the Environment makes appropriate adjustments to ensure that consideration for disability and inclusion are more explicitly incorporated within the justification to Policy HE1, and with regard to proposals to change historic buildings.”; (h) (1) in Proposal – Conservation Area Designation, the second paragraph should be substituted with the following new paragraph – “It is proposed that the first conservation areas to be designated should be drawn from the following list: St Aubin, the historic areas of St Helier, the areas around the Parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, St. Clement, Gorey Village and Pier, and Rozel Harbour”; (2) after the final paragraph, the following words should be inserted – “During the course of the bridging Island Plan, at least 4 conservation areas should be designated from those listed in this proposal.”; and (3) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraphs (1) and (2).

[10:00]

(i) within the Proposal – St. Brelade’s Bay Improvement Plan – (1) after the words “visitors and islanders alike” there should be inserted the words “and shall reference the St. Brelade’s Character Appraisal, including the report of public opinion expressed in the St. Brelade Character Study and Recommendations”; and (2) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent to the adoption of (1).”; (j) (1) within Policy ERE8 – Fishing and aquaculture, in the final paragraph, the words “not be supported” should be replaced by the words “only be supported where”, and the following new bullet points should be inserted – “it is required to meet a proven need, which cannot be met elsewhere; and it would not harm marine biodiversity value.” (2) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of (j)(1); (k) within Policy H4, after the words “latest evidence of need.” there should be inserted the words “Residential developments of 5 or more dwellings should, in particular, include a proportion of smaller homes to encourage and enable ‘right-sizing’ where appropriate.”; (l) within Proposal 21, there should be inserted a third paragraph: “The Minister for Housing and Communities will also explore, with others as appropriate, how developments of new homes might be expediated, including the use of prefabricated methods of construction”; (m) (1) in Policy H6, after the words “built-up areas.”, there should be inserted a new paragraph as follows – “Land identified at Tabor Park, St. Brelade, shall be safeguarded for the future development and expansion of supported living or over-55 homes.”; (2) the draft bridging Island Plan Proposals Map Part A – Planning Zones should be amended to include land at Tabor Park within the defined built-up area, as shown in the area outlined in green in Plan 1 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (98)); and (3) the draft bridging Island Plan Proposals Map Part A – Planning Zones should be amended to include land at Tabor Park as a designated supported housing site, as shown in the area highlighted in orange in Plan 1 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (98)).”; (n) (1) on page 229 of the draft Island Plan 2022-25, at the end of the third paragraph under the heading “Delivery of Our Hospital”, there should be inserted the words – “Provision is made within policy, however, for the eventuality that the Assembly amends its decision.”; (2) in Policy C13, after the words “Our Hospital Development Site” there should be inserted the words “(including the alternative use of an existing health and social care facility as approved by the States Assembly)” and after the word “site” in the final paragraph, there should be inserted the words “(or sites)”; (3) within Policy C13, after the words “will not be supported” there should be inserted the words “, except where it can be demonstrated that the site, or any part of it, is no longer required to support the

delivery of Our Hospital”; and (4) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraphs (n)(1)-(n)(3).”; (o) within Policy C13 after the word “practicable” at the end of sub-paragraph (c) there should be inserted “including, but not limited to – (i) considering the impact on the physical integrity and/or proper functioning of the arterial road network to and from the hospital with particular reference to the following roads - Tower Road, New St. John’s Road, Old St. John’s Road, Queen’s Road; and the specific mitigation measures required where increased traffic will have ramifications on such infrastructure and surrounding neighbourhood; and (ii) ensuring that any proposal complies with Policy GD1 “Managing the health and well-being impact of new development” and that it addresses the issue of privacy for neighbouring properties, with the draft Plan further amended in such respects as may be necessary consequent to the adoption of the amendments to Policy C13.”; (p) (1) within Policy C15, at point 3, the words “or increases” should be deleted and, after the words “use by the public” there should be inserted the words “or increases the proportion of freely accessible public green space”; and (2) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraph (1); (q) the Corbière Walk (as spatially defined in the Policing of Parks (Jersey) Regulations 2005) should be designated as protected open space and subject to Policy C17, with the draft Island Plan 2022-25 Proposals Map and the draft Island Plan 2022-25 amended accordingly.”; (r) in Policy C18 – Space for Children and Play, the following amendments should be made, with the Plan further amended in such respects as may be necessary consequent upon their adoption – (1) after the words “social and imaginative” insert the words “as well as helping children access and spend time in nature”; (2) in paragraphs 2 and 3 of the Policy, before the words “walking distance” insert the word “safe” every time they appear; (3) after paragraph 3, insert the following new paragraph: “In the first instance, developers should seek to include as much green or natural play space as possible. Play space could also be provided as outdoor play equipment, playscapes (landscape design that incorporates play features), space for ball games and dedicated space that encourages safe bike riding, skateboarding and scootering. In some circumstances, indoor communal space may form part of the space for play contribution, such as communal games rooms or youth facilities. Other types of space for play will be considered where the developer has undertaken appropriate consultation and there is clear evidence of community support.”; (s) in Policy C19 – Countryside access and awareness, the following amendments should be made, with the Plan further amended in such respects as may be necessary consequent upon their adoption – (1) after the words “Grands Vaux Reservoir”, the remaining words should be substituted with “and valley, and Waterworks Valley have been identified on the proposals map as ‘strategic countryside access sites’ and proposals that encourage, enable or enhance public access to the countryside here will be supported.”; and (2) the draft bridging Island Plan Proposals Map Part A – Planning Zones should be amended to reflect the adoption of paragraph (1).”; (t) (1) to request that the Minister for the Environment makes appropriate adjustments to ensure that considerations for disability and inclusion are more explicitly incorporated in the chapter of the draft Island Plan 2022-25 on Active Travel; and (2) that, within the Proposal entitled “Active Travel Network”, after the word “stakeholders” there should be inserted the words “; the Disability Inclusion Group.”; (u) in Policy WER4 – Land Reclamation, for the penultimate paragraph substitute the following paragraph - “The fill material for land reclamation schemes, other than for engineering elements, will comprise inert waste derived material that cannot economically be processed to meet an engineering material specification and that meets the structural and environmental protection standards required for the scheme”; (v) the draft bridging Island Plan Proposals Map Part A – Planning Zones should be amended as follows: (i) Le Pepiniere, St. Lawrence: amend the built-up area boundary as shown in green, at Plan 1 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (99)); (ii) Land at Glenwhern, Grouville: amend the built-up area boundary as shown in green, shown at Plan 2 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (99)); (iii) Field MN402, St. Martin: amend the built-up area boundary as shown in green, at Plan 3 of the report accompanying the amendment of the Minister for

the Environment (P.36/2021 Amd. (99)); (iv) Sewage treatment plant, Bellozane, St. Helier: amend the built-up area boundary as shown in green, at Plan 4 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (99)); (v) Field O785, St. Ouen: amend the built-up area boundary as shown in green, at Plan 5 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (99)); (vi) Land to the south of Mont à L'Abbé cemetery: amend the protected open space and built-up area boundary as shown in red at Plan 6 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (99)); and (vii) Midbay House (L880), St. Lawrence: amend the built-up area boundary as shown in green, at Plan 7 of the report accompanying the amendment of the Minister for the Environment (P.36/2021 Amd. (99)).

The Deputy Bailiff:

Before we turn to the Minister, Deputy Tadier, you have a question about the 43rd amendment you have raised in the chat.

Deputy M. Tadier of St. Brelade:

I did and I was not sure if it was the right place to bring it up earlier. I needed at some point, because my amendment is relatively early on, to find out whether the Minister is taking his amendment separately? He has put in amendments to my amendment but there are 3 parts to my amendment. It is just to know whether I am able to accept one part or if I need to oppose all of his amendment. It might be something that the Minister needs to deal with directly offline, but I just need some clarity about how to proceed.

The Deputy Bailiff:

I am sure he has heard what you have said and hopefully he will be able to communicate with you before that amendment is debated.

Deputy J.H. Young:

Apologies for the delay in responding on Members' requests to have a number of the amendments taken as read. Running down my list, amendment number 1, from Deputy Le Hegarat, to removing 3 fields in St. Helier, I accept, and I agree that that can be taken as read. Amendment number 7, Deputy Gardiner, which seeks to put the cap on allocations to affordable housing sites at 50 per cent to Parish nominees, I also accept and are happy to have it as read. Amendment number 10, use of Nelson Street Car Park for a youth centre by Deputy Ward, I accept, and I am happy to have it taken as read. Amendment number 40, from Senator Moore, a field at St. Peter, I am also happy to accept and take as read. Concerning amendment number 2, this is an amendment from Deputy Lewis, it does propose 4 different fields to be removed. I have indicated on my comments that on one of them, which is item (a)(iii) Field S729, I am prepared to accept that, but I am not prepared to accept the others. I do not know if we can deal with that as part of an amendment. I think it probably needs to be debated when we come to that amendment. I expect the position is that I can accept that part in part at that time, if that is acceptable. That is amendment number 2. Have I got that correct, the list you gave me; 1, 2, 7, 8, 10 and 40?

The Deputy Bailiff:

I am grateful, Minister, but the proposition has now been read as amended so there will need to be debates, albeit short ones, in relation to the matters which you have referred. We therefore begin with the 88th amendment lodged by the Minister for the Environment and I ask the Greffier to ... Minister, do you want to propose the plan as a whole now?

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

Yes, if I may propose the plan as a whole. I am not quite sure I understood what you said just a minute ago.

The Deputy Bailiff:

Sorry, I will repeat it again. The proposition has now been read as amended therefore there will need to be debates, albeit perhaps short ones, in relation to the additional amendments to which we have just referred.

Deputy J.H. Young:

Thank you, Sir. I am happy to propose the plan in principle for debate and, in doing so, I will do my absolute best to make sure those I have just spoken about, with the exception of amendment 2, are dealt with as quickly as possible.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** We therefore begin with the 88th amendment. **[Aside]** Do you want to make an opening speech about the plan generally, Minister? It is a matter for you.

Deputy J.H. Young:

Yes, I think it is appropriate. I will try not to be too long, but I would like to do so, if I may.

The Deputy Bailiff:

Now is the opportunity I think to do so before I turn to the first amendment.

Deputy J.H. Young:

You are inviting me to speak now?

The Deputy Bailiff:

Yes.

Deputy J.H. Young:

I am sorry about the confusion. It has been a while since I have been in this Assembly in person, and of course the temperature is quite high, I have noticed. It has not got any better. Today marks the conclusion of 3 years work on this draft plan. It has been a huge task. We all know that it has to have been completed during the COVID pandemic, which has made it much more difficult to do. But still I feel that we arrived at a draft plan which the scope of the plan is huge. It covers all aspects of use of our very special scarce land. As we all know, land in Jersey where every single square inch is argued over and fought for in contested uses and everything is debated. But that is why to manage that we have a Planning and Building Law. Part of the point, that law says, it is to intend ... we have that to ensure that land is used in the best interests of the community. The plan provides us with the tools. When I say "us", those decision-makers, planning officers, Planning Committee and everybody involved; we are the tools to make those decisions.

[10:15]

Of course, that law interferes with people's private property. But of course, all decisions that are made are made, and this is a really important point, in the public interest. So, the tools that the plan has given us, and they are here, is that we have policies. Policies where every word matters, which is why sometimes Members feel that we are getting very arcane debates about the meaning of the word. But those words are advised by professionals, planning inspectors and others, who tell us and advise us that certain words have a caselaw of interpretation and they can be worked with. Also, we have a thing called proposals. Sorry, in the plan the policies are in the blue boxes. In every part of the plan, you have got a preamble, which explains what it is all about, the reasoning, but then the policy in the blue box. Those are what we are, in effect, debating today. Also, proposals. This is where work needs to go on during the planned period to try and deal with some of the issues that arise which are not yet ready for a planning policy. My job has been to ensure that we have a plan based on evidence, and I think also that it complies with the legal procedures, which have got ever

more complex every year. They used to be very simple, but they are not anymore. Subject to public consultation, independent expert examination, and based on the best advice. You can see all the evidence there because today it all comes to the point of decision time. Many people would say: "I do not really want to do this, can we not put these off?" I have heard that so many times. There is no hiding place for difficult choices we have to make as a community on behalf of Islanders. Of course the reality is, and I am going to be blunt about this, we have failed to manage our population growth. It was my aspiration that we would do so. It has not happened sadly. We have seen a growth in population of 1,400 per annum over the last 10 years, despite the last plan that this Assembly approved was 325 persons per year. Then of course during that time of the last 10 years, the last Island Plan, where the Assembly produced - I think it was former Senator Cohen that brought it here - since then we have provided just 400 affordable homes in 10 years; 40 a year. Yet 400 completions every year. Effectively you can see the small amount of affordable homes that we have produced. Of course, under our current arrangements, every year 20 per cent of our new members of the community who join us to live and work qualify under the Housing Law. Also, we have a system whereby we issue licences; we issue licences to persons coming to the Island. It is right that they should be able to property but unfortunately these are, in my view, higher earners who are competing directly with Islanders on less favourable incomes in the current property market. We are not managing this. So, it is hardly surprising that we have ended up into an acute housing supply shortage and affordable homes. It is a crisis, in my view. I do not duck it. It has been my job, I did not want to have to zone any fields here. I used to be an employee years ago in the planning system and I can remember politicians who were driving the Island Plan at the time saying: "I do not want to do this" and it was the hardest thing for any Member committed to the environment to come here and say: "We have got to lose this field." That is the hardest thing. If I could have walked away from it, believe you me, I would have done. But would that have been the responsible thing to do? No. What we need to do is to make these decisions to make sure that where we have to zone some fields, that they should be, I believe, no more than that which is necessary to provide a component in an increasing supply, and the plan proposes that 16 per cent of our homes will be from zoned areas; some 600 homes. They have to be in the right place. Here are some choices. The best example I can think of is when you fly into Jersey and you look, what do you see? You see a pattern of land use with tight settlements. You have the main urban conurbations where we see our countryside and the pattern of country sides and coast undeveloped. The Island has retained that. That did not happen by accident. It happened because of Island Plans. Right back since after the war, I think there was the des Beautés Natural Beauties Committee and then the Island Development Committee, and there was an Island Plan in 1987, and there was in 2022, and one in 2011. All those names saying that policy of protecting our countryside and our fields and ensuring we have got that pattern of development. Yes, that has meant that people in our built areas have had to live with and adjust to higher levels of density of homes. That means we have to do things to make those areas decent places to live with community facilities and all those things. I believe that is something we have failed to do so far. Failed to do adequately. That is the major challenge of the plan. If Members ever think: "Well, why do we do this? Let us just pepper pot housing all over the Island." I go to Guernsey a lot, as you know. When you fly into Guernsey you will see a very different pattern. You will see ribbon development, and I love our sister Island to bits. But there are some choices here. That is my point. I keep asking Members: if we do not zone any land for homes what is going to happen? We are going to continually be haemorrhaging our young people and our families and damage our economy. It is not a solution to bring in workers to do the jobs to keep our tax going; it is not a solution. Now we cannot turn the situation around, it is going to take 3 years. If we zone sites here today there is a chance we might see some of those houses completed and lived in by the end of 3 years. That is the timescale we are working to. But I think it is going to give people hope. Of course, there are many voices who say to me: "This is a developer's charter. You are abandoning all the strong controls that have kept Jersey special." We even had a suggestion that I should get COVID and put the debate off. But there we are, that is how things get emotive. But I know that Ministers

for Planning have to face that. I have seen it. I have seen the pressures on Ministers. For me, I have signed up for this. There is no running away from it. I complete the job. But they are not my decisions, they are going to be yours. The role I describe myself is what I would call a midwife for the plan. Facilitate it. Somebody who has brought this to the table, but the adoption is here. There are a number of things I want to say. For example, it has been unsettling for our public that the flurry of amendments in the second stage has unsettled people. I have made it plain to them that that was not ideal. In fact, in future Island Plans we should change that process. But to put it off again would just mean the matter would go down into the next Assembly and, who knows, you will not get a Council of Ministers until next September - I will not be there - when will they get into gear? They have enough job anyway to deal with the next Island Plan. But of course, this is a bridging plan. Members have said: "Why make a fuss when it is only a short-term plan?" But the reality of it is the housing issues are 5 years. The current planning horizon is for 5 years because I said 3 years to get housing; they are 5-year assumptions. The infrastructure paragraphs are based on 10. The area of the biggest uncertainty that caused us to have a bridging Island Plan of 3 years is the economy. We do not know reliably where that is going to go. If we did not know when we hit COVID we know even less now when we are facing such dreadful global events; the whole threats on fuel, inflation and ... I do not want to dwell on that. The future of tourism. The future of our economy. We had to take that short planning horizon. I think the choice today is for all Members. This is not a perfect plan. I think it is the best that I can bring here and I think it is a plan that I personally can live with. There are lots of things in it that I would prefer not to have to do. I think that is a choice for all of you. Can you live with this? Can our community live with it? I would ask Members to put aside pressures of electoral success. Put aside the uncertainties that Members, candidates in the new elections are facing about their constituencies and what people are putting, because what is necessary here is a whole Island strategic view. Yes, everybody will have their preferences, and that is right, but please bear in mind that we need whole Island. We need to look at achieving that balance. I said I am not the author, but I had to make judgments on all the amendments. The test I have put is not, for example ... I think Deputy Tadier spoke to earlier, I have had communications with Deputy Tadier over the weekend. As a St. Brelade Member I have a natural affinity to want to take special care of St. Brelade but I have to make a judgment for the whole Island, I have to look at the bigger picture and so that is what has brought me to say I can either accept something or I cannot or in part. I want Members to know that is the basis of which I have tried to make those judgments. I have been influenced strongly by the planning inspectors because theirs are expert views; they do this all the time. I have relied on that very much and most of the judgments I have had to make as to what oppose and what not are based on that. There are some exceptions, and Members will know that. I am sure Members will point that out to me in the course of the debate. I think the most important thing - and I am going to wind up in a minute, Members will be pleased to hear - key in our choices for me, is my personal view, is if we are going to have to lose green fields and set that development where we would otherwise not wish to see it, that we protect our special coast and our special landscape countryside areas at all costs. We are going to be debating, very shortly, proposals there and I ask for Members support on that. All the decisions are difficult. We have reached a critical point. We cannot put the decision off because, I will tell you this, if Members do ... I have heard talk about putting the plan off, having reference back and all this kind of thing; if we do the problems are going to come much worse. Having said that, I propose the proposition in principle. Thank you.

The Deputy Bailiff:

That has been seconded already.

3. Island Plan 2022-25: Approval (P.36/2021) – eighty-eighth amendment: Marine Spatial Plan (P.36/2021 Amd.(88))

The Deputy Bailiff:

There are numerous amendments and the Greffier has produced a comprehensive running order, which I commend to Members. We begin with the 88th amendment, lodged by the Minister, and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that within Strategic Proposal 3 – Creating a marine spatial plan for Jersey – (a) after the words “Spatial Plan”, there should be inserted the words “before 2025”; and (b) after the words “territorial waters”, the word “to” should be replaced with the words “in particular, to develop a network of marine protected areas which will”.

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

When I was preparing for this yesterday I went through all of these amendments and I formed a view that unfortunately we are starting the debate on one of the most complex amendments in the whole lot.

[10:30]

There are a lot of difficulties here and I will try and help Members through them. We have a section of our community who have an aspiration for special designation for our marine waters. Of course, our marine waters go out to 12 miles, which the Planning Law covers, and up until now we have had a pretty basic regime of planning policies in our seas. But because we know in future there are going to be developments in the marine area, offshore renewables, cables, all sorts of infrastructure, pressures of climate change and coastal zone management, we are going to have to have some planning tools, so we put it in the plan. The Deputy Chief Minister has an aspiration in promoting our economy that a marine park would enable us to be able to claim that we are looking after our seas especially, and we can have marine protected areas to 30 per cent of our seas. It is a lot more complex than that. I share - and I think everybody does - the aspiration for us to have a plan for how to keep our seas sustainable and to arrive at sustainable fishing and deal with things like dredging and trawling. We are already very advanced on that with marine science. The States voted me money, we have done a load of work on the seabed, a huge amount of work in progress, but that has to be based on the marine science. I have tried to, in my amendment, which I am speaking to now, include the aspirations of Senator Farnham’s amendment but I cannot accept the details of it that put ... first of all, they seek to use planning law powers that have no legal effect; they do not have any effect whatsoever. There are no powers in the planning law that enable you to do what Senator Farnham’s amendment is proposing. Where we do that is through our fisheries management legislation. That is where we do it. Those are the tools. My amendment proposes the elements ... I have issued what you call a consolidated amendment, which is what we did on all of the things. When we were faced with an amendment where there were parts of it I could go with. Rather than have a sort of ragbag debate, I put the things which we could agree and so on in my amendments in the hope that would find a resolution. But in this case, we are having a debate. I am sure Senator Farnham will make his case hard. I want to recognise the special quality of our marina, I want to recognise its fantastic biodiversity value and I want to recognise its potential in tackling climate change because what we discovered with our science, blue carbon, the potential of carbon storage in our seas is huge compared with the potential on land. This is a fast-growing technology area. We need to work that out, how we can do it. That is work that we are doing with other Islands and U.K. (United Kingdom) universities. Then we have the issue of our economic fishery. I do not think I have to go on about this but fisheries have had a huge shock as a result of the Brexit agreement and we are not out of that yet. We are enroute trying to navigate our way through the U.K.- E.U. (European Union) Trade and Co-operation Agreement that requires us not enter processes ... we just cannot do it, we just cannot say: “Right, we are going to have this.” We have to go through those proper processes. What I am

trying to say is that I am with the Senator in his aspirations. I am with these groups that are investing money in Jersey in this but is it a solution to put this in the plan now? It is not, we cannot do that now. If we do I think we saddle ourselves with lots of problems. We have the potential for aquaculture as well. I am committing to a marine management plan. Of course, the U.K. are well ahead of us in this. They have had a law, the marine management law, a good number of years ago. We have not had that. It integrates all the various aspects. We are enroute to that. What I am saying is that there will be work done in a timescale to get to that point. Setting out a timescale so the marine spatial plan will be undertaken before the next Island Plan, and that will include marine protected areas. We have ready done one so far at Portelet; we are going to debate that on 26th April. We have notified the E.U. under the fishing agreements there are 2 areas of sea where we are having no trawling, no drenching zones to protect the bream nesting or the bream spawning areas in the seabed where they spawn at certain times of year. I hope the E.U. do not object to that, they might well but I am determined we will do it. We are already starting down that road and so what my amendment intends is to be constructive and positive but, I am sorry to say, for those reasons I cannot support the text of the amendment from Senator Farnham. I think we have it right. The Island Plan controls developments, it does not control use, it does not control fishing as a use. It is development and that is why I am trying to ask the States to go with me, reject Senator Farnham's amendment and approve the one that I have lodged.

The Deputy Bailiff:

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

3.2 Island Plan 2022-25: Approval (P.36/2021) – eighty-eighth amendment (P.36/2021 Amd.(88)) - amendment (P.36/2021 Amd.(88).Amd)

The Deputy Bailiff:

There is an amendment lodged by Senator Farnham and I ask the Greffier to read this amendment.

The Deputy Greffier of the States:

After the words “marine protected areas” insert the words “within a National Marine Park, to cover at least 30 per cent of Jersey’s territorial waters by 2025.”

3.2 Senator L.J. Farnham:

This amendment to amendment 88 accepts the inspector’s recommendations of developing a marine spatial plan by 2025, including a network of marine protected areas within Jersey waters, which are supported by the Minister, but my amendment to that amendment goes on to add 2 things by way of clarification. This need not be difficult. All of the research that I have done does not show this could be fraught with difficulties but rather fraught with opportunities. Just for clarification, the first point is that this amendment would designate marine protected areas covering at least 30 per cent of Jersey’s waters by 2025. Jersey would thereby be aligning itself with the Global Ocean Alliance’s target of 30 per cent of ocean protected as a scientifically-accepted minimum for reducing the accelerating loss of biodiversity and protecting the oceans and seas vital ecosystems. I know Members may be concerned about France, for example, and the challenges we have been having there but I would remind Members that France and the U.K. are both member of the Global Oceans Alliance and share the targets of 30 per cent and will be, if they remain members, introducing those targets at some stage in the future. It is only right that Jersey and the Channel Islands, but Jersey in this instance, aligns itself to those aspirations. By doing this, Jersey will also be maximising our potential to achieve carbon neutrality goals by 2030 through the protection of our essential blue carbon habitats. The second clarification is to request that the current and future network of marine protected areas would constitute a marine park, an Island’s marine park, which would mark out Jersey’s international reputation as a leader in marine conservation and enable the Island to become recognised as one of the best and most accessible ecotourism destinations. To clarify another point,

it is certainly not the intention of this plan to use planning law powers; absolutely not. We will need, as the Minister alluded to, new fisheries management legislation. Putting this in the Island Plan gives the drive for a marine park real purpose and momentum. Fisheries legislation will need to be adapted to take into account the marine protected areas as part of the package; of course it will. Fishing is a form of development; it is subject to environment law like any other industry. Fishing rules would be adapted to accommodate the marine park over the period to 2025. We are agreeing to 3 years to put in place the detail and the legislation that we will need to protect our precious seas. Jersey has a once-in-a-generation opportunity to show leadership by creating a marine park in our waters that delivers environmental best practices and rebrands the Island as one of the world's most accessible marine protected areas if we incorporate it into this bridging Island Plan. The States of Jersey has already made strong commitment to marine conservation by establishing a number of areas protected from dredging and trawling. Those areas are outlined in the amendment's report. Marine habitats are already showing a strong recovery in these areas benefiting fish stocks and other marine species. However, much of Jersey's waters still remain unprotected. Current M.P.A. (marine protected areas), or the M.P.A.s as proposed, in the Island Plan are simply not enough. A marine park would be expected to include all of Jersey's shallow marine habitats extending down to the 20-metre depth at a minimum. It would cover a total area of approximately 900 square kilometres, or about 36 per cent, as mapped out in the diagram attached to the amendment, of our territorial waters. These high-value habitats with respect to biodiversity, carbon sequestration, importance for sustaining fisheries and the well-being of Jersey's population would be protected from inappropriate development and damaging activity through the designation of marine park status. As I have said before, we have time to work up the relevant legislation, the fisheries management legislation, to achieve that. The designation of a marine park would further build on Jersey's carbon commitments as well as providing an opportunity to trial carbon credit schemes within our waters. From an economic perspective a marine park would provide a boost to local fisheries through enabling fish stock recovery and increasing catch price due to sustainable fishing methods, as demonstrated within the Lyme Bay Reserve, and I will speak very briefly to that in just a minute. A marine park would also generate ecotourism opportunities through promotion of outdoor marine-based activities as well as attracting scientific interest and funding. I want to talk briefly about the positive impacts that a marine park will have on our fishers. The marine park would be an extension of the existing Jersey marine protected areas, which are also known as no mobile gear zones. This would mean that the marine park would be closed to any vessel operating bottom towed fishing or dredging. Therefore the majority of Jersey fishers, those using static fishing gear such as pots, set nets, rod and line and hand diving, will be able to continue fishing within the marine park. In areas where similar levels of protection have been implemented, i.e. the closing of an area to trawling and dredging and towed fishing gear along the seabed, increases in catches, significant increases in catches, have been observed.

[10:45]

It would be expected that the fishers operating within the marine park, without our marine park, and partially outside of the marine park, because of the overspill effect, would see greater catches. Going back to Lyme Bay, on the south coast of the U.K., where a marine protected area has been closed to those harmful fishing practices for about 10 years now, studies have shown that there are 7 times more scallops within the Lyme Bay reserve. The same research carried out by Plymouth University between 2014 and 2017 found that numbers of juvenile lobsters had increased by 4½ times. That is a 7-fold increase in scallops and a 4½ times increase in juvenile lobster. As Members will know, both of these species form a significant part of the Jersey fishery. The marine park would provide a safe space for fishers practising static, low impact forms of fishing, such as potting, netting, hook and line and diving. The marine park will protect vital nursery spawning and feeding grounds for key commercial species such as lobster, crab, whelk and scallops that are known to be significantly impacted by harmful practices. Worth noting at this stage, that about 85 per cent of Jersey's

commercial fishing fleet operate with comparatively low impact static fishing gear, such as pots and nets, targeting species such as whelk, lobster and crab. These fisheries rely on diverse and productive habitats for nurseries, food provision and spawning grounds. For the fishing industry to survive, effective protection of Jersey's marine habitats is absolutely crucial to allow stock recovery and protection of these important habitats. That will only be achieved by significantly larger marine protected areas than we have now and larger than those currently proposed by the Minister in the bridging Island Plan. In our new marine parks, a sustainable local fishing industry can and, I predict, will thrive, generating wider benefits such as increased food security, employment, trade and an enhanced sense of cultural identity as pointed out in the good work the Deputy of Grouville has been delivering on Island identity. In relation to biodiversity, Jersey's waters with their kelp forest, seagrass and maerl beds showcase some of the best shallow marine habitats in the British Isles. A marine park would deliver on Jersey's Planning and Building (Jersey) Law 2002, which was developed to conserve, protect and improve Jersey's natural beauty, natural resources and general amenities, its character and its physical and natural environment. If effectively managed, Jersey's clear waters, rocky intertidal habitats, offshore rigs and our characteristic and charismatic marine wildlife will bring opportunities for improved well-being and increased access to outdoor recreation. The pledge by the Minister to a future marine spatial plan and managed activities in Jersey marine waters is to be welcomed, however an overwhelming weight of evidence already exists to illustrate the need for a Jersey marine park and the bridging Island Plan provides, I believe, a perfect opportunity to acknowledge the urgency that is required for the protection of these most valuable and indispensable areas that we are the custodians of. I use the word "custodian" because we have to pass these waters on to future generations. We have to pass our environment on to future generations. Members will have noted that we are quite rightly now including a child's rights impact assessment review to all of our propositions and amendment. In this case the assessment reads as follows: "Protection of our coastal waters is in the best interests of our children – this is the development of a sustainable and ecologically robust area that will be safeguarded for their futures. The provision of a marine park would be in keeping with the terms of the U.N.C.R.C. (United Nations Convention on the Rights of the Child), promoting, in particular, Article 31 (Leisure, Play and Culture), which speaks to children's rights to relax and play, and Article 24 (Health) which speaks to a clean environment for children to grow up in." With that firmly in mind I commend this amendment to the amendment to the Assembly.

The Deputy Bailiff:

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

3.2.1 Deputy M. Tadier:

First of all, if I can commend and congratulate the Senator and those he has been working with for the aspiration here. He has seen what many Islanders see already and has, I am sure, great concern about the tension that is seen between wanting to continue to promote and support an industry that has been the mainstay of our Island for such a long time, to the point where it is not just an economic activity, it is a cultural one that is deep-seated in our collective psyche, irrespective of whether we like to eat fish or seafood or not. I think the importance of that for Jersey is in many ways intrinsic. I do have some questions that I had originally when I read about this project and which still remain, and I think the Minister has touched on. I think it is important to outline those concerns because any vote that is taken in this Assembly is binary and when people look at what is probably going to be my support for this proposition from the Senator it may not tell the full story. The first point I have, which the Minister touched on, is it does not seem to me that it is entirely necessary to create this project. There may be other benefits for doing it if the main driver is to protect marine stocks. Something that I am convinced of that I feel very strongly, and certainly when I asked the public on social media and raised the issue, it is that the public do not want any dredging in Jersey waters and they do not want to see pair trawling in Jersey waters. I think it is well understood that throughout

the world the ocean is being pillaged and there are certain fish stock - I think across the board in fact - which are just being completely overfished. I do not think the urgency of that has been recognised in the same way that the urgency of the climate emergency was not recognised until the last few years, when in fact it has been a thing for decades. What I would ask the Senator and the Minister - I know he has spoken already but not necessarily on the amendment - is that it seems to me we do not need to have this project, this scheme, in place but what we do need to have in order to protect fish stocks is to simply have a plan and it will need to be handled correctly and sensitively in conversation with the fishermen and fisherwomen, because it is possible and it is within our powers to say we will ban all pair trawling, for example, we will ban all dredging. It will not be limited to 30 per cent of our waters, it will be in all of our waters. That seems to me to be the lowest bar. That seems to be something which we should be able to agree on and which we should phase out I think sooner rather than later because that is not just affecting fish stocks but it is also having a very detrimental effect in our waters. Of course, that would apply across the board. We know that the reality of it is that there are very few Jersey prosecutors who use that kind of technique anyway and there may be more on the French side; that is just the way it works. I do have a critique to make of the survey process from Blue Marine, and it was something that was supported by one of the fishermen who independently contacted me with the same points. I went to do the survey that they put online, I clicked on it and there was a sponsored ad. The very first question caused problems for me to the point where I could not fill in the rest of the survey. It is one of those questions which you cannot answer because it is being explored, it is a bit like if you ask somebody: "Do you still beat your wife?", is the old question, and if you are not somebody who does that you cannot say yes or no because there is an underlying presumption in that question. This question asked: "Do you think it is a good thing that Jersey now has more autonomy over its waters following Brexit?" I know that lots of fishermen would have read that and they would have, as the saying goes, started shouting at the radio but it was not a radio, it was the survey. Of course, the point is they are thinking: "Hang on a minute, we do not have more control over our own waters than we did before Brexit. We have less control over our own waters because at least before Brexit we could decide who we wanted fishing here and who to give licences to." Now, after Brexit, when we are supposed to be able to control our own waters we are effectively told that we have to give all these licences to French fishermen. So very puzzling. The last point that I will make is that when I initially read the statement from Blue Marine I was ... I can understand why they have done it because they are obviously trying to make economic arguments but the strapline was: "For the benefit of Jersey's fishermen, economy and quality of life." I wrote back and said: "Well, presumably you are doing this for the benefit of the marine wildlife too, right?" because that was singularly missing from the strapline. If you are going to have an environmental ecological area then presumably that is to protect the wildlife; it is not to benefit local fishermen, the economy and quality of life, even though those might be secondary issues, it should be because you want to protect the area. Again, I am getting this kind of cognitive dissonance when I hear about: "Okay, we have these areas that are going to be protected but you can still fish in them" so you are still allowed to have pots, you are still allowed to do all sorts of fishing, you are just not allowed to dredge in them and you are not allowed to do trawling. As I said at the beginning, that should just be given. You should not be able to do trawling or dredging in any of Jersey's waters. You should not need to set up special zones where you cannot do that. It is a bit like having an area of St. Helier where you say there are some parts of St. Helier where we do not want violence so these are protected areas where they are safe. "What does that mean?" It means if you walk down the street you are not allowed to kill or beat up people or assault them. "What are you talking about, you should not be able to do that anyway?" I think there is a lot of back-patting going on with this, saying: "Is this not a great thing to do?" but in fact if we wanted to do what has been outlined by the aspirations of this anyway, why do we not just do it? Why are we not doing it? That is the point I would like to make. It might be overly simplistic, it might be more complex than I have suggested, but that is what I am thinking in this case.

3.2.2 The Connétable of St. Brelade:

I would start by saying that it is essential in terms of ecology, the environment and the carbon neutral road map to protect the areas of the seabed where fragile habitats exist. The evidence is that living organisms, such as seagrass, are capable of carbon sequestration and this is not challenged. The process of identifying these areas requiring protection and creating no mobile gear zones is and should always be a fundamental principle and one of the remits of the Department for the Environment. The fact that we have already designated 382 square miles of our sea to no mobile gear zones with the full engagement of the fishing industry is indicative that the process began some time ago. This has been a process which enables the fleet to continue to fish and access scallop beds in areas of shifting gravel, fine sediment and other areas churned up by our strong tie to where no damage occurs to our fragile habitat. There is no real need to establish a marine park to achieve those goals, indeed the marine park plans run roughshod over that process.

[11:00]

It has been shown, particularly around the Welsh coast, that good fisheries management and marine parks are 2 distinctly separate aims, with the latter often displacing fishing efforts and increasing pressure on other areas of less sustainable stocks to negative effect. Fisheries management, in the context of an holistic aim to preserve the marine environment is a highly complex field. Arguably made even more so and less achievable by the ideals as set out in the marine park plan. The claim in the amendment to the amendment that a marine park will both benefit the fishing industry and be a major bonus for tourism simply does not stand up. The fishing industry across all sectors is opposed to the plan for good reasons. I repeat this, the fishing industry across all sectors is opposed to the plan for good reasons. Perhaps the Senator would tell Members if he has consulted with the industry. In term of tourism there is little doubt that an Island offering a strong agricultural sector and a vibrant fishing industry supporting good restaurants, serving authentic locally caught seafood will always have a far stronger selling point than an Island just boasting a marine park on its own. This is insufficient that we need to strike a balance. There are some major gaps in terms of science and existing knowledge around the ability of soft sediment, shifting sand and gravel seabed to absorb carbon, whether the use of towed gear does release any carbon that is present and what happens to any carbon that is released is not yet understood. Heriot-Watt University, the global research experts, have done some significant work in this field and have placed serious doubt over the authenticity of much of what is claimed in the leading paper upon which NGOs, such as Blue Marine, qualify the basis for a marine park. Ultimately, we cannot ignore the fact that our fishing industry was dealt a particularly harsh blow when we adopted the Brexit T.C.A. (Trade and Co-operation Agreement) and all the terms therein. The fundamental principle underpinning the T.C.A. is that Jersey must continue to allow the same even access to foreign vessels to our fish stocks, as well as to all the areas that have existed prior to Brexit. Now, 15 months into the T.C.A. and we are no closer to establishing a framework under the nature and extent clause to ensure stability and continuation of the same access to the foreign fleet, now of course licensed by Jersey, while at the same time seek to establish a marine park that will place a ban on specific material ways of fishing, unless of course our Government is content to create a ban that only applies to Jersey fishermen. If we wish to ensure that the Island has a fishing industry and we give credence to the notion of food security, if we value our tourism industry and wish to show that we are an Island of substance, if we aim to offset carbon emissions in a practical manner that sits within and is respectful of fisheries and all the other elements of the marine environment, then we have some serious work to do. The proposition for a marine park does not reveal the full implications and does not explain the consequences of all the aforementioned reasons. It should be delayed and only considered when the full impact and all the details are understood. I therefore urge Members to reject this amendment to the 88th amendment.

3.2.3 Deputy C.F. Labey of Grouville:

That was very interesting and almost took the words out of my mouth. While Senator Farnham has brought this in all good faith, I believe that far more consultation needs to be done with our fishing industry, because they are clearly not happy with what is being proposed here. The 30 per cent of ocean protection is being used but it has to be remembered, our fishermen do not enjoy the 6-mile territorial waters that everywhere else around the world does. They are restricted. As well as after Brexit and the T.C.A. their futures are still incredibly uncertain. I also have an issue with ... not the company Blue Marine per se but the fact that we are asking another company to come in and manage our waters. Surely we are capable of doing that with our fishing industry, with our Department for the Environment. It should be taken as a given we should not support dredging and trawling but the whole management can surely be done locally. I would like to hope that we can have a marine park, it is a really good thing for tourism but we cannot have a marine park for tourists that kills off our fishing fleet, kills off our fishing industry, whereby we do not have fresh produce in our restaurants from the sea. That would make it a complete nonsense in my mind. There is a balance here, so I am minded to go with the original proposition of the Minister for the Environment but I will listen to the rest of the debate.

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

This is a slightly weird amendment and it is going to be difficult for me to try to explain but basically I do not think anybody more than me in this room wants a marine park. I think a marine park is a very good idea. I also think that a coastal national park would be a very good idea. It would be really nice to have a national park in Jersey. We need a national park in Jersey, it is something we need to have. We should have one. Unfortunately we are going to make exactly the same mistake today that we made 10 years ago, which is we are going to put in the Island Plan something that does not belong there. Ten years ago we said we will have this special development zone that is going to be less protected than the green areas but more protected than the urban areas and we are going to give it a special name. We are going to call it the "coastal national park". The problem is that we used the wrong name, we called a development zone a park and for 10 years we have been persuaded that we had a national park in Jersey when actually it does not exist. We do not have a coastal national park. We have a special development zone where development is more protected than elsewhere and we use a completely random name which does not describe it. It is such a shame because there is a team of really good people who have been trying to work on something that does not exist, that has no statutory existence. It is a development zone, it tells you how you can build, how you can expand your farms; that is all it does. It does not tell you what you do with the biodiversity, it does not tell you how it can be managed, it does not tell you how it can be visited, what sort of access it has, it does not tell you any of that because it is in the wrong place because the Island Plan is not the place where you define a park. We did it 10 years ago. We can see now that we are still struggling with the national park because it does not exist, it is not something that has a physical existence, and today we want to do the same with the marine national park. Sorry, it is just greenwashing, it is just calling something by a name to make it look different, to make it look like we are working on the problem, when actually there is nothing in the Island Plan that can manage fishing. The Island Plan is about bricks and mortar. Yes, we are going to have a special development zone in the marine realm where bricks and mortar are going to be limited. We should do that, we should have that. We should be very careful. There are possibilities of development in a marine environment more than there used to be so we need to be careful with what we do there. That is all this does. It is a special development zone, it is not a park, we cannot define a park in the Island Plan. Frankly, if anything, somebody should have brought a proposition to develop parks in Jersey, make a national park, make a marine national park and develop them and put in there what you need to do for parks. But not in the Island Plan. The Island Plan is about development. It is just greenwashing, it is just putting a name down there and saying: "Now we have done it, we can go home." That is wrong. That is really wrong. We need to put it somewhere else where it actually will make it exist. If we put a marine national

park in the Island Plan it will not exist and 10 years from now we will wonder why nothing happened. The other thing is that I am a little bit worried about some of the principles here. Thirty per cent means nothing. It may mean something if you are a country like France with 15 million square kilometres of seas, most of which are in particular areas with miles of depth. To protect 30 per cent of that is an arbitrary number, but why not? It makes no difference. Jersey is extremely small and has a specific disadvantage that there are 2 countries fishing in it. It is not just us, not just ourselves. The French fleet is about twice the size, 2 or 3 times, of ours. We are trying to create this in a very small area; to wipe out 30 per cent of it makes no sense. It is an arbitrary number that just does not fit Jersey. The next thing is that protection in fishing needs to be understood quite differently than what you would have, say, in a national park. We have this idea that a big area designed as a national park, you do not go there, you do not shoot anything, you do not do damage to wildlife, fine, but that is not how it works. When you protect areas of fishing, it is methods, it is species. It is not something generally ... do not say: "We are going to draw the line around 30 per cent." Interestingly, 30 per cent of our area is all the reefs, it is all the spaces that are being fished now because there is very little elsewhere. So, if we just drew a circle around Jersey saying: "We will protect this" all fishermen, including the French, go home because they have nowhere else to go. What we need to do and what we are doing is making sure that specific ways can be used in specific places and that specific species are protected at certain times of the year in that area. This is technically very difficult. It really is not us saying: "No catch here" and that is fine, sometimes it has the reverse effect. It is something that needs to be studied. We have just made Portelet Bay a no-take zone. That took 40 years. It did not take 40 years in the Assembly, it was not a legal problem, it was not about legislating, it was about the science. We started studying Portelet Bay in the 1980s and how we can make it a no-take zone with the general consensus and it is still a study. It is not a definitive no-take zone, we are going to look at it, we are going to look at what changes, we are going to look at whether predators are growing faster because now it is a no-take zone and damaging other species elsewhere. It is the sort of thing we have to do so it is probably going to be another 5 to 10 years before we can say if this was a good idea or if it was not. The idea that in 3 years you can decide that 30 per cent of your sea area is going to be protected is ridiculous. It does not happen at that speed. The last thing, and I think it is quite important as well, we vaguely mentioned this small contract with Europe that the U.K. signed recently. It is funny that people should have forgotten about it. This is major. The Trade and Co-operation Agreement is the biggest contract we have ever signed. Well, we signed it by proxy but it is the biggest contract we have ever signed. It has not happened. It is not something that was signed and then all of a sudden it was done. As you know, it is all still being argued about and very strongly. Nowhere stronger than in fishing. First of all, I would like to remind Deputy Tadier that the T.C.A. has a specific advantage for Jersey in that it gives us back our management. We did not have management of our own waters 2 years ago. We did not. We could participate, we could suggest, we could ask, we could beg but we could not manage our own waters.

[11:15]

The French decided what went on in our waters. The French decided who could fish in our waters. That has changed. However, that has changed on paper but implementation of that contract is still ongoing and it is still a very live issue. To now tell the French arbitrarily, contrary to a contract, we are just going to close this area of our waters is not going to go down very well. I would like to remind this Assembly, this Assembly has the highest power of decision in the Island but it stops at the international contract. If there is an international contract signed between Jersey and another country or for Jersey by another country this supersedes what happens in this Assembly. If we say: "Let us close our waters" and somebody finds in the T.C.A.: "Sorry, that is discriminatory to the French therefore you cannot do it" that is it, we just cannot do it. So, it is no good rushing, it is silly to use that name saying: "We have done our job, we can go home, that is fine, we have protected waters." No, this is to be brought back to the Assembly as we need a national park, a real land

national park with special management and we need a marine park with special management, but this needs to be brought separately. It does not belong in the Island Plan.

3.2.5 Senator I.J. Gorst:

I perhaps do not need to speak as long after the previous speaker. I have a lot of sympathy for what the Deputy Chief Minister is aiming to do in this proposal for a marine national park. I think there is evidence of the benefits of such parks to fish stock levels to support fisheries management and, of course, ultimately then to support tourists and tourism activities, not to mention all of the net zero benefits. But for us it is not quite as straightforward as perhaps has been presented as the previous 3 speakers have indicated. It will not surprise Members to know that I just want to focus on the Trade and Co-operation Agreement. While it has caused a lot of consternation among the fishery community, and I understand that because on the day when the United Kingdom left the European Union and the ending of the transition period meant that for market access purposes Jersey, together with the rest of the United Kingdom, was treated as a third country. That has led to all sorts of bureaucratic difficulties. Difficulties of not having a border inspection post, difficulties of categorisation of Jersey waters and the cleaning methods that are required. All of that arises simply from the United Kingdom leaving the European Union in the terms that it did, i.e. leaving the common market and leaving a customs union. What the T.C.A. did for Jersey and, particularly in this instance for fisheries, meant as the Assistant Minister has just said, that Jersey for the first time in the terms of the T.C.A. actually regains the management of its own waters. In response to Deputy Tadier, that can be argued as a good thing or a bad thing. I personally think it is a good thing. It also means that the Minister for the Environment can issue licences on a robust rules-based process, which was not something that Jersey's Minister for the Environment was able to do before. Jersey issued licences to Jersey vessels and France issued licences to French vessels. As this process has shown us, as difficult as it is, it is difficult for us to see quite the basis upon which the French administration issued licences to French vessels. It is certainly difficult to argue that there was the same rules-based methodology that the Minister for the Environment has now applied. These things have to be done carefully and they have to be done in consultation, particularly the issue of fisheries management. Fisheries management is undertaken in concert with the European Union and it has to be based on methodology and the latest scientific evidence. I know that both the Minister and the Assistant Minister are absolutely committed to taking conservation measures in the Bay of Granville waters to create a sustainable fish stock level. But we have also said quite publicly that the French administration are not yet, as we sit or stand here today having this debate, 100 per cent satisfied that we have appropriately licensed every vessel that they have asked to be licensed. We believe we have. We believe very strongly in the methodology that we have used. Those conversations are still ongoing and it would be, to my mind, completely inappropriate for this Assembly to now take an action which the French administration could use to argue that we are not using the powers that we signed up to in that international treaty in an even-handed, fair, methodology-driven process and in line with the terms of that agreement. I do not think we should do anything that would give succour to that French view of the world. It would happen by accident, it would have happened with the best will in the world so that we could create a marine national park but it could very easily, by accident, be detrimental to the Jersey Minister for the Environment's ability to ultimately continue to manage Jersey's fisheries in the best interests of a sustainable fisheries. I think that the work that Blue Marine has done, the support that the Deputy Chief Minister has given them, are good pieces of work but should be undertaken in a careful, collaborative approach with the Minister for the Environment and with other relevant parties, particularly the Jersey Fisheries Association and the aquaculture industry. I think by working together some of the aims of a marine national park and the aims of Blue Marine can be delivered but in a way that is advantageous to all and does not have the potential to drive a coach and horses through how we are administering the international treaty, which is the Trade and Co-operation Agreement. As I say, I understand fully the aims of Blue Marine, I understand fully the aims of the Deputy Chief Minister and I know it is a trite phrase but the hearts are very much in

the right place. I think they are slightly misguided in wanting to ask the States to agree to this amendment today and I hope that States Members will not put the Island's participation in the Trade and Co-operation Agreement at risk, even though there might be bits of it that they do not like. Would they really be saying that we would be better off in a free-for-all? I do not believe it. I cannot and do not accept it. The better thing is for us to work together and deliver these environmental aims that the Deputy Chief Minister also wants to deliver. He has my support in taking a different approach, a collaborative approach with all of the relevant stakeholders to working towards what I know he wishes to achieve. This, for my part, is not the right way and it is not the right approach to take. I dearly hope that Members will not accept the Deputy Chief Minister's amendment.

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

I just wanted to say how good it was to listen to the Assistant Minister for the Environment talk about parks. Parks are things that by definition are recreational areas or are used for specific purposes. Some of us certainly have been arguing for some time before this debate about the removal of the words "coastal national park" from the week's debate and would like to think the Minister has finally accepted that if you want to create a planning zone the last thing you do is call it a park. Anyway, I will move on. The Deputy Chief Minister in his amendment to the amendment seeks to create a marine national park to cover 30 per cent of Jersey's waters by 2025 but yet the Minister seeks to do something very similar and what I want to say is, and the Assistant Minister for the Environment summed it up very well, we rushed into a coastal national park some years ago and we must not do the same here. The Minister in his 88th amendment seeks to undertake further work to create a spatial plan for the marine environment, to develop a network of protected areas and to be consistent across the environment, the economy and of course social objectives and that is really, really important because if we are going to do this, we need to do it properly. It may well be that, out of the spatial plan that is proposed by the Minister, we will come out with a park or something that is named differently but I think it is really important that we do not rush and try to run before we can walk here. We have a most fantastic marine resources team at our disposal at the moment. I cannot praise them highly enough. **[Approbation]** They have worked their socks off for the last 2-plus years on Brexit. There are so many things to consider when it comes to fishing, sustaining sustainable fisheries and supporting fishermen through these difficult times, considering the biodiversity below the low water mark, the effects of climate change on all sorts of things happening at sea, and the effects on water temperature. All those things have to be taken into account and then of course we have to make sure that we do our very best to continue to find ways for our fishing fleets to export their produce into the European mainland, and we do not want to be doing anything which makes that even more difficult than it is at the moment. So, there are sustainable reasons for making sure we do this properly. There are economic reasons for making sure we do this properly and, as Senator Gorst has just said, there are management reasons to make sure we do this properly because we must move forward and work together with the French as we develop any spatial plan for parts of our territorial waters, which involve fishing both by Jersey and for the French fleets. So, I ask Members to consider this amendment to the amendment very carefully and I ask them to look back at the proposals the Minister has put forward in his amendment and to vote against the Senator's amendment to the amendment.

Deputy K.F. Morel of St. Lawrence:

It is a question to the Attorney General rather than a speech, Sir. Is that possible?

The Deputy Bailiff:

Yes.

Deputy K.F. Morel:

I was wondering if I could ask the Attorney General just to clarify, because I am concerned that this amendment to the amendment is asking us to do something which cannot be done. If the national marine park does not exist, which it does not, and if the Minister for the Environment does not have the power to create such a park, what effect does this proposition have? In fact, does the bridging Island Plan have the power to create such a park? Because, to me, it seems that we are discussing creating something that the bridging Island Plan cannot create and so I was wondering if the Attorney General could help me with that.

[11:30]

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

In response to Deputy Morel's question, there are 2 principal issues with the amendment to the amendment. The first is the provisions of the T.C.A. which are binding on the U.K., and therefore on Jersey, international law and there are provisions in the T.C.A. which contain protections as regards the nature and extent of fishing particularly for French fishermen who can demonstrate the requisite history of fishing in Jersey waters. The amendment to the amendment, to my mind, does risk going beyond or potentially infringing the provisions of the T.C.A. as regards the nature and extent clause. So, Jersey, up to the 3-mile limit where French fishermen are not permitted to fish, can impose restrictions of this nature but, obviously, that would affect our own fishing fleet. In the 3 to 12-mile zone where French fishers do fish, then this amendment to the amendment would potentially infringe the nature and extent clauses in the T.C.A. which, as Senator Gorst said, are binding on us in international law. So that is the first difficulty I think with the amendment to the amendment. There are provisions in the T.C.A. where restrictions can be imposed which are scientifically-led as part of fisheries management but that has to be done in consultation with the French and with the nature and extent provisions very much to the forefront in introducing those restrictions. The second is the use of the Island Plan as a planning policy to introduce practical restrictions on fishing. Fishing in itself is not development, so if one goes out and fishes as a commercial fisher and one does not apply for planning permission to go and do that, while the Island Plan does extend out and the Island planning law extends out to Jersey's territorial waters up to the full 12-mile limit, there is a potential for some confusion if a planning policy is being used to impose some practical restrictions on, say, a commercial fisherman's ability to fish which, as I have said, is not development under the planning law. However, it is perfectly permissible under the Island Plan process to introduce policies which designate presumptions as to how land and its territorial waters are to be protected, but there is a distinction I think in terms of using a planning policy to impose specific restrictions on a commercial fisherman's ability to fish which is dealt with under the sea fisheries legislation, which is separate legislation. I hope that answers the majority of the Deputy's question.

Deputy K.F. Morel:

Yes, I thank the Attorney General.

Deputy R.J. Ward:

I just want to ask a question of the Attorney General and then perhaps speak after that. Can I ask, in terms of marine parks that are implemented in France, for example, is part of the T.C.A. not an element of fairness in accessing what goes on? So, therefore, there is a wider issue as regards France have signed up to marine national parks, for example, and if Jersey does the same, would that not address this issue of the marine national park as opposed to just fishing itself? I recognise it is complex with the T.C.A. and the fishing rights that have come subsequently from it.

The Attorney General:

It is a little difficult for me to comment on French obligations as regards marine parks. I think the key provision, for our purposes, is the nature and extent clause in the T.C.A., which I have already alluded to. That does give protection to French fishermen who can establish the requisite history in terms of fishing in Jersey territorial waters. It may be that, in other waters which form part of French or E.U. waters, there are the sort of reciprocal rights and obligations which might protect, say, a U.K. fishing vessel which can establish the requisite nature and extent history of fishing in the E.U. or French territorial waters in the same way that French fishermen have those protections under the T.C.A. in our own waters. I think beyond that, it is difficult for me to comment specifically on the Deputy's question.

The Deputy Bailiff:

Thank you. Do you wish to speak now, Deputy Ward?

3.2.7 Deputy R.J. Ward:

It has been very interesting to hear the views on this and I go back to the words of the amendment which is to, first of all, give a date to the development of a marine spatial park and also to talk about an actual percentage. I was really interested to hear the Deputy of Trinity talk about greenwashing because I agree it is a real concern that whenever we talk about these issues, what we have is a really good headline and so we are going to have a marine national park and it is going to protect our environment but what it does is something different. My concern is what the Minister for the Environment, other Ministers and others are saying is that we do not want to do this yet and we want to look into it further. There was a phrase where the word "aspiration" was used a number of times and I always have a problem with the word "aspiration" because what it means is that we will look at it. I am sorry but this Assembly has been really guilty of looking and having aspirations around a number of things but would not take any action. There is talk about the technologies growing and therefore we have to wait until the technology catches up so we know what we are doing, and I agree. I agree again with the Deputy of Trinity that the nature of research will change the nature of what you do as you find out and it is interesting that if you remove a species from one area, you could get an increase in predators and it overwhelms that environment. You lack biodiversity. I get that, and that is absolutely right, but the problem is if we leave all of our waters without any protection zones like this, then what we end up with is, if you like, a free for all. I want to point out one really important which we must not forget and that is the inextricable link between biodiversity and climate change. You cannot deal with one without the other. Biodiversity is one of the things that leads to our environment surviving and the sequestration of carbon which is so important. Without that, we increase the amount of carbon that is reduced or we decrease that amount that is absorbed, and that is a really important point for us to look at. We cannot separate those 2 issues so any protection of biodiversity is important for climate change and it is only recently really I think that we are starting to take that marine biodiversity very seriously in terms of climate change. What we seem to be getting into now is a debate around fishing. I think the fishing industry will recognise that the biggest threat to their industry is the destruction of biodiversity, the destruction of fishing stocks, and we have to have a difficult debate in the next 5 or 10 years over how they will genuinely be protected with climate change, with changing seas, with changing fish stocks and how we are going to address that issue. There is really clear research that the bigger fish produce more young, and that is why you have protected areas so the more mature fish there are producing more young and you increase fish stocks. That is a key area. There is a strange sort of anomaly or contradiction. I do not know what it is. We have the Minister talk about we have regained the management of our own waters and that is a lovely headline. We have regained management of our own waters but - and there is always a "but" there - inappropriateness to take action in what the French authorities believe are inappropriate. That does not strike me as us gaining control of our waters. That strikes us as gaining control of part of a negotiation process that we hope will go well for us, and that is a real concern I

think regarding what is happening with our fishing industry. There is an irony there because one criticism of the Blue Marine organisation that have done work on this, which are very much a science-based organisation, is that we will outsource our management of our waters and we could do this locally. However, at the same time, we are saying we really cannot do anything locally unless it is agreed by those larger organisations via the U.K. with the French authorities. You cannot have it both ways. What I am heading towards I suppose is to say that the development of a marine park and a conservation area in our seas of 30 per cent is, I believe, the minimum that we will need to do in the long term to both protect biodiversity and to long term protect our fishing stocks. That is a difficult thing to say and perhaps some will sit there and say: "Hang on, but what happens to our fishing industry?" I do not believe there is evidence to say this will destroy our fishing industry. What will destroy our fishing industry is a lack of support from Government, a lack of long-term thinking and a lack of inclusion from those who know about fishing in our offshore waters and involvement in this development. In areas around the world where these marine parks have been developed with interaction with the fishing industry, they have worked well and they have shown an improvement in fishing stocks and biodiversity in the area. I remind this Assembly that France has signed up to marine protection parks which stop dredging for their fishermen. They have marine fishing areas and I wonder whether - and this is a question perhaps for the Assistant Minister who is bringing this and indeed the Minister for the Environment - there is an opportunity here with these marine parks to stop dredging, which is extraordinarily disruptive to our seabed. It is not just about fishing stocks and scallops and so on. It is about the marine environment and the biodiversity of sea grasses which is taking carbon out of the atmosphere. That ecosystem that exists underground is so vulnerable and can be destroyed but, if it is protected, we have areas which we can increase for both the range of animals that we have and also the range of plants which they are so reliant upon. I would welcome no dredging zones. I think that form of fishing is extraordinarily destructive and I believe there are very few Jersey fishermen who do that. There are only a few parts of the fishing industry that do that. I want to make a point. These decisions are not due to the carbon neutral roadmap. The carbon neutral roadmap is due to the reality of what is happening on our planet and the destruction of biodiversity and climate change. That is what should be driving our carbon roadmap. The carbon roadmap is not something that exists that is going to determine what happens in our planet. That is much wider. So, we are not just making decisions for a different policy that we have made. We should be making decisions for that wider issue of what is happening to our planet, the biodiversity around our Island and for the future of our marine environment. That is why I see this as an opportunity and unless we put a timescale and a percentage on what this protected zone would look like, then I believe we are greenwashing because we are saying: "Yes, we will do something but we are going to wait. We need more research. It is complex, difficult and there are a lot of people involved. There is the fishing industry, there is T.C.A., there is France, there is what might happen in the long term and some things have a knock-on effect elsewhere." Of course, they do but at some point as an Assembly and as a Government, we need to step up and say: "Okay, the intention is simple.

[11:45]

It is what they have done in so many areas of the world from Tuvalu to France to Britain to Ireland to all of these places where they have put a marine park that is a protected area. It does not mean there will be no fishing in that area but it will ban certain types of fishing, which are those that are damaging to the biodiversity and marine environment that exists in that area so they become a stock area for other areas. That makes a culture change in a way that we fish and the way that we deal with our marine environment and unless we lead the way in that culture change, then in the long term, whoever is here in 10 years' time could be talking about a disruption of our fishing areas and talking about it from a completely different place. I just wonder whether this is the right thing to do and whether the Assistant Minister is gaining headlines of greenwashing or not, I will be supporting this and I think it is the right thing to support because it gives us a beginning point. It gives us a starting

point, it can then be developed and the concerns that have been raised so far need to be addressed. To leave this as we are with the amendment from the Minister, I think we are guilty of greenwashing with that and we are guilty of not achieving what we want to achieve here that I think in the long term needs to be achievable. I will leave it with that and I will let the Assembly make the decision.

3.2.8 Deputy J.H. Young:

I am grateful to be able to follow Deputy Ward. There is quite a lot in what Deputy Ward had to say that I would go along with but I think I need to put him right on a number of things. He suggests that there has been a lack of commitment towards conserving our marine resources and the wonderful biodiversity we have in our waters. Not true. He suggests that we are proposing kicking it in the long grass and talk of 10 years and so on. I do not think that is where we are. The truth is that when I was elected as Minister, I had to grapple with the structure of agreements with the French to try to achieve our goals and our objective. Not an aspiration. The commitment that I made to conserve our seas not just for the fishing industry, for fish stocks, but for our marine biodiversity. So, I gave that commitment and I found that it was not possible under the structure of agreements longstanding with the French that we did not have the power. Deputy Guida explained it correctly. This Island has entered into agreements that did not give us the power to do that until the Trade and Economic Co-operation Agreement came along. Now I can tell the Deputy that was the only reason why I supported us signing up to the Trade and Economic Co-operation Agreement. There was no other reason for me. We were given the power which the French would never have given us to control their fishing activity in our 3 to 12 miles which turns out to be some of the richest seas around. Wonderful resources we have. Our seas are hugely important for biodiversity and they are hugely important for their potential for blue carbon. If one goes through all the sessions I have had with the Connétable of St. Brelade on the fishing agreements, I am grateful for the support I have been given by his panel because we have maintained that ongoing dialogue explaining where we are. Where we are is that we immediately hit a brick wall with a row of licensing which caused us international headlines with gun boats being sent to Jersey and having our electricity cut off. We have stuck to our guns and, as we speak now, as I advised the panel the other week, we are now in a much better place. We still hear threats but of course the French have other things to do. There are general elections and we are now on the threshold of international war so it has gone away. Peace has broken out, at least in the fishing area. The Deputy of St. Martin spoke of our marine resources team. I have to tell you that team is outstanding. We have enormous science skills there. There is an implication that somehow we are starting. Deputy Ward said: "We must approve this because we are going to make a start." Well, we made a start well before that. You cannot do marine science without money. We have several million pounds of money thanks to this Assembly and that is hugely being invested in marine science, and that science tells us what the areas look like. What do we know about them? Just look at the map on the back of the Island Plan. It tells you about these zones and how complex they are. We are making enormous strides there in developing those conservation measures, so much so the Attorney General advises us we have a problem with our agreement as to this thing called a nature and extent clause. That was one of the thousands of ambiguities in the U.K./E.U. Trade and Economic Co-operation Agreement that had to be sorted out after the Northern Ireland Protocol or what have you. We have put forward not our ideas for agreement and consultation. We have put forward our intention of how we plan to do nature and extent, in which Deputy Guida has put huge efforts into this. Fishing effort, trawls used, details of the fishing techniques, the species plan and all the rest of it. All those are locked into their licences so we will be able to make sure those licences impose conditions that we have not been able to do before and they will bring our fishing effort down. I think that is important. Deputy Ward refers to the French. It is all right with the French because they have bans on trawling. Well, why do they not stop trawling in our area then? I will tell you why they will not, it is because our seas are so rich with wildlife. Huge species. It is not kicking it down the road so I accept the fact that he is right. I probably should not have used the word "aspiration". It is a commitment and that work is ongoing and I please ask you to recognise the work

done by the marine resources team. They work in many international universities. I can tell you now the U.K. D.E.F.R.A. (Department for Environment, Food and Rural Affairs) in my opinion, having had lots of discussions with them, see our fishing team as being one of the most highly skilled and highly knowledgeable fishing teams anywhere around the British Isles. I am well aware of the great successes in Lyme Bay in the Isle of Man. It really works. The migration of juveniles. They populate other areas. These are things that there is further commitment to do so please, if you vote for this, please do not do it on the basis that we will be dragging our feet, putting things off and there is no commitment. Whoever is the next Minister for the Environment, I have laid the foundation for them. We are in a good place. A miles better place under the T.E.C.A. (Trade and Economic Co-operation Agreement). We have already put those proposals. They have gone to the E.U. "This is what we are going to do" we told them. We do not have to ask their agreement. The agreement says: "All those proposals for nature and extent have to be based on scientific evidence. We are doing that. We have done it. They have to be fairly applied. It cannot discriminate against one side or the other, i.e. us or the French, and they have to be given prior notice and we are interpreting "prior notice" at 30 days and we have given 30 days' notice. So, there we are. What I have done in my amendment is to say: "Yes, we will make a special plan" and we need that special plan and we put a note in it for 2025. If we could do it next year, fine, but I tell you what, give the next Minister some more money and resources and it can be done, but there we are. Thank you. With the greatest of regret, because I really like Senator Farnham and I think his heart is in the right place, but this is a case of please let the brain follow. Well, perhaps that is too harsh but, thank you.

3.2.9 Deputy K.F. Morel:

Of course, the Minister decides whether he supports something on the basis of the proposition and not that he likes the person bringing the proposition or not, I should hope. I want to support this but I do not know if I can. We have the Minister for the Environment, we have a former Minister for the Environment, we have the chair of the Environment Scrutiny Panel, we have obviously the Assistant Minister for the Environment all speaking against this proposition and I do not believe one of them is speaking against this proposition because they do not want to protect Jersey's waters. I believe they do so that concerns me a great deal - this is what prompted my question to the Attorney General - but I am also concerned about what is it that we are voting for here? I start with the coastal national park. As a member of the Planning Committee for the last 2 or 3 years, I have seen how the concept of the coastal national park is misunderstood enormously and misused very, very often. There is a reality about the coastal national park. It does not exist. There is no coastal national park because, in the Island Plan, all the Island Plan does is denote spatial areas for development so the coastal national park is a planning term to denote stronger controls against development. That is all it is. Now there is a coastal national park and the people who run that, Mr. Stentiford and Mr. Hopley, came to Scrutiny when I was on the Environment Scrutiny Panel back in 2018/2019 to talk about the difficulties there were with creating the actual coastal national park. So, we have a coastal national park planning zone but that is not the park, and there is now a coastal national park organisation and company, and a board has been developed, et cetera, and they will be creating the actual coastal national park. If I was a betting man, I would put money on it that the actual coastal national park will not resemble the coastal national park in terms of its planning area. They are 2 different things and so this is why I asked the question of the Attorney General. In the amendments to the amendment as proposed, it says: "To develop a network and marine protected areas within a national marine park." That national marine park does not exist. It is not there today. The Island Plan cannot create the national marine park, it is not possible. The Island Plan just talks about development and where you may or may not develop. The Minister for the Environment has no power of his own to create a national marine park; in fact, I think the parks law sits under the Minister for Infrastructure. I may be incorrect on that but I think that is where the parks law sits, so it may not even be for the Minister for the Environment to bring forward a national marine park. So, the question I have to ask of Senator Farnham is: what exactly does this proposition ask the Minister to do because we are amending the

Island Plan, we are not creating parks; the Island Plan cannot create parks? This is my real concern, that we are doing ... a lot of outsiders, perhaps a lot of Islanders, that is, may look into the Assembly and think: "Well that is classic States Assembly. They voted for something because it sounds good." We all agree that we want to protect Jersey's waters but are we voting for something that is completely empty? Because it cannot be done, this does not create a national marine park at all. It is possible that - and I genuinely do not know, this is me speculating - from Senator Farnham's perspective, getting these words into the Island Plan creates a momentum, it symbolically creates a momentum to build upon, et cetera, and that is absolutely laudable. The trouble is, it also has this thing of 2025, so it has a deadline for which this national marine park is meant to be created but, as I have said, I do not believe the Minister for the Environment has the ability to create that and the Island Plan certainly does not have the ability to create it. So, if it is a matter of getting momentum started, how are we going to get this created by 2025? We will have to have a new proposition altogether because we can vote on this today and I honestly, as I speak it through with the Assembly now, think we would be voting for something which would be greenwashing, I am afraid, or bluewashing perhaps in this case. So, I am concerned because I do not want to not vote for it. I enjoy scuba diving, I have said that in the Assembly before. There is no greater place on earth, as far as I am concerned, than underwater; it is absolutely fascinating and Jersey's waters ... it has always frustrated me, the number of people from Jersey who say: "Oh, yes, I dive. I love scuba diving, but I only dive on the Great Barrier Reef" or in Thailand or somewhere like this. I am like: "Come dive in Jersey, the waters here are spectacular." Just because they are not Barrier Reef does not mean they are not spectacular, they absolutely are.

[12:00]

I have also, with my own eyes, seen the devastation created by dredging for scallops. I have seen great railway tracks, maerl beds just destroyed by dredging in the Island's waters. So, I know that that, in my view, needs to be stopped but this does not stop that. This proposition will not stop dredging. I will tell you what will stop dredging: the Minister for the Environment bringing control to stop dredging, that is how you stop dredging. This will not. So, I really ask Senator Farnham, please, in your summing-up tell me why what we are doing here today has substance because I am concerned this does not have any substance and that there is a symbolism about it but that is all. I think Jersey would do well with a national marine park. I can see perhaps the idea here in the Senator's mind, a vision of sustainability, Jersey being renowned worldwide for sustainable water management of its waters where people can go scuba diving, where jet skis do not exist - that is my aside - and where we are known for harnessing the power and the beauty of our marine ecosystems, and tourists will flock here as a result; and I have no doubt that that is correct. Trouble is, this does not do that. So, I share the vision that I believe Senator Farnham wants to create and I want to help him with that vision, I want to deliver it - I think everyone in this Assembly does as well - I am just not convinced this is the right way to do it. So, yes, I ask Senator Farnham, please explain to me and other Members why this amendment works and will deliver what he says it will deliver because at the moment I do not believe it will.

The Deputy Bailiff:

Does any other Member wish to speak on the amendment to the amendment? If no Member wishes to speak, I call upon Senator Farnham to reply.

3.2.10 Senator L.J. Farnham:

I have to thank Members that spoke and I cannot ever recall a time where I have heard so many Members speak so passionately in favour of something that are then going to vote against it but this is, after all, the Island Plan debate. Deputy Tadier asked a number of questions and so did a number of other Members about why we need a national park designation. It is quite clear that marine parks are a recognised concept and a recognised and utilised planning designation around the world. If we

do not look to encapsulate all of the good work being done with the M.P.A.s into one larger area, then we, in my opinion, stand at risk of seeing quite a disparate approach to solving the problem. We end up with a lot of small marine protected areas, none really connected, difficult to manage and collectively not having the required impact that I am sure all of us would want, which is to create a large sustainable protected area for our Island, for our industries and other very good reasons. Deputy Tadier also asked about the survey which was commissioned by 4insight. A number of members of the public, there were questions about the questions themselves. Some people thought the short questionnaire was very good; some challenged it. But I do not think there is any doubt that if you ask any Islander a simple question, just put it into one simple question: do we want more protection of our waters and an end to harmful fishing practices? Quite clearly, the answer is yes. The answer to the questionnaire, for example, 2,500 Islanders partook and yet 85 per cent of them gave a positive response. I think if we ask a simpler question to Islanders: do we want more protection of our waters, not the French's waters or the U.K.'s waters, they are our waters, do we want more protection and do we want to end harmful fishing practices, I think we would probably get 90 or 95 per cent saying, yes, we would. The Constable of St. Brelade challenged the science. Well, I am not a scientist but I find it bizarre that people are wanting to challenge the science around protecting marine environments. The science, and there is an abundance of science, I can send him lots of link. If he has got nothing better to do this evening I would be happy to share a huge amount of science about the importance, and Deputy Ward alluded to it, the importance of protecting our marine habitats. I will just come back to that shortly. The T.E.C.A., and I think the Attorney General alluded to this, does allow Jersey and its partners, all the other signatories to the T.E.C.A. to take measures for environmental reasons. Deputy Ward raised a good point: is there an opportunity here to work with the French? Because as a nation, us a very small Island nation and them a very large nation, it appears we seem to share the same ambition with our marine parks and protecting our waters. I would ask the Minister for the Environment - who I also like most of the time; of course, we have worked on Council of Ministers for almost 4 years together to usually great successful outcomes - has he talked to his counterpart, the French Environment Minister, about Jersey and France meeting their environmental commitments which sit outside perhaps the very core issues that the Assistant Minister and Senator Gorst are dealing with ably? I commend them for the work they are doing there. I want to be clear that this will not kill off our fishing fleet. There are a heck of a lot of red herrings flying around, if you will excuse the reference. It might be even more if we get this through. It is not envisaged that these areas will be "no-take" zones. They will prohibit damaging fishing methods and encourage better practices for fishing, better catches. Of course, Blue Marine have been working very closely with the marine resources team. We all share the same ambitions here; I guess the debate is about how we get there. We can do what we have always done and kicked the can down the road and say: "We need more information" or we can set ourselves a target now and work towards delivering that. The Island Plan does not just cover buildings, as Deputy Guida, I think, referred to. I think that is slightly misleading, and I do not mean to talk down to the Deputy, but it does not just cover buildings; the Minister has put in this amendment for marine protected areas. Marine protected areas are very clearly a part of this. Of course, the ambition of the 30 per cent aim has now over 100 countries as part of the alliance supporting this. Deputy Morel asked what this hopes to achieve. First of all, I think maybe I need to ask the Attorney General to clarify this, but I believe the Island Plan can designate a marine park area. Of course, the real power required - if that is the right word - to make it a marine park designated area, as we all wish to see it, will require careful fisheries management legislation to give it the substance that it needs. The designation of a marine park in this amendment simply seeks to create the area, to identify the area and to give clarity about the area we are initially talking about. Of course, Deputy Ward said he did not think it was enough. I perhaps agree with him but we have got to take this, I think, a step at a time. I thought that initially to base the size of an all-green marine park on the Oceans Alliance targets that 30 per cent of territorial waters of 100 countries have now signed up to would be a good starting point. So, if this is approved there are a number of policies and action points that will need to follow, if Members would allow me

just to check my points. First of all, the designation of a marine park covering at least 30 per cent of Jersey's waters matches global targets. That is an important point to make; the prohibition of destructive bottom-towed fishing gear and dredging within the designation has to be legislated for. It is also essential to agree a fair and just transition plan for the approximately, I think it is, 8 Jersey fishing vessels that currently use this type of equipment. We are not in the business of taking livelihoods away from fishers; we are in the business of keeping them in business and helping them, financially helping them, whatever that may look like, to either exit the industry or hopefully a transition to more acceptable fishing practices. To promote low-impact fisheries within the marine park through a low impact sustainable fisheries strategy, and there is quite a bit of work to do there, and to help to fulfil Jersey's carbon-neutral targets by expanding our blue carbon habitat. As stated in the amendment, a marine park seeks protection from inappropriate development and damaging activities. We know that. The bridging Island Plan and the marine park as part of it will facilitate development control, which will help ensure that activities such as the dumping of material, expansion of harbours, coastal development leisure, cable routing and the development of offshore renewable energy are all assessed in an appropriate manner with a view to the habitats they may have impact upon. It is not all about fishing, there are a number of other very good reasons why we need to do this. Therefore, as I have said, fisheries legislation will need to be adapted to take all of this into account, the marine protected areas, as part of the package. Fishing, as I said earlier, is a form of development, it is subject to environmental law like any other industry. So to conclude, as I have said before, Jersey's marine environment with their kelp forests, seagrass habitats, huge potential to grow those seagrass and maerl beds in this designated area, showcase some of the best shallow waters in the British Isles. Many new species now call these waters home: dolphins, seals, tuna, the odd sunfish as well. Our marine park would include all shallow marine habitats expanding approximately to the 20-metre depth contour and would incorporate the existing M.P.A.s. Such an area would be several times the size of our own Island; a great, important area. It sounds a lot but in terms of our ocean it is a tiny amount but it is a good start and these areas provide extensive ecosystems and services and their protection would allow for substantial growth of our natural environment at sea. If we do not do this now, then when will we do it?

[12:15]

The propensity is that we continue to talk about the marine spatial plan and adding other marine protected areas that we have now around the Minquiers and the Écréhous and one or 2 other areas. I fear that the same will happen to this as it does with many other ideas, ambitions and aspirations that come to this Assembly, they get pushed out for a number of reasons but all because we need to compile more information. This amendment did not come to the Assembly claiming to have all of the details but it did specifically set a target date, which is ample time to continue the very good work of Blue Marine and the Marine Resources Department in providing that detail, fishing legislation, how we work with the industry to perhaps reshape and re-equip our fishing fleet to take advantage of all the benefits this will bring. Of course, the easy solution today is to vote against this amendment and carry on with our plan which is well-meaning - and I do support the Minister with the spatial plan - but my fear is that we just will not encompass enough area. We will continue to either grow the existing M.P.A.s or introduce new M.P.A.s which will create quite a disparate marine environmental protection policy. The tough call, and I believe the right call, is to support this; that is the challenging solution. It will force us to put policies in place which will enable this to happen, it will force us to introduce sensible fisheries management legislation. It will force us to talk to the French about our shared environmental ambitions with our marine parks. It will force us to have some tough and difficult conversations but unless we have those conversations and we perhaps keep circling around this, then we will not get anywhere. So, having listened carefully and heard the mood of the Assembly today, I understand how Members feel, I understand that they might have difficulty in supporting this, but if we support this today, it will not be the end of the world. It will not cause insurmountable difficulties, but it will create challenges for us to face up to which, if we are serious

about protecting our precious and indispensable environment on land and at sea, it will force us to have these difficult conversations and it will force us to deliver what we all know is absolutely right, not just for Islanders today, but for future generations of Islanders.

The Deputy Bailiff:

Do you call for the *appel*?

Senator L.J. Farnham:

Yes, please.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting via Teams are invited to cast their votes in the chat channel. I ask the Greffier to open the voting for Members in the Chamber. Deputy Young, you will need to tell us your vote as we have not yet adjusted the system so you can vote from there.

Deputy J.H. Young:

Did you want me to give that verbally or ...

The Deputy Bailiff:

Verbally, yes.

Deputy J.H. Young:

I am going to vote contre.

The Deputy Bailiff:

Thank you. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment has been rejected.

POUR: 14		CONTRE: 28		ABSTAIN: 0
Senator L.J. Farnham		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator S.C. Ferguson		
Connétable of St. Peter		Senator J.A.N. Le Fondré		
Connétable of St. Mary		Senator K.L. Moore		
Connétable of St. Ouen		Connétable of St. Helier		
Connétable of St. Martin		Connétable of St. Lawrence		
Deputy G.P. Southern (H)		Connétable of St. Saviour		
Deputy M. Tadier (B)		Connétable of St. Brelade		
Deputy L.M.C. Doublet (S)		Connétable of Grouville		
Deputy K.F. Morel (L)		Connétable of St. John		
Deputy M.R. Le Hegarat (H)		Connétable of St. Clement		
Deputy S.M. Ahier (H)		Deputy J.A. Martin (H)		
Deputy R.J. Ward (H)		Deputy of Grouville		
Deputy K.G. Pamplin (S)		Deputy K.C. Lewis (S)		
		Deputy M.R. Higgins (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		

		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of St. John		
		Deputy I. Gardiner (H)		

The Deputy Greffier of the States:

Those voting pour: Senators Farnham and Mézec, the Connétables of St. Peter, St. Mary, St. Ouen and St. Martin, Deputies Southern, Doublet, Morel, Le Hégarat, Ahier and Ward and Deputy Pamplin and Deputy Tadier in the chat.

3.3 Island Plan 2022-25: Approval (P.36/2021) – eighty-eighth amendment (P.36/2021 Amd.(88)) - resumption

The Deputy Bailiff:

We now return to the 88th amendment. Does any Member wish to speak on the amendment?

3.3.1 Senator L.J. Farnham:

I wanted to, of course, thank all Members who spoke and participated and ultimately supported my attempt to amend this. Of course, that has now fallen away for the time being, and I just wanted to say that I will support the Minister now on this because we are moving in the right direction together. As I said before, I think our aims are united in this and if we have to do it in a slightly different way, of course then I will support it.

The Deputy Bailiff:

Does any other Member wish to speak on the 88th amendment? I call upon the Minister to reply.

3.3.2 Deputy J.H. Young:

I am grateful for us having had quite a long but I think a very worthwhile debate because I think we covered all the current issues that we face in managing our marine environment and trying to give it greater priority. I am really pleased now to go to a positive note. Obviously, the amendment I have brought, as I said, seeks to pick up the strong motivation from Senator Farnham but embodying that in a way that works within the various procedures and processes we have got. I invite Members to look at ... I think it is quite hard to do. I have found so far in going through these Island Plan amendments - and I think Members will find this as well - it is worthwhile having a copy of the plan together because reading the plan as to what we are doing makes it very sensible, very clear and understandable. What we are doing here is I am amending strategic proposal 3, which is about 4 lines on page 29. Page 29 is in a green box and I think it is worth reading. It says: “The Minister for the Environment will undertake further work to develop a marine spatial plan to organise human and marine resources and activities in Jersey’s territorial waters to be consistent with our environmental, economic and social objectives. This work will inform the policies of the next Island Plan and support co-ordinated policy development and decision-making in all aspects affecting the marine environment.” The amendment I have put gives that, that is the proposal as drafted, and I think the paragraphs explaining it on that page pretty well cover all the points that Members have spoken about in today’s debate. I am adding to it this amendment that we will put a timescale, that the spatial plan

will be before 2025; that is really about resources and how quickly the new Minister can get on with it. Then also a commitment after the words “territorial waters” in the strategic policy to insert the words “to develop a network of marine protected areas which will”, in other words, I think achieving the objectives that we all share. I am grateful that we got to that point on a positive note. That is my summing-up and I make my amendment.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting via Teams are invited to cast their votes in the chat channel. I ask the Greffier to open the voting for Members in the Chamber.

Deputy J.H. Young:

I vote pour; I take it I need to do that verbally.

The Deputy Bailiff:

Thank you very much, yes. I think later on today you will be able to vote from that seat. If all Members on the chat and in the Chamber have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The amendment has been adopted: 40 votes pour; one vote contre.

POUR: 40	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Connétable of St. Mary	
Senator L.J. Farnham		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		

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

The Deputy Greffier of the States:

The Connétable of St. Mary voted contre.

The Deputy Bailiff:

We now move to the 51st amendment ...

Senator L.J. Farnham:

If I may, the 51st amendment is substantially the same, or the second part, if you like, of the 88th amendment. Instead of the Minister amending the 51st amendment, he decided to bring a separate amendment to the Island Plan. I believe we have pretty much had the whole debate and I do not think there would be any merit in repeating the debate or part of it or trying to raise any new arguments, given the very good debate we have just had. I would like to, once again, thank all Members who did support the previous amendment to the amendment; I think we need to circle around in a different way now and approach the ambition we all have slightly differently, so a bit of a reset. I think a continuation for the fight for a marine park will continue but perhaps in a slightly different way. To that end, I would like to withdraw amendment 51.

4. Island Plan 2022-25: Approval (P.36/2021) - forty-third amendment: Les Quennevais (P.36/2021 Amd.(43))

The Deputy Bailiff:

The next amendment is the 43rd amendment lodged by Deputy Tadier and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that – (a) on page 38, the words “at higher densities” should be deleted; (b) the existing ‘Strategic Proposal 4 – A west of island planning framework’ should be deleted, and there should be inserted the following new Strategic Proposal – “Strategic Proposal 4 – A west of island masterplan the Minister for the Environment will bring forward a masterplan for Les Quennevais and adjacent areas, including Jersey Airport, in consultation with key stakeholders, no later than May 2023.”; (c) within Proposal (Sustainable Communities Fund), after the words “future development of Town” should be inserted the words “and other parts of the island’s built-up area.”; and (d) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraphs (a), (b) and (c).”

4.1 Deputy M. Tadier:

Before I get into the main part of the debate, can I just first of all give my apologies for not being in the Assembly in person. I am feeling fairly sorry for myself at home. I am on day 10 of a COVID isolation and I am still getting a positive result back on the lateral flow, so obviously I do not want to put anyone else at risk, so I am going to carry on. My dog is settled on the sofa, I am not expecting him to bark at any point; however, let us hope no one comes knocking at the door because that does set him off. But turning to the issue of Les Quennevais and the built-up area, the reason I was asking for clarification earlier from the Minister is because I could accept his amendment that he has put into part (b), so I will just talk Members through what I am asking for. The main thrust of my amendment is I am very unhappy with the continued presence of the phrase “higher density”, so buildings at higher densities, that is what I have been asking to remove as a presumption in the new bridging Island Plan.

[12:30]

The second part is that in part (b) I am asking for effectively a focused masterplan on the Les Quennevais area and the adjacent areas which would go up to the airport. I am willing to accept what the Minister has come back with for that; he has worded it slightly differently. The Minister’s approach is that there would be a planning framework. My thoughts are that is too vague. He said that it would also comprise a series of more focused masterplans for Les Quennevais in consultation with key stakeholders, so for that part of the amendment, I am happy to accept it. I can talk to it briefly but I would like to know procedurally - and I do not know if it is in order now - to ask that, just so I know how to frame my arguments and how much effort to put into either part, whether these 2 parts can be separated or if they need to be voted on altogether.

The Deputy Bailiff:

Well, the debate has begun now on the amendment and you will address the Assembly as long as you think appropriate. Then it will be seconded, and then of course we go straight into the amendment to your amendment lodged by the Minister. The Assembly have heard that you do not object to (b) which of course really expands upon your own (b) in your amendment, does it not? That is the way things will stand on the debates on the amendment and the amendment to your amendment, having regard to what you have just helpfully said about your acceptance of part of the Minister’s amendment.

Deputy M. Tadier:

That is fine; that is great. I am mindful in all of these things that, while we try and speak to each amendment and each amendment to the amendment, there is invariably going to be an overlap and so I will not repeat later on, but to provide the context, let me start. I was pleased to be brought up in St. Brelade in Les Quennevais and, although I cannot claim to be born there - because people of my age did not tend to be born where they lived, they went to the centralised hospital - I was very much a child of that area and I know, like Deputy Truscott, we went to the local schools there. I would walk to Les Quennevais School when I was there. I would cycle to La Moye School from my house in Don Farm and I had of course the rite of passage of having a couple of paper rounds, one in the morning and one in the evening. I know the area well and I know its people and the feel for it. One good thing is that there is this relatively new talk, not just in the Island Plan but in the arts strategy, for example, about the creation of a sense of place. There is no need to reinvent the wheel when it comes to this area, Red Houses, Les Quennevais in St. Brelade, because it has already a very strong sense of identity and a strong sense of place. What I am concerned about primarily here is that there is a presumption in this Island Plan that there will be higher densities when it comes to new developments in the areas. I perhaps do not need to tell anyone who is a representative or knows the area very well that if you look at a map of the densities of the Island and you focus in on Clos des Sables, Les Quennevais Park and the surrounding estates, you will see it is very densely populated

already. There is talk in this new plan about making Les Quennevais a second town. Now in some ways it does not make sense because the plan clearly talks about the fact that it already is a de facto secondary centre. I think it is very much a double-edged sword because, on the one hand, I think it is just stating something that is true already, it is a truism, and you will find no shortage of residents of the area who are really happy with the fact that they do not need to leave Les Quennevais for their day-to-day needs. In fact, you will find many people who simply take a bus ride into town as a kind of holiday, if you like, because they have got everything on their doorstep and they may even work in the area, and that is a good thing. But what I was really keen to make sure is that if we are going to consider this area to be a town, a secondary town, then I think we need to make sure that there is some similar investment that goes in with that and that is of course why I have put in part (c), because there was this strange anomaly in the plan as it stood that there was money that could be raised from development charges but it was explicitly stated that it should be just for St. Helier, so I have removed that. That is not just going to be potential benefit for the Les Quennevais area; it does mean that other areas like Maufant Village or any of the Parish villages, wherever they might be, and conurbations, they can also benefit from those funds for regeneration, and quite right too. When we think about the Les Quennevais area - and I started off my proposition in this way with - somebody had written on the wall, it is a Banksy quote: "I remember when all of this was trees." That might not be the case in this area but you will find a lot of people who say: "I can remember when all this was sand dunes." We know that in Les Blanchés Banques they did extend right up to where we know the precinct is in Les Quennevais and we have seen the old photos, for those of us who do not necessarily have a living memory of that, about what kind of area it was. The concern I have got is that if we proceed down this route of a presumption of higher densities - and remember this is exactly what we are talking about - we are not saying a presumption of like-for-like being replaced or like-for-like with 10 per cent, it is already a very highly built-up area. It means that when planning applications are put in, there is already a presumption that you will be able to rebuild something substantial in its place which is comparable. The amendment that the Minister has sought to put in there which says "at higher densities but which are appropriate for the area", it is meaningless effectively, because the argument can always be made that, well, this is appropriate for the area because it is a built-up area. What I am asking Members to agree - and I know that this is a problem because it is a very area-specific problem but it is something which can be replicated throughout the whole Island - I would ask Members to consider if this was in their own constituency or in their own place where they live, how they would feel about wording in a new Island Plan which gave a presumption of higher densities. Let me just read, I am not going to go on for too long, Members will be pleased to know, but I do have to make a couple of points here. I was alarmed when I read the paragraph: "As one of the Island's main urban centres, Les Quennevais can continue to provide a focus on new development enabling investment and regeneration being supported as a sustainable alternative place for new development to happen which might otherwise be located in St. Helier." That is all fine, I do not have a problem with that; of course, the devil is in the detail and I want to know what that means. But it goes on to say: "... by encouraging the redevelopment of already developed land and buildings at higher density", so it talks about encouraging redevelopment at higher densities: "and by accommodating a broader range of employment uses", this is how they will achieve their objectives. That is the problem I really have, is that in a sense you do not need to encourage developers to put in applications for high-density developments because they do that anyway. I have seen it so many times. I am not the kind of Deputy who has spent most of his political life focusing or seeking out planning issues or trying to get before the Planning Applications Panel. You do not need to do that because the constituents come and find you. I have tried to be sparing about the times where I represent the local communities on those kind of issues because of course there are always 2 sides to the story and we have a Planning panel to consider the regulations and the guidelines and to what is acceptable and what is not and we have planning processes and appeals. But of course, I stood back in 2008 on the premise and on the ... one of my policies was that I would oppose inappropriate development in Les Quennevais and in St. Brelade, and that applies to the whole

Island. If I see something which I think is inappropriate for the area, wherever it is, I will not be supporting it, and I will be applying that principle to all of this debate. I know what is going to happen, so let me finish that point, is that I have already been to planning committees and we know how it works. You get a plot of land, you knock down one house and you want to rebuild as much as you can on it, because of course there is a profit motive, so you try and put 4 units on it. Planning comes back and says: "No, you cannot do that, it is too big." Sometimes it might even be accepted but there is such a public outcry that the panel rejects it and then you go through this process and then you end up with 3 or 2 units on it where before you had one. People think: "Oh, that is great, we have had a victory" but in fact, you look at the person who put the application in, who probably does not live in the area, may not even live in Jersey, rubbing their hands because that is what they wanted: you aim high and you bring it down. But we have got this remarkable situation now where we have got a St. Brelade's Deputy in the Minister who says he supports protecting areas and greenspaces and does not want to see overdevelopment. We have got an already highly-developed, one of the most densely populated areas of the Island in those estates, and we are not just saying we will have higher densities but we are encouraging the development of higher-density applications. I am wondering, I do not think it is outlandish to say, are we going to be seeing more overly-audacious planning applications? Are we going to see some planning applications which will be rejected because they are not dense enough? Are we going to get to the point where somebody comes to the planning panel and the Minister says: "Oh, no, this is too modest, you can get another floor on that. You can get another couple of units in that. You can take a couple of carpark spaces out of here, you do not need them, Les Quennevais has got a great bus service, and you can pack that in even more densely. You should do a garden grab here. You can easily fit another unit in there. You can convert that shed into a single unit and let it out for somebody who is unqualified." Is this what we are going to be seeing from an outgoing St. Brelade Deputy/Minister who is encouraging higher-density development in the St. Brelade, in the Les Quennevais, Red Houses area? Where is it going to end, of course, because it is not just limited to the periphery, the perimeter of Clos des Sables, Les Quennevais, Don Farm, Petite Route des Mielles, Pont Marquet Estate, Route des Genets, La Moye areas which go right up to La Moye schools. It is going up to the airport now. We have got the new school there. Are we going to say: "This is a complete free-for-all now, that anything from the La Moye area down to Reg's Gardens to the synagogue, all that way up to the airport, possibly encroaching more into the fields that you have got on Route du Francfief?" Is it just going to be a free-for-all now in that area which is already highly populated, it is busy because people like coming to the west? They do not necessarily want to stay in Les Quennevais for ages and ages but they do want to go there to shop, they want to go there on the way to St. Brelade's Bay, they want to go there on the way to La Pulente, on the way to Le Braye to walk their dogs on to the sand dunes and they will be coming into the area. I would say that, no, we do accept that where we are, we have a very high densely-populated area and most people are willing to accept that, they like it, and they want to be part of the vision for the future where they can be part of those discussions.

[12:45]

They do not want to be a community, and I do not want to be representing a community, where we have things done to us. We want that to be within our remit to have some say about how we deliver those things together. I think the first thing to do, therefore, to show willing, that we are willing to have the discussions about St. Brelade perhaps becoming more of a recognised urban area is to say: "Okay, but fair is fair, we accept that we will always be a suburban urban area but we do not want the presumption written in black and white that you will encourage higher-density development in our communities." I would fight for the same for the other villages and the other small towns that are around in Jersey. So, I make that proposition for those amendments and obviously ask for that to be seconded and wait to hear what the Minister has to say.

The Deputy Bailiff:

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

LUNCHEON ADJOURNMENT PROPOSED

The States stands adjourned until 2.15 p.m.

[12:46]

LUNCHEON ADJOURNMENT

[14:15]

4.2 Island Plan 2022-25: Approval (P.36/2021) - forty-third amendment (P.36/2021 Amd.(43)) - amendment (P.36/2021 Amd.(43).Amd)

The Deputy Bailiff:

Yes, there is an amendment to this amendment lodged by the Minister for the Environment and I ask the Greffier to read the amendment to the amendment.

The Deputy Greffier of the States:

Replace paragraph (a) with the following - “within the preamble to SP2 - Spatial strategy (on p.38) after the words “buildings at higher densities” there should be inserted the words “at higher densities that are appropriate to the character of the area”; (b) in paragraph (b) for the proposed Strategic Proposal 4, substitute the following - “Strategic Proposal 4 - A west of Island planning framework and area masterplans, the Minister for the Environment will bring forward a west of Island planning framework, together a series of more focused masterplans, for Les Quennevais and adjacent areas, including Jersey Airport, as appropriate, in consultation with key stakeholders, including the Parish, landowners, local residents and their children and businesses. The planning framework will be brought forward first, with specific areas-based masterplans, as necessary, to follow during the bridging plan period up to 2025.”

The Deputy Bailiff:

Yes, Minister.

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

My amendment seeks to change the preamble, so this is page 38 in the draft Island Plan. Just to explain what the preamble is, it is not the policy statement itself. As I said earlier on, every word of the planning policy counts for planning decisions but, if you like, it is part of the intention and the purpose of the plan. This particular section is dealing with the main centres. It talks about St. Helier and it also does obviously deal with Les Quennevais because Les Quennevais is already a significant centre of development and activity. I have asked the team to put up on the screen if they can a spatial map, which I think will show you where the boundaries are. I must admit I do have some personal sympathy, quite a lot, with Deputy Tadier’s proposal, being anxious about higher densities. I said I think we should be sure that this is not just an open door to having over-the-top housing densities everywhere because I had never personally been in favour of having one-size-fits-all policies for developments in our built-up areas. Because, as we know, built-up areas in Jersey are very varied. We have village settlements, we have a ribbon development on the coast road and we have little pockets of development, perhaps isolated pockets, around. I think what would be appropriate in one place is not appropriate for another. I have asked for work to be done so that the densities that are used of development are in line with what I would certainly call the character of an individual area. I think that fits in 100 per cent with the idea of what is now a generally accepted concept of place-making, idea that all developments should contribute to a sensitive place, i.e. it should gel and reflect what is characteristic to that area, rather than jar. It is a bit like architectural good manners. In a

perfect world we would be able to do an assessment of every single character area, built-up area, character in the Island and have in place detailed guidance that replies to that, each one of those individually. We have not been able to do that. So far, the work has been done to define that in much more detail in St. Helier. We engaged, I think - and you have seen the evidence base - a leading practice in this area, pretty legendary, William Miller & Associates of Glasgow, who are experts in urban developments, who did, I think, an excellent character appraisal of the various parts of town, which will help develop the right sort of standards and guidance. It is not just relevant to densities but it is all sorts of things, about building heights, all these type of things; there is a whole host of things that fall within. I put forward this amendment to add the words: "Higher densities that are appropriate to the character of the area." I can understand why Deputy Tadier may not think that goes far enough but I think I would point him to other parts of the plan to show what is intended. Page 182, which appears under the managing development housing policies, there is whole set of policy preambles there; design for homes and housing density in particular. This is a proposal on page 182: "The Minister for the Environment [that is the one in the future] will develop and publish supplementary planning guidance to establish minimum density standards for the Island's built-up areas, including town, Les Quennevais, local centres and smaller settlements." If you like, those kind of 4 categories and now he can broadly categorise our built-up areas into those groupings and, of course, Les Quennevais we are talking about now. Then it says: "As part of the development of any supplementary planning guidance for minimum density standards, the Minister will consult the Minister for Housing and Communities." I think our Minister for Housing and Communities has got a major role to play in becoming much more, I think, engaged in the type of housing, design and all the rest of it. Also, it says: "... the relevant Parishes [this is consultation], stakeholders and members of the public." Members may say: "What is supplementary planning guidance, what is this?" It is issued under the law the Minister is required by law to consult. It is not a question the Minister just makes his mind up what he or she likes, there is a proper process of consultation and listening in developing that guidance. My intention would be is that by putting my amendment about "appropriate" it means appropriate in accordance with that process described under page 182 proposal for housing and then Policy H2 as well. Policy H2 on the next page, 183, talks about housing density. There is quite a specific policy there which sets out the various characteristics on any individual site, which talks about: "The quality type and mix of homes being created, the level of design relative to the nature and its local context and characters." I think there is a whole lot there, I ask Members to perhaps read that, and it does talk about the special interest and the character of the area. For me, I thought what the intention in this plan, and it is probably not atypical, that one could probably find a bit here where one thinks I am not happy with that but then what I would ask Members to do is to look at where else that comes back in the plan and try and draw the threads together. Because all those threads that I have described are part of the piece in terms of how we develop our areas. But why do I think that Les Quennevais now should feature in such a kind of a broad strategic approach? It is because I think myself is that some parts of Les Quennevais area could benefit from new investment. I think some parts of it ... I must have pressed the switch, apologies. I will start again. Just for the record, I love my Parish to bits but some parts of it do need investment and some parts of it do look very 1960ish. In order to help that happen one needs planning policies to give some sort of encouragement but you also need planning policies in place to enable planning committees and also Parish communities. I am passionate about community planning, always have been. There is a real role for Connétables here to fulfil there, so that what we do not get is inappropriate development, developments that are damaging. I think what we have got in this plan are the tools to help us do that. That is why I am very loathe to go with Deputy Tadier's amendment to remove any reference to higher densities at all. I accept the fact that those words indeed are properly qualifying and I would be asking Members to link it in with what the other parts of the plan for minimum density standards proposal and Policy H2 say. On that basis I think that deals with the first part of my amendment. The other part is the second part about a masterplan. Obviously, again, Deputy Tadier helped us out immensely in here because he wisely raised the question, when we are

looking at a place like Les Quennevais, is it not time we need a masterplan, a masterplan where for the first time Government invests in resources and money and some effort for trying to help produce a framework for private landowners to develop their land, improve it and provide the amenities that we want and make sure we do not get the things we do not want? I think because this is quite a big area because, as you say, where it goes right up to the Jersey Airport and I personally think myself, Members may not agree with me, there is probably scope for some additional land and associated with employment in the region of the airport, and I think because of reasons of sustainability. Why, I ask, should everybody have to go to work in St. Helier? Why? There must be business opportunities where there could be development, employment opportunities in that vicinity. That is a very big area so to do a masterplan is one big, huge task. I have suggested a kind of 2 stage and this is what the amendment does. It says: "A west of Island planning framework", which is a very high-level plan and then we have masterplans on individual part of it and that is what it says: "Area-based masterplans." Obviously, those decisions about what those areas are will be made in consultation with the communities, stakeholders, businesses, all that we have listed down in the proposition. I am with Deputy Tadier, I never want to see high-density development everywhere in that sort of damaging way it is done or has been perhaps in the past. It needs to be more properly managed and what I am hoping that Members will be persuaded that my amendment offers the opportunity to provide in place the tools to do what I have said there. I make the amendments.

The Deputy Bailiff:

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

4.2.2 Deputy M. Tadier:

There is clearly much that the Minister has said which I cannot disagree with in terms of the words that he uses. But we have got to bring this back to the fundamental point, is that by amending my amendment the Minister is, effectively, negating it. He is putting back in exactly the combination of words that I am looking to remove, simply adding something else to it, which I will address in a moment. It does not get away from the fact that despite the words of the Minister - fine words - that he does not want to see unsuitable and higher density developments springing up everywhere in the Les Quennevais area; his plan and his amendment gives the green light for exactly that to happen. He is putting back in the words that I had been seeking to remove. The problem is the Minister might say: "We do not understand but I hope it does not happen and I am with Deputy Tadier and I hope the other representatives in spirit on this one." But when it comes down to the reality and people are now going to put in new applications for development, they can do that with the blessing of this Minister and the blessing of the new Island Plan if we allow this to go ahead today. Let us look at the wording of that preamble that the Minister talks about ... my wording would be to encourage the redevelopment of already developed lands and buildings.

[14:30]

It would not say the higher densities, it would say by accommodating a broader range of employment and uses as such. The Minister puts back in the higher densities and he thinks just by adding appropriate character to the area that makes it okay. The problem is it is superfluous to say that it should be appropriate to the character of the area because that is already a planning consideration. If somebody is putting in plans which are not appropriate to the character of the area, then objections can already be raised on that basis quite rightly and quite legitimately, and that will go against any plans for the development that is submitted. I think what we have seen here is just a classic distraction, is to say: "Look, I do not want to see higher densities [which is what the Minister is saying] but I am being told that I have to put it in there because we need to put all these dense buildings somewhere in the Island. Because St. Brelade and Les Quennevais is already the second urban area, we are going to put lots of high-density buildings there; that is our plan." There is no other way that I think this can be viewed. This gives the green light to higher densities. If the

Minister was genuinely concerned he could have said: “Okay, I will accept the amendment with the addition of “appropriate” to the character of the area without putting back in the very contentious element about higher densities, and this is the fundamental problem. I urge Members to reject the amendment on that basis. It remains to be seen whether I will be able to take these parts separately. Sir, I do not know if that is something which you could advise on, it might be helpful. I do not know if you could advise on that now.

The Deputy Bailiff:

It is a matter for the proposer. I take it from what you have said, Deputy, that in relation to the Minister’s amendment to your amendment you oppose (a) but do not oppose (b), is that right?

Deputy M. Tadier:

That is right, Sir. I do not have a problem ...

The Deputy Bailiff:

Yes. I can ask the Minister to indicate now if he is prepared to ask the Assembly to vote on (a) and (b) separately, it is a matter for him.

Deputy J.H. Young:

Yes, Sir, I think it would be a sensible way forward.

The Deputy Bailiff:

Yes. I hope that answers your question.

Deputy M. Tadier:

Yes, that is helpful. As long as it is in order, that is the main thing.

The Deputy Bailiff:

Yes, it is.

Deputy M. Tadier:

I know that procedurally these things, as you said helpfully at the beginning, could get complicated. I do think it is important to touch on the second point. I think there is more than one way to get to the same place that we want to and I think that the Minister put it tactfully that while Les Quennevais is a great place for people to work and live and have their leisure time for so many reasons because it has got everything on its doorstep, that there clearly is a feeling that there has been some neglect of certain areas. One area I think it is worth putting on the table here when we set out the vision, is that when I look at the precinct area on La Route de Quennevais where you might have seen photos in the past where there have been all sorts of things. Of course, at one point that is where I referred to earlier as the sand dunes extending right up to there. I have seen photos of when there were go-kart tracks, I think. I remember of course go-kart tracks being over the Belle Vue site and I could hear them certainly when I was growing up before the social housing was up there. I think that is clearly an area where it needs a bit of T.L.C. (tender loving care), as I would call it. We know it is complicated because it is in multiple ownership. What I would hope, and this was the idea of having a proper masterplan for the area, was to say, okay, if you are really going to consider St. Brelade and Les Quennevais as a second hub, then you really need to provide the resources and the energy for facilitating those conversations but also the actual money, where necessary, to make sure that regeneration in the area is facilitated. I do not just mean regeneration as some wealthy developers coming in and building lots of flats, which are shiny and new initially, but which are not going to look great in a few years’ time. It is about deciding what kind of feel we want for that area, what should be there and how we aspire together about making that sense of a place. I do not see any reason why we cannot see cafés, green areas indeed. Why could not the precinct area ... if you move

the parking to a different place, and this is where the frustrating things are, is that I know that conversations and the people who own it and administer that land had some great ideas with what they might do in the area. But there was a lack of interface, for want of a better word, about how they might engage with the other residents, the co-owners, the tenants and the shop owners as well as to what that might look like. Of course that could completely be transformed if only there was a proper mechanism and a plan around which to engage, and that is before we start mentioning things like the old Les Quennevais school site, where it has to be said - I mentioned earlier about having things done to us as a community - that the afterthought that was given to what should be done at the old school site, despite the many questions that I and my Parish colleagues had asked in the Assembly about the site, and we just see it as an afterthought that the Overdale facility, some of them were moved there, without really any long-term planning. Of course, that has a knock-on effect about what might happen for those for usage in the area in the future. When we start to look at places like the precinct, like the old school, like the Communicare Centre and think of them not as separate sites but as joined-up locations which could end up having some kind of meaningful network to provide not just housing but for the community use and for social, cultural and artistic uses as well, then I think that is when it gets very interesting. That is certainly what I have been trying to do with part (b) of my amendment, which I am happy the Minister sees that vision and shares the vision. But it does not get away from the fact that we simply ... but that is the difficult part. The easy part of course from a planning point of view is to cram the area with as much housing as possible because that is one of the solutions. I am afraid it is not going to be a solution because there will be so many down sides. It is about appropriate development, yes, but it does not need to be at the cost of having higher and higher densities being encouraged in the area. I do strongly urge Members from all parts of the Island to reject the move to try and put back in the higher densities.

4.2.3 The Connétable of St. Brelade:

I am pleased to follow the Deputy. I am going to speak really simply to part (a) and that we are going to go that way because I think part (b) is quite acceptable. But, in regards to part (a), we are looking at the interpretation of “appropriate” and that is where there is a degree of wooliness, which does concern me. I have spoken to the Minister about it, we have always overlooked the business of repeating mistakes. We do not have a mechanism to look where we may have gone wrong in the past in terms of planning decisions. They may have been made using the right policies and all the rest of it but the reality is - and it is there for the eye to behold - they have not worked out for one reason or another. That leads me on to density particularly, one of the roles of the Parish, so often my mail bag is often filled with these things, as will be the Honorary Police, is towards densities. What higher densities does, more often than not, is cause social difficulties. The effects are always apparent in that we all want people to have accommodation - and we do not know from the interpretation put forward whether that will be the case - but if you squeeze people cheek by jowl there will be problems. First of all, it is going to be parking and I know we will be told this, that we are all getting the bus or jumping on our bikes but the reality is there will be too many cars in particular areas and they spill out on to the main road or in front of the neighbours and the Parish have to deal with these things and it is not particularly pleasant having to do so. In terms of the analysis of the area, I know the area very well - in fact I live on the outskirts of the Vingtaine des Quennevais - I suppose we are dealing with the history of development. The major part of the development in that area was done post-war, particularly 1950s, 1960s, 1970s with the development of Clos des Sables first, then Quennevais Park and downtown Belle Vue following on. The precinct has been mentioned, is now, what, 60 years old? I am old enough, dare I say it, having seen it before it was built and it was open viewings, as was mentioned earlier. But we have got that development, that whole area, particularly Quennevais Park, the precinct, which is almost iconic 1960s. Should planning preserve that in aspic because it has been mentioned before? It is quite difficult to change it without upsetting the whole balance, I suppose, in the area but particularly going back to the precinct it is past its sell-by date; there is no question about it. It is managed locally for remote owners and it needs upgrading. How do we do

that? The freeholds of the flats above the shops have been sold off. To get that development back on track is not easy. Those would all have to be repurchased from willing sellers if that were to be the case; the whole lot pulled down and started again. It is a massive, massive project. You could argue that more density could be achieved in terms of commercial in that area for the betterment of the area. But if you look to the areas behind and towards the airport where there is significant housing, no, I do not think increased density will do us any favours at all. Later in this debate we will see an application to use the fields next to the airport for a car-testing centre, right on a dangerous corner. Is that correct? I think not, and that will be spoken of later. We have seen the effects of a garage development on the other side of the road, totally inappropriate to the area. It is a Milton Keynes-type motorway development and how it got through planning I have no idea. Somebody clearly was not thinking at the time or maybe it was the public's fault for not picking it up. I should take some of the blame, it is not quite in my Parish, it is just over the border, but it clearly is not working as it was initially envisaged. I think, yes, we need to provide efficient housing in terms of utilising the space but not at any social cost and I think we need to be very cognisant of that. We have seen also the effects of garden-grabbing often takes place to the detriment of areas, cars crammed into small places once again, and we must not lose sight of that. I would say that I do not know if the Minister can say or Deputy Tadier can say that, was there a plan in the 1970s for a masterplan for the area? I am not sure, there may have been, when Clos des Sables was laid out, when Quennevais Park was laid out. Was there a masterplan? There may well have been. Maybe we should just be upgrading that to what we need in the 21st century. I think there is mileage for that but, please, let us not get this density too great.

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

I want to start by thanking Deputy Tadier for bringing, firstly, the amendment and, secondly, to the Minister for bringing the amendment to the amendment. Deputy Tadier is absolutely right, we are 2 St. Brelade, effectively, old boys and perhaps Deputy Tadier, who is much younger than me, might object to the term but, yes, we both went to La Moye School, we both attended Les Quennevais, both went on to take A-levels at Hautlieu and we were both paper boys in the area, so we have a fair bit in common. Politics may be different colours, but I have got to say that we are both extremely passionate and care very much for our Parish, as all Deputies from their retrospective Parishes do. Of course, one being out west is to argue that west is best and that is unofficial. But I have spent 8 years on the Planning Committee and really applied all the laws and rules and various other things against all applications and tried to achieve a balanced view on these things. The whole idea of density in a built-up area is to maximise the build, really to effectively save our green fields and our very precious green fields from being built on. To a degree we have achieved that and the whole Planning Committee has done a great job in the 8 years and we have protected the green zone as much as possible.

[14:45]

Finally, as St. Helier has taken the brunt of development and I am very conscious we have just approved another demolition of a hotel in St. Helier, and the density there in areas are becoming really quite concerning, as I am sure the Constable of St. Helier feels. Interestingly, that particular hotel application started out with a much higher density being proposed. I think there were 90-plus apartments and the department recommended that it should come back with something smaller. We have got 70-plus apartments now, really to mitigate the impact of such a development on neighbours and causing unreasonable harm to those neighbours. I was pleased to say that that plan went up for planning approval. I am struggling a little bit here because, as the Minister quite rightly states in his report, because a lot of these things are already protected by the Island Plan, policy SP4 protects and promotes local identity, policy GD6 design quality, policy GD7 tall buildings and policy H2 housing density. It is a play on words in this particular case because I can appreciate that we need to maximise, and we really do, we are to save our green fields. It is the Minister's amendment that mentions ...

let me just go to it if I could. Bear with me, I am nearly there. Anyway, it is just density or whether it should be based on character of the area. The character of St. Brelade is invariably low rise, low profile, so if one is going to apply that, particularly in planning terms going forward, then I think that could cause any Planning Committee some angst and concern; the character of the area, low rise. It ties the hands of planners as well. I am struggling to a degree with either one but I am leaning towards the Minister's, insomuch I think we do need to maximise but within a reasonable way. The volume of proposals going forward is keeping it within the character of the area. There are so many other considerations to take into account when we are developing and I think we have missed a trick to a degree. I think the Minister absolutely confirms that it is about the amenity space, it is about provision of nurseries, it is about schooling, and all those other things that the plan does pick up that we really do need to pay more attention to. I have got to say it will be interesting to hear from other Members how they feel about this but I have got to say I am leaning towards the Minister. I think his other proposal, which is make it part of the Island Plan 2025 and more concentration and masterplan in the area probably makes sense, so that really, literally, it is in terms of the actual timescale involved; I think 2023 to report back is a tall ask. I think 2025 would be more appropriate, which would give us all more time to consult, be consulted with all the key stakeholders, the children of the area and what they feel that they want going forward in this Parish. I will listen to the debate as this goes on and I will vote accordingly.

4.2.5 Deputy J.M. Maçon of St. Saviour:

May I begin by thanking Deputy Truscott for his contribution? It is really helpful during these debates to have experienced members of the Planning Committee comment on the documents in front of them because if Members of the Assembly have never sat on the Planning Committee, the actual use and interpretation of these documents and how they are weighted against the various policy within the Island Plan is sometimes almost a work of magic; you can feel when Members are addressing the committee, so it is useful to have that input. Is it amendment 43 as amended we are talking about, Sir?

The Deputy Bailiff:

Yes, the amendment to Amendment 43.

Deputy J.M. Maçon:

Yes, thank you, Sir. I will only speak on this one. Just to remind Members that in the current Island Plan Deputy Le Hérisier brought an amendment seeking a masterplan for the Five Oaks area and 10 years on it has never happened. The question I would like to put to the Minister for Planning is, what assurance can he give me, the Assembly, Deputy Tadier, that the department has resource to be able to deliver this section, amended or not? Because Members can spend a lot of time arguing about these particular masterplan debates and do we get them? I would like the Minister for Planning to indicate to Members what actual resource does his department have to deliver on these particular elements?

4.2.6 Deputy R.J. Ward:

Just a few words to support my colleague and sort of voice a word of warning as a St. Helier Deputy, as somebody who represents an area which is getting his housing supplies denser and denser and denser every single month and year. One of the reasons is that because gestures towards green space are made and then it is, okay, we can build there now because there is that green space over there. There is a real issue for me in the Island Plan and there is a reason why I mention this - I will come back to Les Quennevais - is that it seems that developers who do seem very powerful in the Island Plan, and I was at one of the hearings - I think Deputy Gardiner was there - and we sort of heard the insinuation of a ... developers can say: "Well, look, we will do our best." The agreement was it seemed that: "Well, you have got to do your best but if you cannot do not worry too much about the

green space and making sure that what we are developing is appropriate.” We have to bear that in mind as we look at these things because the pressures that will come on to Les Quennevais will be exactly the same as they are in St. Helier in a few years’ time. It is that term, and I think Deputy Tadier is saying that (b) and (c) really they are okay, (b) is a rewording of what he wants to happen, perhaps with a little more detail, (c) seems to be agreed upon but it is part (a) which is the key. As soon as we say we are going to build at higher densities that means we will build at densities that are higher than are currently there in any area of Les Quennevais. We are accepting that as a principle in the Island Plan and so that is a really important point. I can understand why the Deputy and also why Deputy Truscott of St. Brelade is also wondering where he goes with this because I can understand the pressures he must feel as a St. Brelade Deputy here, thinking we need more housing but what is that going to look like? I mention the free-market development has its own pressures. The pressures are not about does this look nice, is it with the character of St. Brelade, whatever that means. The pressure is to make money, to pile the houses there, to pack people in and to make money. Those will be the pressures; there is certainly one in St. Helier. They have been victorious in St. Helier and that is what we are seeing, and it is getting worse and worse and worse. I want to just mention some of the consequences of higher densities before we vote for higher densities in another area. There is the issue of schools. I have mentioned it; we have no plan for schools. Certainly not in St. Helier, certainly not in Les Quennevais, it is Island-wide; we have no plan for where children go to school. Look at the waterfront development, a classic example, and if I was a betting man, which I am not because I am far too tight for that, I would put money in real problems with that planning issue when it comes to looking at schools for that area. Because they are simply not there and where are those children going to go to school? Green space, we seem to be looking at green space as one big project but what we should be doing is developing our towns and our built-up areas with satellite parks, small areas, so that people have access within a few minutes to green space. It changes the quality of lives, it gives children somewhere to play. Travel, the higher the density the more people will be travelling and, certainly, from Les Quennevais, they will be into St. Helier to work. That will lead to increased areas of pollution and air pollution, not that we monitor air pollution, but let us not go back on that one. There are issues of policing with denser areas, if there are not areas for children to grow up and have play, there are issues for youth facilities. Yes, this is a microcosm for what is happening in St. Helier at the moment. We have built up St. Helier with no schools, limited green space, apart from one big area and I will mention this and I will come to it again, one big park area seems to mean that so many developers anywhere near it can say: “It is okay, we can develop because there is a park over there” and that is what has happened in St. Helier and that, I warn, is what will happen in Les Quennevais if we are not careful. There is the issue of parking, the perennial issue of parking. The more dense the area is the more parking you will need, unless we have a genuine sustainable transport policy and make those cultural shifts, which I just desperately hope that we can. Then there is the notion of sustainability itself. That is an issue, I have got a theme that runs through the Island Plan, there is not a specific and common and usable form of sustainability. The term “sustainability” is a moveable feast in this Island Plan and this is an example of that and that is what concerns me. I do not want to say anything about what the Minister is proposing because, again, 2 out of 3 is not bad. He has done okay there but it is just those words. If this was removing the words “higher densities” but inserting the words “appropriate” for the character of the area that would have been a really positive amendment. Because not only would it have said to Deputy Tadier: “You are right, we have got to be careful of high density over the next few years” but we have to build appropriately for the area. What we have got here is an example of gradual change and gradual acceptance. Who knows what is going to happen in the next few years? But in 5 years’ time, if somebody stood in this Assembly saying: “The character of Les Quennevais has changed so much that we are just building up and building up and building up” and that is where the planning permission is coming from because we have changed the character of it so now it is acceptable. I would be very wary of this and I would urge Members to reject the amendment from the Minister, at least part (a) if we can vote separately. Go with Deputy Tadier on this because he has got a very

strong point and, from the centre of St. Helier, I issue a warning and I think my colleagues in St. Helier and other Members of St. Helier Deputies would agree with me on that.

4.2.7 Deputy R. Labey of St. Helier:

I am pleased to follow Deputy Ward but I think his perception is slightly wrong with St. Helier. In this regard I say to the Deputy, the arrival of a bit of Millennium Town Park did not enable more dense developments to be built around it, they were going to be built anyway. What we are trying to do is turn it round now and say we will not develop on this area, we will prioritise green space and park so that it facilitates as an important amenity what is being built around there; we are going to come to that discussion later on. But I am very much on the same page as Deputy Ward and I look forward to working with him and the District Deputies in the future for the north of town because it is a masterplan that we are trying to develop for that; a coherent plan with amenity. Deputy Tadier is absolutely right, that is exactly what Les Quennevais needs too. It needs a proper overview and masterplan. We are perhaps fixating on the wrong D word in terms of density and what we really need to fixate on is design, is that D word. Because with appropriate, good, cutting edge, amazing, beautiful design you can achieve higher density without even noticing it. If you stand on the Walworth Road opposite the old Labour Party headquarters with that to the back of you - it is now a fantastic pub - and across the Walworth Road is Wansey Street, on one side is a Victorian terrace and on the other side was the most brutal 1950s and 1960s high-rise estate which has fallen into disrepair, was crime city, it was unpleasant to live in.

[15:00]

I have been watching this over the last 20 years because I have a friend who lives on that Victorian terrace and what has now replaced it, it is called the Elephant Park, is absolutely proper regeneration and you can feel it in the area and you can see it. Some of it is high, some of it apes the Victorian terrace but in a modern way along Wansey Street. They have not got rid of any of the pocket parks; they have either retained them or replaced them or increased them with the public realm. On the ground floor there is a lot of commercial activity, whole streets of them are just for independent traders, sole traders, independent traders. In other words, you do not see any chain that you might see anywhere else in that street. You will see individual, independent shop owners, restaurant owners, bar owners, hairdressers or what have you. The fantastic war memorial they have built as part of it too, what a fantastic piece of art that is, so edifying. As I say, it is beautiful. I do not know the figures but my feeling is they have probably increased or at least mirrored the density that was there previously but it does not feel like it. As I say, the whole area has been elevated and it is proper regeneration in Elephant and Castle and look it up, it is called the Elephant Park. In our efforts to close the gap on this terrible housing shortage that we have, we must not cut corners. What we should be designing should be beautiful to look at and beautiful to live in and people should want to live in the developments that we are building or allowing to be built. That is what I would say in terms of the density debate. Good design is the key, ethical design, and we can achieve better density, an area of Les Quennevais which is ripe for redevelopment. I know it is owned by a lot of different owners but if they could come together, private investment and start looking at that Quennevais precinct and reimagining it completely, that could start things rolling and set the precedent. I agree with Deputy Tadier on that. But at the moment I think that the Minister's amendment covers it, and I am inclined to go with him.

4.2.8 The Deputy of St. Martin:

In Deputy Tadier's amendment he says quite clearly: "With the best will in the world, planning remains subjective" and how right he is; never a truer word spoken. He has picked out of the Minister's original documents under spatial strategy, encouraging high densities, and he is quite right to alert us to some areas of Quennevais that just cannot sustain high density. But of course, as I said, everything is subjective. When I think of high densities I would say this to States Members, you

come across a bungalow with 4 people living in it, they do not have a lot of space, developer comes along and he develops that bungalow on the same footprint to 2½ floors. He puts 2 people on each floor; 50 per cent more density and everybody living in that building enjoys twice as much space inside their unit. We need to be careful about densities and just assuming that higher densities mean tighter and less space inside the buildings. But Deputy Tadier and Deputy Ward is quite right as well, we need to be so careful about amenity space and green space outside. The Minister has come back and the amendment to the amendment we are debating now, and he has added the word “appropriate”. I am pleased to follow Deputy Truscott because, like he, I sit on the Planning Committee and he highlighted the Apollo Hotel where density is increasing. But similarly, last week we also went to another site where a developer turned 2 flats into a proposed 7, significantly increasing the density. The committee felt because it was inappropriate to the character of the area that it was not going to go through and it did not. I say to Members, have some faith in the planning system. I appreciate words are important but planning is always subjective. I think where the Minister has amended Deputy Tadier to say now at high densities that are appropriate to the character of the area, that we should have faith in that, and the planning system will take charge afterwards and deliver what is right for those parts of Quennevais.

4.2.9 Connétable S.A. Le Sueur-Rennard of St. Saviour:

I am going to support Deputy Tadier in this because with all this we all need housing, we know we need homes but there is no other strategy to go with it. There is no immigration policy, there is no work permits, we just keep allowing people to come in and then we keep finding them a one-bedroom home. In the Island Plan there was nothing at all related to open space, youth clubs or primary schools. This density business, it is another word for where sometimes companies put plans in and they put plans in because that is what they want people to think they want but the thing you have got to watch is when it says “a revised plan” because that is what the company wanted, not what they put through in the first place. All power to Deputy Tadier for looking after Les Quennevais, and I know how he feels. I am having the same problem in St. Saviour where we have got so many people, we have got all the schools, the density and the lifestyle that people have as they pass through, it does not resemble any of the people who are St. Saviour residents. I am with you on this one, Deputy Montfort Tadier, and I hope a lot more people will realise that there is more to living on this Island and living in a one-bedroom flat with no garden than there is to anything else. Please, think very hard when you vote.

4.2.10 Senator S.Y. Mézec:

I listened very intently to the contributions to this debate from all of the representatives of St. Brelade. It is my second-favourite Parish after all, so I want to do what I can to make sure that that part of the Island gets the absolute best out of this Island Plan process, as in fact I do across the whole Island but I was listening particularly intently to those speeches from that Parish’s representatives. Because we are going to have a lot more debates over the next few weeks about all the different parts of the Island and people will speak up for their particular communities and those of us who represent other parts of the Island have to try to objectively decide what we can put in in the best interests. But I am pleased to follow the Constable of St. Saviour who drew the parallel with what is happening in her Parish as well because what Deputy Tadier is trying to do with his amendment is he is trying to make sure that we get things in place first before we take on the risk of allowing higher density in an area without a proper plan for what may happen as a result of it and what can be done to support that community, make sure they have got the infrastructure, make sure they have got the school places. What the Minister is asking to do with his amendment, to give a green light for higher density now, is to put the cart before the horse, I think. The Deputy of St. Martin spoke about planning being subjective and how having higher density is not necessarily a problem and, in instances, it can be a good thing, and I obviously completely agree with him there. Deputy Labey mentioned Elephant and Castle. Well, I can raise him Stratford there, which is where I used to live in London, which is

now completely unrecognisable from what it was before the Olympics took place because of all the investment it had, and now it is higher density populated there but it is a much nicer area. The reason it is a much nicer area is because they planned very carefully to make it so. They made sure that with the investment and more homes being built there and everything that went with it that they prepared for it properly to make sure what they ended up with was genuinely comfortable to live in and not do what I risk the Minister's amendment does, which is to say: "Yes, we will work on a plan over the next few years but in the meantime go for it", which does mean that when it comes to putting that plan together that will be more difficult because of what will have been done in the meantime, packing more homes into the area without necessarily improving the transport system at the same time, without necessarily making sure there are enough school places and all the rest of it. What Deputy Tadier's original amendment does by asking for that masterplan, and the Minister has suggested a different date for it - that is absolutely fine - is to make sure that whatever the future for Les Quennevais is that we get it right by directing the appropriate amount of attention to it in the meantime. But by putting these words about higher densities back into it with the first part of the Minister's amendment, he is putting the cart before the horse. I think that Deputy Tadier, supported by the Constable of St. Brelade, made the case extremely well for that. Deputy Truscott sounded like he could be persuaded, and I hope he will be persuaded to not necessarily oppose the idea of Les Quennevais changing in years to come but to take a bit of time to make sure they get it right by having that masterplan, get the community to contribute to it and make sure that the Les Quennevais area and the area surrounding it really get the best out of whatever change is going to come over the next few years. I would urge Members to oppose part (a) of this amendment, which puts the cart before the horse and support Deputy Tadier's original amendment.

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

I will speak briefly just to address some of the Minister for Housing and Communities' points, which I do not think were valid to this particular debate. I am afraid, the Minister for Housing and Communities, that higher density means just what it says, higher density and nothing else, whether that is inappropriate or appropriate is another matter. What is appropriate to what is currently in place at, say, Clos des Sables, Clos des Sables is full of bungalows, that is what is in context there, not high rise, not high density, not pack them in. So, when we look at what packing them in means we have to look to St. Helier, because we have already packed them in, all sorts of sites, Ann Court, Ann Street, de Quetteville, Play.com site, all surrounding the Millennium Park, of which I am truly proud, but now we have got back to the position that we had before Millennium Park, which was immensely dense. You have got flat after flat after flat, blocks of flats, and I thought Deputy Tadier was very mild and reasoned when he said that the developer takes one building and converts it into 4 and then perhaps the Planning Committee comes along and says: "Oh, no, you cannot have that. Let us knock that back down to 3 or 2." In reality, in St. Helier certainly, in terms of density of housing, it is not one into 4, it is: "Let us put 150 one, 2 and 3-bed flats on this site" knowing full well that somebody is going to object and the Planning Committee will probably knock it back and say: "Knock 10 per cent off it. You cannot have that" but I think it was the Constable of St. Saviour who said that is exactly what they plan. What they wanted was the 10 per cent off figure, so they put in the bid - everybody knows how to do it - and they get it knocked back to what they intended in the first place. So the question is: do we want to see Les Quennevais and its environs looking like the back of town after the density of building that has gone up there? I believe we do not. I urge Members to support Deputy Tadier.

The Deputy Bailiff:

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

4.2.12 Deputy J.H. Young:

I would like to start by congratulating Members because I think we have just had an excellent debate on town design, town planning and development, planning development, land development issues, and all the right issues have come out. I can answer Deputy Southern's question straight away. My amendment is not brought because I want to see Les Quennevais transformed and become just like other parts of town where we have not done as well as we should in urban planning terms.

[15:15]

I have to accept that our urban planning record has not been what it should be and of course Members spoke about developments elsewhere. I am not familiar with the Elephant and Castle but I certainly am with Stratford. Stratford in London was the area where I spent much of my youth as a young man when I first started work and I worked in that area of Stratford when it was railway yards, coal dumps, polluted river lea. I remember it well. What a transformation, and Senator Mézec is right, you go there now, you go to events at the Olympic Park ... I was moved to tears when I first went to see the transformation that was achieved in that part of London and I still am when I go there. What does it illustrate? How did that happen? I tell you why. I was lucky to be able to spend some time with or I had the benefit of a lot of presentations of work from a couple of bodies. The original London Development Corporation, which was originally set up then, became the London Thames Gateway Development Corporation and how did they achieve that? It was done by an infrastructure-led development. Government put money in. They built the infrastructure. They provided the investment in the community facilities, which then led in turn to private development opportunities and, if you get the formulas right, the record shows that you could probably achieve £10 of private investment for every £1 of public investment. What have we done? We have never done that. Jersey, to its credit, did in the 1980s and 1990s by buying hotels in town and investing in them and making sure they were not built to excess density levels, but of course in recent years we have become I think, to be honest, very right-wing and we have said: "Let the private sector do it" and we have stood back and tried to manage that. I think what Members have said about the fact that we have not provided the community infrastructure, the schools, the youth centres, the open spaces that we should have done, because that is the only way you can make urban spaces work, tells you about what went wrong, the lessons that we should learn from the mistakes in the previous Island Plan. We have now an opportunity with this one to put it right, and so my amendment that I put here and as the Deputy of St. Martin tells us, he is dead right, there is no perfect wisdom here. Those Members who make these planning decisions all the time know you have to make judgments. We need to put in place the tools. Fortunately, we are talking Les Quennevais here. We are fortunate because we are so lucky in that part of the Island because we have the Les Quennevais playing fields, we have got the Les Creux Country Park, we have got Pont Marquet Country Park, we have got Railway Walk, so this is a different character to the area, so we are starting to develop the feel of this area anyway and so that gives us lessons for what we need to do in town, and we have got things. This plan, for example ... we have already agreed, Members perhaps did not notice, but on the issue of the way we discussed this morning, Deputy Ward asked us, and I agreed, that his amendment which will safeguard the gasworks site for a school. We have agreed to go for that, unless there is any other use, but I will just flag it up. Members may not have known what they were doing, but that is what they did. So protect it from other development but we will not get to that unless other uses are agreed for it. So there is that. There are standards in here in the new plan about open space, so a mandatory requirement for open space but Members will know I am dead keen and passionate about Warwick Farm. If we cannot put it in the middle of the open urban area put it on the edge, and make that space to help our communities, so we are doing things. To specific questions. The Constable of St. Brelade asked me what do I remember about masterplans in St. Brelade? Well, I am sorry, I did not come to Jersey until 1979, so I do not know, but what I can tell him is that the masterplan for the development of the Bell Vue Pleasure Park was done in the 1990s and produced 250 homes, and that has turned into a very great success, in my view, and guess what? That was done by public sector investment, led and intervened, so that was done and of course densely. Deputy Russell Labey told us correctly,

design; and it was wonderful to hear that because it was so right. It is not just about the numbers, it is about the design. Of course, I asked for numbers. I asked: “What do you know about the density in this area?” and I was told, Walter Benest Court which is the new development, which has just gone up next to the new Les Quennevais School, has got a density of 80 dwellings per hectare. I pass that a lot, I walk past that a lot and it looks pretty good to me. It looks a nice place to live, and that is several times the density of other developments in that area. So, what are we going to do? Are we afraid to set our architects and our planners the challenge of producing the quality of homes that we need? Are we going to say: “No, no, no, we cannot do that” and we will just stay as we are? My submission is on that, colleagues, that we should go with it, and I think the amendment is designed to help us do that. I accept the point that Deputy Maçon raises - a very good point - not much point in having a policy that says we are going to have supplementary planning guidance to do all the details if it never gets done. Well, it is axiomatic as far as I am concerned. If there is a proposal in here to do that then that is going to have to be funded in the Government Plan. The next Council of Ministers have got to stop cheeseparing on money to be spent in this area, so when those proposals come forward they need to go in the plan to fund them, because you do not get a masterplan for an area like that for peanuts. It is going to require work, and I make that point. I cannot guarantee that will not be there but I am sure the next Minister will absolutely follow through. It is Members’ choice and I make the amendment and ask for the *appel*, please.

The Deputy Bailiff:

Thank you. The *appel* has been called for.

Deputy R.J. Ward:

Will it be separate parts?

The Deputy Bailiff:

Yes, there will be separate votes on paragraph (a) and (b). To remind Members, (a) deals with building density and (b) deals with a masterplan for Les Quennevais and adjacent areas. So those joining the meeting via the Teams link can cast their votes in the chat channel and I ask the Greffier to open the voting for Members in the Chamber in relation to part (a) of this amendment to the amendment. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce that part (a) has been adopted.

POUR: 30		CONTRE: 12		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C. Ferguson		Connétable of St. Brelade		
Senator J.A.N. Le Fondré		Connétable of St. Martin		
Senator K.L. Moore		Deputy G.P. Southern (H)		
Connétable of St. Lawrence		Deputy of Grouville		
Connétable of Grouville		Deputy M. Tadier (B)		
Connétable of St. Peter		Deputy M.R. Higgins (H)		
Connétable of St. Mary		Deputy J.M. Maçon (S)		
Connétable of St. Ouen		Deputy L.M.C. Doublet (S)		
Connétable of St. John		Deputy R.J. Ward (H)		
Connétable of St. Clement		Deputy K.G. Pamplin (S)		
Deputy J.A. Martin (H)				
Deputy K.C. Lewis (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

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

The Deputy Bailiff:

We now move on to part (b) of the amendment to the amendment. Those joining the meeting via the Teams link are invited to cast their votes in the chat channel and I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. Part (b) has been adopted unanimously.

POUR: 42	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Mary		

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

4.3 Island Plan 2022-25: Approval (P.36/2021) - forty-third amendment (P.36/2021 Amd.(43)) - as amended

We now return to amendment 43 as amended. Does any Member wish to speak on the amended amendment? If no Member wishes to speak I think it is appropriate to invite Deputy Tadier to reply in any event because your proposition has been altered. Do you wish to address the Assembly, Deputy Tadier?

4.3.1 Deputy M. Tadier:

I do. Thank you, Sir, for the invitation. Obviously, I am disappointed as to part (a). I did scratch my head and even wonder whether it was in order. Clearly it has been allowed but the Minister's amendment has negated what I was seeking to do in the first part, and perhaps the lion's share of what I was trying to protect in the Les Quennevais area was against inappropriate development at higher densities. It is probably worth saying early on I am not going to speak on most of the proposition's amendments, which I would have thought most Members would be relieved about, but

I think there will be common themes that run throughout the course of this debate, which are also relevant to this particular amendment, which has now been amended.

[15:30]

It is the problem that we have under a system I suppose such as we have, where we do not have any joined-up politics yet, where we have not got a full Island Plan but have got a bridging Island Plan, which has been presented at a time when we do not have up-to-date census data, when the last census was done in 2011, so we do not even know what the needs or concerns are around Les Quennevais or any of our other communities, not as statistically up to date as we might have hoped. We still do not have land transaction taxes, we still do not have empty property taxes or mechanisms to deal with those, yet we are now actively encouraging high density development in our urban areas. I can see why it is really difficult for perhaps I feel a bit like a lone voice, although I appreciate the support of those in the Assembly who voted for it, and of course the support of my own party, and I think this is something we are going to see more of in the future, which is how do you protect the interests, and here we are talking about the geographical interests of the Island, when in fact I fully suspect that what has happened here is the divide and conquer approach from the rest of the Assembly and the Ministers because of course you might as well put the development into St. Helier and St. Brelade because that means it is less likely to be developed disproportionately on our patches. I think this is what has happened and while we get some very fine words from the Minister saying that he thinks that the development has been too right-wing, it has been too laissez-faire. We have effectively seen the Minister doing the bidding of the neoliberals here, so that when now somebody comes with a plan to knock down a bungalow or some bungalows in Les Quennevais Park, in Les Clos des Sables, on Route des Mielles, they will say: “Look, this is what you agreed to. It is okay to have high density properties that are in keeping with the area and I will make sure I pebble-dash it and I will make sure I put the right roof on the 4 bungalows that I am building instead of just the one” and I think that is going to be really difficult when it is in black and white. The positive that I do want to focus on is, and it remains to be seen whether any positives can be taken out of this, that we will have meaningful consultation, meaningful plans and a masterplan for the area, which can look in a joined-up way as to what we want to achieve there with the appropriate resources, energy and spending given to it. So it is no longer my amendment. I simply acknowledge the changes that have been made and I say watch this space, because I think it is going to be really difficult in future when residents who are up in arms about inappropriate developments come forward and when they go to speak for their local representatives, some of whom have voted for this today, that is when the chickens will come home to roost.

The Deputy Bailiff:

Thank you, Deputy. Is the appel called for? The appel has been called for and I invite Members to return to their seats to consider the amendment as amended, and ask the Greffier please to open the voting for Members in the Chamber and for Members on the link to cast their votes in the chat channel. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce the amendment has been adopted.

POUR: 34		CONTRE: 8		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C. Ferguson		Connétable of St. Mary		
Senator J.A.N. Le Fondré		Deputy G.P. Southern (H)		
Senator K.L. Moore		Deputy M. Tadier (B)		
Connétable of St. Lawrence		Deputy M.R. Higgins (H)		
Connétable of St. Brelade		Deputy R.J. Ward (H)		

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

The Deputy Greffier of the States:

Those voting contre in the Chamber: Senator Mézec, the Connétable of St. Mary, Deputy Southern and Deputy Ward. In the chat: the Connétable of St. Saviour, Deputy Tadier, Deputy Higgins and Deputy Pamplin.

The Deputy Bailiff:

Next is the 59th amendment lodged by the Connétable of St. Brelade. Yes, Connétable.

The Connétable of St. Brelade:

Sir, may I ask the leader of the Assembly to withdraw this amendment?

The Deputy Bailiff:

You may withdraw it, yes. I believe it is not required as the debate has not begun.

5. Island Plan 2022-25: Approval (P.36/2021) - one-hundred and second amendment: Protecting landscape and seascape character (P.36/2021 Amd.(102))

The Deputy Bailiff:

The next is the 102nd amendment, which has been lodged by the Minister for the Environment, and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that – (a) within Policy PL5 – Countryside, coast and marine environment on page 76 of the draft bridging Island Plan, the second sentence of the first paragraph should be substituted with the following – “They should also protect or improve the special landscape and seascape character of the Protected Coastal Area. In the Coastal National Park, they should similarly protect or improve its special landscape and seascape character and special qualities of the Coastal National Park and its setting and be compatible with the purposes of the park”; (b) at the end of the section entitled ‘Jersey Coastal National Park’, on page 71 of the draft bridging Island Plan, there should be inserted the following – “Proposal - National park legislation the Minister for Economic Development, Tourism, Sport and Culture will work with the Council of Ministers to bring forward, for approval by the States Assembly, proposals for the establishment of a national park in law, with appropriate provisions and mechanisms to: a. define the purposes of a national park in Jersey; b. determine its appropriate governance, in order to secure the purposes of the park; c. determine the spatial extent of the park; d. manage land and activities within the park in accord with its purposes; and e. ensure public and stakeholder engagement and consultation on all matters associated with national park. (c) within Proposal – Change permitted development rights in the Coastal National Park, on page 116 of the draft bridging Island Plan, the words “Coastal National Park” should be replaced with the words “Protected Coastal Area” each time they appear; (d) within Policy NE3 – Landscape and seascape character on page 118 of the draft bridging Island Plan, the second paragraph should be substituted with the following – “The highest level of protection will be given to the Protected Coastal Area, and its setting. The highest level of protection will also be given to the Coastal National Park, and its setting, and additionally development within it should protect or improve its special qualities and be compatible with the purposes of the park including:” and (e) the draft bridging Island Plan 2022-25, including the Proposals Map – Planning Zones, be further amended in such respects as may be necessary consequent upon the adoption of (a)-(d).”

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

Going through these amendments preparing for the debate I have written on my notes “major debate”. This is I believe one of the most important of the proposals in the Island Plan. I think the amendment that I am proposing now has the distinction of being I think the last amendment, amendment 102. I spent with my team and with Deputy Guida a vast amount of time trying to find a way through the situation where we can have a policy in the draft plan that I believe enables us to protect that special landscape and seascape areas around our coast, but in a way that I do not believe will in any way affect anybody’s rights to enjoy their land and use it and so on, because this is an area of controversy. With the draft plan that I published back in April, when we were developing the plan I was always unhappy with the notion that the 2011 Island Plan, which is the one we have now, had this planning zone in it called the “coastal national park”, where there is no coastal national park. When I took on the job of Minister one of the things I got complaints about, and justifiably and understandably very loud voices from those outstanding citizens who have worked tirelessly to try to progress something that does not exist in law, they were given no money for it. They effectively had come to the point of frustration, so I made sure there was money in the Government Plan to enable that to progress but progress via the Minister for Economic Development, Tourism, Sport and Culture and not the Minister for the Environment, because the notion of a park is about recreation, use and enjoyment of the land and promotion for economic reasons, which are all very valid but I believe sit outside the parameters of what the Island Plan seeks to do, which is to protect the special area of landscape. So I did have discussions with the leaders of what is now Jersey National Park Limited about my

intention to make it into a planning zone, and then I did get a very strong negative reaction. So I thought we will leave it as proposed, as the coastal national park was extended in accordance with the expert work that was done to reassess our landscape qualities. I will leave that for consultation and of course we all now know that the consultation led to very significant objections to that proposal, not that I hear any objections to that because of the need to protect our coast and countryside from damaging development, but it was because there was a perception that somehow this was government intervening in the use of private land, conferring access rights, controlling what people could do, where they could walk their dogs, where they have picnics and so on, and I am afraid those perceptions became very strong, and they were reflected all the way through to the planning inquiry. Now, even though the planning inquiry upheld that they were perceptions that are not real, they are not founded, there is no basis for that, I considered that it is much more important that we can be very clear that we are protecting our special landscape and seascape areas, and it is basically those around the edge of the coast, and we all know where they are when we drive around the Island. You can see we are jewels in the crown. Why I wanted to have that zone reassessed was because the last time it was done was I believe in 1999 when there was a study of our landscapes done I think by Land Use Consultants, and that formed a pillar of major work, which was adopted in the 2011 plan, but of course it needs updating and revision, because a lot of the boundaries have become illogical. Arguments could be made about it, and there was a lack of clarity about that. So the evidence base that led to identifying where the boundaries of what I now propose to be a new planning zone called the “protected coastal area” is all in the evidence base - you have seen it in the room, it has been on the website for nearly almost a year now - to support that. Where every part of our landscape is analysed, looking at the underlying geology, which is the key to landscapes, but also the geoclimate and all that kind of thing and the biodiversity that is within it, but primarily it is a landscape piece of work.

[15:45]

I decided that the thing to do, the right way to go, was to make an amendment, which is this, that says, okay, if there is a very strong body of opinion, and of course we will go on to debate the Deputy of St. Ouen’s amendment, which was of course lodged very quickly after I lodged the draft plan, so I decided that I am going to offer the States a way in which we can achieve the preservation of our coast and countryside, but do it in a way where we have a planning zone called the “protected coastal area”, where within the wording of the policy all of the words that used to be there about any use being compatible with the purposes of the park has been deleted, so basically this amendment enables us to leave the coastal national park where it is, unchanged, and to have an extended zone, which provides that highest level of protection that planning law can offer. It is about protecting it from inappropriate and damaging development. I think we all know we could go around the Island and ask where the policies have gone wrong in the past. I mean, the famous example, St. Martin’s Parish, La Coupe, for example, and there are many others. Maybe I will look up my list in a moment, but I do not want to dwell on the past. I want to make sure that we have got the strongest policy protection because to me this is a fair trade-off. As I said in my proposing opening remarks to this debate, if we are going to have to make concessions and do things and allow greenfield developments it is right that we protect the special parts of our Island, and that is what this amendment does. It is about underpinning our Island identity and our culture and heritage. Of course, there is big pressure, because these areas, which are the special landscape qualities, are the very places that are most desirable for people to live and develop, so the pressure on them is very high, and it is not going to get any less. So, it has been a real angst how best to do it, so my original proposal I believe has been misunderstood. I think my notes here are I am asked to say “misrepresented” and I think it has been in some quarters, but that is probably pejorative, but certainly misunderstood, and those comments have done very significant damage to confidence and I want to restore that with this amendment. The planning arguments for having this special zone are very enormous. It will be called the “protected coastal area” and it will also include the highest level of protection for landscape and seascape,

because in the past we have had no recognition of the fact that how Jersey looks from the sea is perhaps as important as how Jersey looks from the land going out to sea. That strip is crucial and what we do with it and how we develop it. If Members go with my proposition the coastal national park, which remains exactly as it is, will not be changed at all, one jot, and will simply become a sort of small subset area of the protected coastal area. As was said so well this morning by Deputy Guida and others, there will be a need to redefine the coastal national park and define it in law, which is why I have adopted all of the proposal from the Deputy of St. Ouen, who made some excellent points in his amendment where he said that we need to bring forward, if we are going to have a national park, it needs to be in law and we need to know what the rules are, who looks after it and how it is managed. At the moment it exists as a limited company; nothing wrong with that, but I will leave that for Members. That will be an issue of governance for the future if Members go with the proposal that is part of my proposition. Determining where the boundaries are, because there is a lot of thought that the boundaries can be tightened, that would be the responsibility ... and I agree that work will primarily go on with the Minister for Economic Development, Tourism, Sport and Culture, because if the park is to be used as an economic interest, for example we have all seen pictures of the Écréhous and barbecues on the Écréhous on Visit Jersey, something where we try to bring special measures in our special places, yet we do things like that. Disgusting and I protested, but anyway. We have got gems. These are world-class gems, so that piece of work, what I have done is I have built in sensible suggestions from the Deputy of St. Ouen into the second part, but fundamental to it is part (a) and that is the guts of it. I have dropped the proposal to extend the coastal national park. That will remain as it is and instead have a protected coastal area, which is a planning zone, which as the Deputy of St. Martin said, I believe has caused massive confusion in many planning decisions over the years. This will end it; there will be clarity and I think for me it is absolutely of huge fundamental importance. Development of course can still happen, but it needs to make sure it does not harm the character of those areas and it is based on a sound and objective analysis, and the piece of work won a national award, a national award. So again, because the constitution of what we have already got as a coastal national park is a legacy from 2011, it is in as a proposal - and I am just trying to refresh myself - that will bring it forward. I am pleased, it is not the Minister for the Environment: "The Minister for Economic Development, Tourism, Sport and Culture will work with the Council of Ministers" so that escapes the next Minister for the Environment to do that job. I see that we have lost our current Minister for Economic Development, Tourism, Sport and Culture but I am sure ... anyway. So, I think that has got a real structure about this. This is the environment thing: protect the landscape, protect the special area and, yes, we will review the coastal park or the Minister for Economic Development, Tourism, Sport and Culture will look at the whole structure of the thing and bring it back to the Assembly and then the Assembly can make its mind up. Now, having said that, I have got nothing but respect for the team of wonderful people who are wholeheartedly committed to try to make this thing happen. Part of my proposal, we all know the leading lights who have given their many years if not a lifetime in one case of working for our environment, and we have had letters about that, and the proposal I am bringing now, this amendment, I believe will allow us to get back to a much more ordered and sensible thing. I have to say it is true that the planning inspectors absolutely supported the need to protect the special area of coastal and landscape, and of course part of the argument at that time was they were being farmed and so they are not of outstanding quality. They are. Anybody who drives down a road, say, from Plémont going out to Grosnez and looks across that farmland right across to the sea, and you can see the other Islands, it is just beautiful, it lifts the soul, who will not think that is an outstanding landscape ... there are others, and on the east of the Island. I am a westie, but those on the east of the Island have a wonderful coast around the north-east and the north coast. They are the crown jewels for us, but the inspector said: "We think it is entirely appropriate that you protect them." They did say they thought that I should carry on with it as drafted, but I have reflected and, with the support of my Assistant Minister, with much agony we discussed it and decided that the right thing to do was to make that adjustment and bring it into line with what it should be, a protected zone, a planning zone, leave the coastal national park where

it is and have this proposal to redefine its boundaries, not as part of planning law, but something completely separate, a standalone body, led by the Minister for Economic Development, Tourism, Sport and Culture, which will I believe be to everybody's benefit, and that is the purpose of my amendment. I ask for Members' support, please, and thank you and make the proposition.

The Deputy Bailiff:

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

5.1.1 Senator L.J. Farnham:

I am trying to reconcile the Minister's speech with the Minister's speech on the 88th amendment about marine and national parks and I am trying to work out how we can have some but not the others, but of course I, or the next Minister for Economic Development, Tourism, Sport and Culture, I am sure, will be pleased to follow the will of the Assembly, that the principle of the work behind whatever designation we decide to give it is absolutely sound. In fact, if I get the chance prior to the election I might try to get this bit of work done and perhaps extend it to include our coastal waters in an area of about 30 per cent of our total waters.

5.1.2 The Connétable of St. Ouen:

First of all, I congratulate the Minister without wishing to be disrespectful for finally arriving at a common-sense approach on this. As he well knows when he first proposed the coastal national park I was less than happy. The coastal national park is one of Jersey's jewels and one of the best things we have ever done. It protects our national assets, our beaches, our lovely dunes, our lovely north coast walkways and I think to dilute it, in my view, would have been a serious mistake, because it would have allowed things to happen which should not have happened. The Minister has now come clean and told us what he wants, and I totally agree with what he says, we need to protect our valuable vistas and this new proposal of his will do exactly that, and also will allow the coastal national park to carry on in its present form, of course with a review by Senator Farnham, but it will mean that it will carry on as it is and will carry on protecting the assets that this Island has and which are so easily lost if we start doing things on those assets that we should not do. I, for one, will be supporting this. I think it is a good move, a pragmatic move, and I commend the Minister for the changes that he has made.

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

First of all, may I begin by just simply reminding Members of my interest in the coastal national park, which I declared in my amendment number 30, in that I have a close relation who owns property in the present coastal national park and what may be in the protected coastal area, if approved? As the Assistant Minister for the Environment told us this morning, a zone that is in an Island Plan, in a development plan, should not be called a park. We have not got a park. We have simply a planning zone, and it is inappropriate ... I believe it was inappropriate at the outset to have attempted to expand this zone called a park into an area that comprised 30 per cent of the Island's land mass and comprised a significantly greater number of houses and businesses within it.

[16:00]

It is not surprising that led to confusion and misunderstanding. For some people there was no confusion about it; it was a view that that zone, that element of the bridging Island Plan, should become a park over which there would be specific rules and it was spoken that there would be an extension to the coastal national park, and we all love this park, so-called. I totally agree with the Minister. We recognise it as a jewel in our crown, the best parts of our Island that are valued and that we have enjoyed. In that sense we do see it and understand it as much more than a planning zone. There are areas that are the very best parts of Jersey, but its status is simply a planning zone and we need to do better than that. Therefore, I believe we need to support this amendment, which

does not yet create a so-called park, with so many misunderstandings that go with that word, but which provides the appropriate protection against development and then separately, under another Minister, allows for the proper creation of what should be a park protecting, recognising and promoting the very best sensitive and valuable landscapes of the Island. The trouble was, simply by extending what was the 2011 coastal national park into, in the case of my Parish, two-thirds of my Parish, two-thirds of St. Martin Parish, many other areas, this would have brought in so many homes, so many businesses, so much working agricultural land and would not anyone occupying those homes, running those businesses, want to know the implications of it? The Island Plan could not and did not give any of those implications. It did not tell us how many homes would be affected, how many businesses would be affected. There was no assessment of what a simple extension might mean for the people who were going to be thrown into a so-called extended coastal national park. The misunderstanding arose because there are people who consider the coastal national park as something other than a planning zone. Under the rural economy strategy a charitable company has been established called the Jersey National Park Limited that has received public funding for conservation of areas in the coastal national park and the promotion of areas with it. That company has produced a draft management plan and a draft action plan and I commend them because if we are to have a park, and I would like to see a properly established coastal national park, we do need to manage it proactively and we do need to encourage the people to visit it, while at the same time conserving the areas within it. There is a balance needed there that is recognised by the purposes of the coastal national park as defined by this company, which are the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the Jersey National Park and, secondly, to promote opportunities for the understanding and enjoyment of the special qualities of the Jersey National Park by the public. There is a tension that I think all national park authorities in all jurisdictions find, we want people to visit a national park and enjoy it, but at the same time it is important to conserve and enhance those areas, and sometimes the imprint of humans in an area can act completely contrary to that. There is that balance that is needed so carefully and the original proposal in the Island Plan just did not explain how that might be achieved by throwing in 30 per cent of our Island land mass into an extended coastal national park. There needs to be certainty over how we achieve this; there needs to be good oversight and governance, which I would suggest can be placed in legislation so that there is a parliamentary overview of how a coastal national park is managed, because at the moment all we have is the Planning Department exercising development controls over something that is called a park. This so-called park will only have lasted for 3 years, the length of the bridging Island Plan. After that time its future is just uncertain. A coastal national park on that basis would have to be rebirthed every time an Island Plan is presented for debate. That is not good, I suggest, and it is no wonder there has been confusion over what on earth being in a coastal national park would mean. There needs to be a proper process for adding areas to the coastal national park and evaluating its special qualities, and I agree with the Minister, those areas where you drive along the north coast and you see those vistas of the other Channel Islands or France, they are wonderful, they are the special qualities, but equally I think of areas in my Parish that would have been added to the coastal national park where there are bungalows on one side of the lane and bungalows on the other side of the lane, and I cannot say why that bungalow on the left is in a zone that has such special characteristics and the bungalow on the right does not. Equally, passing agricultural fields, one on the left and one on the right and there are no views of the coast, even though they are within a proposed coastal national park, why one should be in an extended coastal national park and not others, because the proposed park in the original plan was drawn with roads as its boundaries. I simply did not see the sense in that, because we have got better ways of establishing boundaries. We have got a good Land Registry, which can establish boundaries, we have got clear maps and why roads were taken at all throughout the proposal just did not make sense to me, but that is why we need to establish, I believe, in legislation, a process in which these considerations can be taken into account and, moreover, people can be engaged. It is right that people who might live in an extended coastal national park are consulted and they be allowed to make representations as to

what that means for them, and when the coastal national park is established that they have a say in its management. At the moment they do not. So that is why I put in my amendment number 30, and I am pleased that if this amendment is supported the Minister has replicated my proposals to task the Minister for the Environment with creating the legislation that establishes permanently our coastal national park and that allows public participation in all the thoughts around how far it should be extended, what goes on within it and the management of it. There are still some who might think that we should not follow the Minister's lead with the present amendment that he is putting forward, but that we should go back to that original part of the bridging Island Plan. We have had a letter with an accompanying email from the chair of the Jersey National Park Limited and this letter to us lays out in detail the view of the 3 individuals currently driving forward the national park project to the various proposals regarding boundary changes. They urge that the coastal national park be extended now, by rejecting the Minister's amendment. They assure us they will work with stakeholders and they will ensure that they respect the views of householders and businesses incorporated into an extended coastal national park. I know those persons are genuine and motivated and passionate about the coastal national park, and I commend them for that, but I am afraid it does not give me comfort because the park they envisage is not created yet. All we have is that development zone, which might be called a park but should not be. It is better to do this properly and give greater support to the coastal national park for the present keeping it within its established boundaries and then we will move forward to do this in a properly legislated way. I can support the Minister's amendment by establishing this zone, the protected coastal area, because it does not extend the coastal national park in that drastic way and it avoids those misunderstandings and confusions over what being in a park meant. Let us not diminish the confusion it caused. In my view it was quite understandable and concerns were expressed, which we absolutely need to take account of and address and at last the Minister's amendment does address it, I believe, and should be supported by all of us. I hope it can be.

5.1.4 The Deputy of St. Martin:

I am pleased to follow the Constable of Ouen and his Deputy because, like them, I too had grave concerns when the Minister first lodged his proposals. The first thing I would like to say is that I currently own some woodland. I am very fortunate to own some woodland that is in the coastal national park and the rest of the property that I know will be in the additional area, which the Minister proposes to call the protected coastal area. The first thing I wrote down here was how did we get to where we are today and I was disappointed when the Minister first lodged his proposition because what he should have done was lodged what he has under item (b) in this amendment that he has brought back. The park, as we heard this morning, is a recreational area that is designated for a purpose and that is what we are currently now going to do if we adopt this amendment from the Minister. This is what worried so many people when the original proposal came out because we are going to go ahead, we are going to put it in law, define the purpose of the park, we are going to determine the appropriate governance and a lot of people were hugely concerned about the governance of an area that would be extended and would still be called the coastal national park. We are going to determine or somebody will determine the spatial extent. The management of the land and activities in the park will come back to this Assembly if the Minister's amendment is accepted for approval and then, finally, we will also engage with the public and consult with them on the matters associated with the park. That is something else that had not happened because certainly a huge number of parishioners in my Parish came to me saying: "We knew nothing about this until it came on to the draft bridging Island Plan." So I am pleased and grateful to the Minister for coming back with his amendment, following the huge amount of work the Deputy of St. Ouen and others have done. I am pleased to have been a small part of that work to pressurise the Minister to make these changes, because I think it is essential. I say to the Minister for Economic Development, Tourism, Sport and Culture, who has been muttering: "Why is my marine park different to the coastal park?" is that what he proposed was a park and he did not come up with the bits that the Minister for

the Environment has come up with today. He did not come up with the extent, the management activities, the appropriate governance and the consultation.

[16:15]

If he had done so maybe we would have made further progress, but that is what the Minister for the Environment did this morning with the marine park. He has put in the plans for having a marine spatial plan over the next few years and we will move forward with that. But I finish this and I say to Members: be careful what you wish for. I know the group I was with have got what we wished for, if you like, in keeping the area that is named the coastal national park where it is but we have, in accepting the Minister's amendment, found ourselves with an area now to be called - if this is accepted - the protected coastal area, which will provide the highest level of protection for the Island's best landscape and seascape character areas under policy NE3. That is right, but what I say to Members is this: that is 30 per cent of the Island's land mass. Look at it the other way, that means all the development, all the housing, all the major structures that will come on in the future will go in the other 70 per cent. We need to be careful; we need to be very careful. As we develop the definitions, the governance and the other areas, what will happen in the coastal national park in the future, I will also be looking very carefully to see what help there will be for businesses that continue to want to try to work in this protected coastal area and also those who would like to try to develop a little bit more in this protected coastal area, because there may not be very much going on. I know that would be great and there are fantastic areas of this Island that need protection, but I do warn we have got a lot of people to house, we have got a lot of things to do, and 30 per cent of our land mass will not probably be available to do that once this goes through.

5.1.5 Senator K.L. Moore:

I am grateful to the Minister for his consensual approach and the significant change that he has adopted in bringing this amendment, as opposed to what was originally included in the plan. But much like the Deputy St. Martin, I am a little concerned by the description of the protected coastal area and feel that there is not enough description given in that as to what exactly that will mean and what exactly is meant by the highest level of protection. I would be grateful if, in summing up, the Minister could describe to us what he anticipates will be allowed under the protected coastal area. As the Deputy of St. Martin has pointed out, it still will make up a considerable percentage of the Island's land mass. If the Minister could also describe how it will differ from the protection levels that are already in place for those particularly sensitive sites that are already defined under the current Island Plan.

5.1.6 Deputy G.C. Guida:

I could repeat the Deputy of St. Ouen's speech word for word, so I will not. It was exactly what I wanted to say but I would like to add one thing, which is the expression of our gratitude to the people who have tirelessly worked towards the idea of a coastal national park. Am I allowed to name them, Sir?

The Deputy Bailiff:

I think in this context you probably can.

Deputy G.C. Guida:

I am sure they will be happy to hear their names, but they are local heroes. It is, of course, Mr. Jim Hopley, Mr. Mike Stentiford and all the many, many volunteers that have worked with them. They have tirelessly spent more than the last 10 years working towards a national park but unfortunately they were chasing a ghost. They were chasing something that did not in fact have legal existence and I think it is high time that we changed that and that we gave them something to work on.

5.1.7 Deputy K.F. Morel:

I am pleased that you gave Deputy Guida permission there because I named those people earlier in a speech but I did not ask for permission; I just went ahead and did it. It is not so much a speech, I just want clarification from the Minister, please, when he sums up, if he could confirm that the coastal protected area, as described in his amendment, is the same extended coastal national park area as was initially intended. I believe that is the case, but I want to be sure that it is the extended version of the coastal national park planning zone, so to speak, that is being renamed the protected coastal area. With regard to Senator Moore's question, I reiterate that as well. Anything he can tell us about what is meant by the highest level of protection, I am sure the Assembly would appreciate that, but if he would clarify the extent of this protected coastal area I would be grateful.

5.1.8 Deputy R. Labey:

In a similar vein, something that the Deputy of St. Martin has just said has slightly worried me in terms of 30 per cent of the Island would now be unable to be used for new domestic units. Can the Minister confirm or just explain the position for me? Are we saying that existing buildings, let us say existing farm buildings that fall into the new coastal national park or area, are redundant, they cannot be converted to new units of accommodation? Existing structures within the coastal area, are we saying because of trip generation they cannot be regenerated into new domestic units? I think trip generation is being used as the reason why they should not be. We are missing out on huge potential to provide accommodation and I think if trip generation is the worry, put on more buses, but otherwise it is the tail wagging the dog. If we are not going to be allowed to develop existing structures like old barns and stables into fantastic potential accommodation, new units of accommodation, then I cannot go with it.

The Deputy Bailiff:

If no other Members wish to speak, I call upon the Minister to reply.

5.1.9 Deputy J.H. Young:

I thank all Members and I am grateful for the comments of Members who have recognised the dilemma that I have certainly had, and I do have to accept the criticism that this is an issue that should have been faced at the time of the publication of the draft plan. I certainly have had meetings with the coastal national park team and at the time they were very, very strong - and that puts it lightly - that I should proceed with their plan. I think it is possible that had I not done so at that time we might well have had a situation where they would not be able to continue. That is possible, I could not rule that out. I wanted to hear what the community had to say and I have, I accept belatedly, taken that on board. That is hands up. In my defence I can probably say this is at the time ... I think, those early meetings took place at the time of COVID when we could not even meet. You could only meet online and it was pretty difficult at those times, but nonetheless I still made that choice, which in hindsight was the wrong one. We get to this point where belatedly I have adopted what I believe to be a pragmatic solution and I believe one that is good for the Island. I am very grateful for all the work that those who have spoken in favour have said, particularly the Deputy of St. Ouen, the Deputy of St. Martin and the Constable of St. Ouen, and I know there are others who have put a lot of effort into this. I do not think I could have myself - and I will be frank - come up with the terms of reference for the piece of work that is in the proposal that I have now adopted because it goes way beyond the brief of what planning law is all about. Planning law is about managing development, nothing else, development and, of course, this proposal, the Jersey coastal national park, has got much wider purpose than that. So I have benefited from that and thank you. I think by adopting it and bringing it forward I think it gives us a chance to make a pragmatic decision. Yes, because it is a decision made late in the day I have had to go for a very simple and uncomplicated arrangement whereby the boundary of the new protected coastal area is in fact the same boundary as to what I had proposed in my original proposal. It is the same and I accept it with all its faults, as the Deputy of St. Ouen has

told us. It is maybe not perfect but, of course, this is the bridging plan for 3 years. We are going to be doing the review anyway, if Members go with this, on the coastal national park. In my view there will be the opportunity, if it is necessary, to refine those boundaries at the time of the next Island Plan. So, I made that pragmatic choice because I think to go beyond that would have meant redrawing boundaries, and I just cannot even begin to think. So it is a pragmatic solution, not a perfect one. It is the best I could do. Now, what are the restrictions? Yes, I have to be quite blunt and plain about it. At the moment the properties that are not in the coastal national park, that is the existing area ... by the way I should say that the coastal national park will still have a boundary and that will be somewhere within the new boundary of the protected coastal area. It is a subset. I think on the chat the officers have put round a couple of charts. But the one thing that is different between those 2 areas is that the planning policies proposed for the protected coastal area have removed all of the references that are in the existing coastal national park policies that talk about a planning decision needs to reflect or consider the purposes of the national park. That has all gone. Anything to do with use is gone. What we are left with is policies that relate to development only. Now, I accept the logic - I do not accept it in absolute terms - that if the area is 30 per cent, there are existing buildings in that area. I cannot tell you what percentage is covered in that area of existing buildings. It does not stop any development but it does have an effect on constraining that. It does not stop, I do not believe, existing and traditional farm buildings. We have got other policies now all over the Island. The conversion of existing traditional farm buildings has been one of the main tools of our being able to both preserve our special built heritage in some of these wonderful farm complexes, that might be back in about the 17th or 18th century when you look at them, that provide homes. We have got those policies. They are elsewhere in the plan and that does not stop. Of course, planning decisions again, you just do not make them on the basis of one policy. You make them on the basis of all the policies in the plan and achieving what the purists call a planning balance and the Planning Committee do this all the time and they do it very well. I have to say sometimes they might get it wrong, but generally ... it is a tough job. There is no perfect wisdom in here but we do learn and we make progress. So, yes, it is true that those people will have policies applied that, if you like, place more limits on than they currently have, but I do not think that goes as far as what has been suggested, that that prevents any development at all. I also have to flag up, nobody has picked up but I am not going to ... I highlight paragraph (c), which Members should know about. Paragraph (c) of the proposition talks about the need for permitted development rights to be managed. Permitted development right means that under the dwelling legislation, under the General Development Order, which is probably about 100 pages long, I think - it is a nightmare to try and work out - it says what you can do without planning permission.

[16:30]

We know there are already a number of restrictions on that and later on we are going to talk about ... when we debate on 27th April we are going to debate conservation areas. We are going to debate the powers in the law and the regulations that are well-advanced in that, which we are working with the Scrutiny Panel on. That is well-advanced in anticipation because the Island Plan includes, maintains the commitment to have conservation areas in our special places, a commitment that was made 30 decades ago. Sorry, 3 decades. I beg your pardon, I am getting carried away. I had my fourth injection yesterday. It has made me a bit heady. **[Laughter]** I think we have to recognise that as the Island gets more densely occupied, our population goes up, where is it going to go? Are we going to solve that tomorrow? We are going to have to accommodate and adjust. You cannot hold things still, but it is equally true that within the protected coastal area there will need to be a review of permitted development rights, but the beauty of that, Members will be pleased, that is done by order. Members know that they have the perfect right under States procedure to challenge Ministerial Orders and have them varied. That will all be for the future. There will be a new Minister and I think that will be a story for another day if you approve my amendment. I want to thank

everybody because this has been a tough choice. It should have got there quicker. I apologise for that and ask Members ... I am pleased and I believe this is the right solution. I make the approval.

The Deputy Bailiff:

Do you ask for the *appel*?

Deputy J.H. Young:

Yes, please, Sir.

Deputy K.F. Morel:

A point of clarification, please, Sir?

The Deputy Bailiff:

Yes.

Deputy K.F. Morel:

I wonder if the Minister could clarify ...

The Deputy Bailiff:

Do you want to stand up when you are speaking?

Deputy K.F. Morel:

Apologies, Sir. I am used to being on Teams. I wonder if the Minister could clarify whether this protected coastal area is, as I asked, the extended version of the coastal national park planning zone or whether it is the original smaller version of the coastal national park planning zone?

Deputy J.H. Young:

Sorry, I thought I did answer. I probably was not clear enough. The protected coastal area takes as its boundary the boundary recommended in the landscape study, which was the one that was originally proposed as for the extended coastal national park area. What I am saying is that the policies that related to use that were going to be proposed for the whole area will not now extend to that area, to the bigger area at all, but you are correct, Deputy, that the boundaries are the same for pragmatic reasons, as I explained.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting by the Teams link are asked to cast their vote in the chat channel. I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I can announce that the 102nd amendment has been adopted.

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				

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

The Deputy Greffier of the States:

Senator Moore voted contre.

The Deputy Bailiff:

The next matter listed is the 30th amendment. Yes, the Deputy of St. Ouen.

The Deputy of St. Ouen:

In view of the last vote, I think the objectives of my 30th amendment has been largely met. I would like to thank the Minister for the Environment for his gracious acceptance of people's concerns, but in view of the decision we have just made, I would like to withdraw my amendment. **[Approbation]**

6. Island Plan 2022-25: Approval (P.36/2021) - eighty-second amendment: Policy GD5 (P.36/2021 Amd.(82))

The Deputy Bailiff:

The next amendment is the 82nd amendment lodged by Deputy Labey and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that within Policy GD5 – (a) the word ‘and’ should be removed from the end of point 1; (b) after point 2 there should be inserted the following – “; or 3. There exists a demonstrable aesthetic and practical benefit to replace over refurbishment.”; (c) in the final paragraph, delete the words “or sustainability” and insert the following – “, sustainability, aesthetic or practical” (d) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent to the adoption of (a) and (b).”

6.1 Deputy R. Labey:

This proposition is born out of experience on the Planning Committee, which I sat on for 6-plus years, and I remember experiences of applications that were trying to fit with the already existing policy not to knock down but to refurb and repurpose existing buildings. I understand completely the environmental benefit to recycling these buildings rather than completely knock them down and replace them, but there are times when no amount of architectural re-engineering is going to come up with as satisfactory a conclusion as demolition and rebuilding might bring. The officers will tell me ... on the Planning Committee in my time we did pass complete demolition of a couple of properties I can remember to be rebuilt and we were able to find somewhere buried a caveat, a traditional Jersey caveat in law that gets you to do the opposite thing to what the main law is asking you to achieve, but I do not think that is right. I think we should leave this to the Planning Committee, give them the option there that they can make this decision if they feel that all avenues to refurb have been explored. With the refurb you are hemmed in with load-bearing walls. We have sat through applications where the slide rule is got out and we have been going through wall by wall what is retained and what is new and whether the percentage fits to call it a refurb rather than an almost complete demolition and a rebuild. There are just some sow’s ears that will never be turned into a silk purse. So this is a clean and efficient way to say if all those avenues have been explored, I have every faith in the Planning Committee, and they see these day in, day out and they will have that there to make this decision cleanly and transparently. With the hopeful advent of modern methods of construction, which I am working as hard as I can to explore the feasibility of making this a reality for the Island, there is also the environmental balance and gain to be weighed between taking an old house out of the equation and putting in a new modern method of construction modular, fantastically green, cheaper, greener, cleaner, less labour intensive to put up. There is that possibility too, which this would assist. The final thing is, as I say, not all sow’s ears can be turned into silk purses and sometimes you look at a building and think: “No, this has had its day, it is time it was replaced.” It is important that we do that and that each age is able to present its new vernacular and style if it is good, so that we pass down something from our generation of architectural superiority and something that we would be proud of it.

The Deputy Bailiff:

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

6.1.1 Deputy J.H. Young:

I think this is a case where I think both Deputy Russell Labey and I want the same thing. Sadly, I am afraid, due to the pressure of having to read 102 amendments and make responses in horrendous timescales, he and I have not been able to sit down together and try and resolve things. In a perfect world we would have been able to do that. So I am having to rise to oppose the amendment even though I understand what the Deputy is seeking to achieve and I can understand, when he was chairman of the Planning Committee, some experiences that he had with this situation about the

policy that deals with the demolition of buildings. I think if I had been able to have that meeting with Deputy Labey I would have said to him: "We have got ourselves into a bit of a mess." This is a mess in planning policies in the Island Plan, which unfortunately since 2014 the Planning Committee have had to deal with, a messy situation where policy was introduced in 2011 in the Island Plan. It was called GD2, Demolition and Replacement of Buildings, and that was removed in 2014 entirely. So in the 2014 revision, it was taken out because the policy was found to be too inflexible and difficult to measure. Of course, what happened was, unfortunately, when that revision was done, something went wrong and there was a remaining policy test leftover as a kind of left behind element in the plan called GD1A. It should have been deleted at the time. It never was, there were endless arguments and certainly I had to deal with a couple of appeals where that was a key matter and I think I sought very much, when I was dealing with those appeals, to exercise the type of judgment that Deputy Labey has outlined should be. Now to get around that, what the team have done because they now think that this is a policy that we should restore to the Island Plan is, on page 87, we have a new policy GD5. That now sets out a very clear policy base for making decisions as to whether buildings can be demolished and part of that looks at building performance and carbon impact calculations. Now I know that the Deputy's amendment really is focusing on aesthetics understandably. The aesthetic benefit. The beauty is in the eye of the beholder. What one person sees as beautiful, somebody else sees it as a sow's ear. I do not know if one is allowed to say that but that, I am afraid, is the reality. It requires personal judgment. There is real risk that, if we adopt this now, and there is a criteria in policy GD5 on page 87, it really could have the effect - and I believe it would and this is the advice I am given - that if it is just an aesthetic benefit as a test of its own, it has the potential to undermine the whole intent of this policy.

[16:45]

The policy is there for the reasons of sustainability to reuse energy conservation and of course all the way throughout the plan, we have sought, and I think there is a long history of this, to move away from the position where buildings were automatically demolished. Get rid of them. We probably all remember back in the days when we filled west of Albert, we filled La Collette. What happened there? All of our buildings were rubble. Every building we wanted to redevelop got knocked down and that is where the waste went and we had to reclaim land as a result of it. We have moved away from that. We now have policies that require waste to be managed and, as a result of that, we have recycling of demolition waste by about 40 per cent, which is pretty good but we would like it to get better. We need to do that but of course we need to take it into account in our future policies. Carbon emissions, building performance and energy performance all should feature in those judgments. I am quite distanced from it now. Once upon a time, I used to have to make planning decisions myself. Nowadays, these things have become so sophisticated, I will need to rely on the judgment of others. I am being advised, if we adopt this amendment, there is a significant risk that we will effectively undermine the effectiveness of the policy because it will create a degree of subjectivity as to whether it is practical from an individual's perspective and it would leave the policy weak and open to interpretation. In that case, we would have no leverage to ensure that any building fabric is retained. Apart from listed buildings of course, that would apply. Also, I think it would be a retrograde step in our journey towards reducing carbon emissions which are embedded in new development. I think really the emphasis should be on having a planning process that works with architects, designers and others to see how they can use whole or parts of existing buildings within their design, but that is the advice I am given. With regret, I do not feel comfortable about it. I wish we would have had the chance to have that discussion but we have not so we need to make a choice today, so the recommendation I am coming forward with is not to support it. I do believe we want the same thing because we have policies on design and we can make those judgments. There is still scope no matter what policies we have. At the end of the day, planning law allows for decisions to depart from the development plan. It is just that if they do, the reasons need to be stated and explicit. I cannot support it.

6.1.2 Deputy K.F. Morel:

I am speaking in support of the Minister on this one because while I agree, I think Deputy Labey's proposition or proposed amendment is perfectly well-intentioned, I do feel he is creating a loophole especially when there is reference to the aesthetics which means that anything will get through. As a member of the Planning Committee also, I am quite surprised to hear Deputy Labey bring this proposition in this way because I have seen time and time again in many ways, I guess, the opposite of Deputy Labey's experience but what I see is plain to all. "We cannot just repair and refurbish this. It is far too expensive. It is too difficult. It was built in the 1950s or 1960s. It needs to be demolished. We need to bring it down." I hear this time and time again and, as a member of the Planning Committee, you do not really have anything to go on. "Well, that person is a structural engineer. That person is an architect. They know better than me. We will have to give them permission for this demolition." I just think in this day and age when we are constrained in terms of materials, when we are trying to inject an element of sustainability into Jersey's overheating construction sector and a construction sector which is not grasping the opportunity to rebuild in a sustainable manner, this amendment will just give greater leeway to architects, engineers and developers to say: "Just pull it down. We cannot do it." I bring Members attention to - and this is something else I have previously mentioned to the Assembly - the winners of the 2021 Pritzker Prize, which is the premier international architectural prize, and Anne Lacaton and Jean-Philippe Vassal who won that. Part of the reason they won it was because, while they did do new builds, a large part of their work was very much focused on refurbishing buildings that were previously earmarked for demolition. The jury, in their citation for that prize, for instance, referred to a 17-storey 96-unit city housing project that was originally built in the 1960s. It is exactly the sort of thing that you would ordinarily say: "You need to bring it down." It is a bit like Cyril Le Marquand House. "We just need to bring it down." The architects did not pull it down. Instead, they increased the interior square footage of every single unit in that building just by changing the original facade and they extended the footprint of the building to form bioclimatic balconies for the once constrained living rooms that now extend into new terraces as flexible space featuring large windows for unrestricted views of the city. Thus, they re-imagined not only the aesthetics of social housing but also the intention and possibilities of such communities within the urban geography. That is all within a single 17-storey early 1960s building. They transformed it. They did not need to knock it down. Similarly, the jury went on to say that the framework that the architects used transformed 3 other buildings consisting of 530 apartments. The transformation resulted in a dramatic visual reinvention of the social housing complex, the modernisation of elevators and plumbing and a generous expansion of all units, some nearly doubling in size without the displacement of any residents and for one-third the cost of demolishing and building anew. Their work solves constraints and problems, finds spaces and creates new uses and they do it without demolition. This is why I am surprised that Deputy Labey has brought this because I fear that the amendment, as proposed by Deputy Labey, will just open the floodgates because anything can be justified on aesthetics. Aesthetics are entirely subjective so: "Sorry, that is a 1960s building. I really do not like the way it looks. We need to demolish it" is what this amendment brings. So, I really do ask Members to reject this amendment, as well-intentioned as it may be, because I fear it opens the floodgates to Jersey just going down the road of demolition and rebuild. Not only will that mean more building works in Jersey which is not sustainable but that, in itself, would push even further the price of building in Jersey as such projects take longer, they are grander, they are more involved and so our already limited construction sector would be forced to raise their prices, I have no doubt. So, I am very much with the Minister on this one and I ask Members to reject the amendment.

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

I was on a Planning Committee with Deputy Labey and one of the greatest challenges we had was demonstrating that good old talent of common sense. I think the majority of the time when we sat pontificating, normally on site, was looking at some buildings of no real interest, 1960s and 1970s of

not the most fantastic period of construction in the Island aesthetically, and looking at something where it is build up into a bank. There is so much damp, literally the tanking would go on for ever to try to fix it and the efficiencies within the sound and the heat insulation both between the floors and the outside, it was just ready to go. When you combine that with modern methods of construction - and I am honoured to be on the committee with Deputy Labey looking into this - you are drifting forward to a world where the aggregates you need or crushed granite you need to build a house in M.M.C. (Modern Methods of Construction) is now down to zero. Yes, of course you need some within the foundations but the efficiency, the reduction in labour, the reduction in cost, because it is all obviously built in a factory and shipped in, just makes absolute common sense to be able to be allowed to look at something and say: "Yes, this needs replacing. It has had its day. Thank you to the many families that have probably lived in it for 30 or 40 years but it needs a total change." We use the word "subjectivity" and virtually everything on the Planning Committee is subjective, at the end of the day. Yes, we have guidelines but they are subjective because if it was 100 per cent prescriptive, which is what we are suggesting here, there would be no need for the Planning Committee because it would be so brutally black and white. Let us have some common sense here. Let us look at refreshing some of the homes that were lovely for families and their lifestyle. They need changing. They are not as attractive as they could be. New architecture. Great vision. I am totally supporting the Deputy on this one.

6.1.4 Senator K.L. Moore:

Just briefly, I am interested to follow the Deputy of St. Peter as I would beg to differ. I thought he was arguing in favour of the Minister on that one. When we think about common sense, Cyril Le Marquand House does strike me as the obvious one. We have a reclamation site that is absolutely full at the moment and the Minister has kindly accepted my amendment 63, which moves towards a circular economy, so what comes down has to be put somewhere. It has to be used for something and if we are going to move to a proper circular economy where we are minimising waste to improve the outcomes of the future, then it makes absolutely no sense to be demolishing buildings even if it were to use modern methods of construction to erect something in its place. As Deputy Morel pointed out, there are many very aesthetically pleasing ways to improve buildings and make them more modern and relevant to their particular architectural period of the time but demolishing is something that we really need to move away from. I think it is one of the worst crimes that this Assembly has committed in allowing the demolition of Cyril Le Marquand House. It should have been made available for housing. We have a housing crisis and that, for me, is a demonstration of common sense to meet the needs that we have and to remove the need to create waste that is unnecessary.

6.1.5 Deputy G.J. Truscott:

I am pleased to follow the Deputy of St. Peter and we have both served for some time on the Planning Committee and, likewise, with Deputy Labey. For me, what this proposition or amendment brings is just giving the Planning Committee and the planners that little extra latitude to introduce a bit of common sense. I think, ideally, every time it should be yes, we should see if a building is worth saving from a carbon footprint and all of those things. The latitude that I am speaking about is that there are so many things when we are considering something like this. I can think of one instance recently where the gable end of a property had huge cracks in both ends of the gables, there were cracks under the lintels, water was pouring in the back of the house and, quite frankly, it should have been condemned in the condition that it was. The proposals going forward in this particular application, which is done and dusted now and put to bed, were, in my mind, that it would greatly enhance the landscape, street scene and would have overall benefited from the likes of modern construction with more thermal properties which, let us face it, going forward, these are essential. So I will be supporting Deputy Labey with this amendment. It just gives that extra latitude for the committee to make a balanced judgment of the best way to progress rather than being stuck. It is not all about aesthetics. As I have just said, there are other considerations. Some properties would

benefit from a Raven barrier inserted and all that type of thing, which is very costly. There are loads of different considerations when we are adjudicating on such applications. So I just think this makes common sense and it gives the Planning Committee the ability to be a bit flexible with the rules going forward.

The Deputy Bailiff:

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

[17:00]

6.1.6 Deputy R. Labey:

I am so pleased that Cyril Le Marquand House came up because I was saving that for my summing up. This is another thing that annoys me with the policy as it is, which is that the Government is continually saying: “Do as we say and not do as we do.” It is okay for us to completely demolish Cyril Le Marquand House and rebuild because we can use the overarching public benefit of having new offices for all the civil service in one place. I say to Deputy Morel, by the time GD5 comes into play, it would have had to have been established that there is absolutely no merit to the building that is standing. The Assembly knows me well. I am absolutely passionate about saving buildings, especially listed buildings and buildings of merit, where they can be saved. By the time this GD5 comes into place, it is established there is no merit in what is standing. It is about how it is replaced or refurbished. It is not just about the aesthetics. It is about practicalities too and the potential of perhaps getting 2 units on a site that was one if it is appropriate. We know what the aspiration is and Senator Moore encapsulated it that absolutely we should not be demolishing if we can absolutely help it. The policy says this loud and clear but what this extra Article does is - and I thank Deputy Truscott of St. Brelade because he could have summed this up for me - it gives an open, transparent and honest common-sense ability to the committee to sanction a rare demolition if it is absolutely the best and most practical option. I maintain the proposition, and I ask for the appel.

The Deputy Bailiff:

The appel has been called for. Members are invited to return to their seats. Those joining the meeting via the Teams link are asked to cast their votes in the chat channel and I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I can announce that the 82nd amendment has been adopted.

POUR: 30		CONTRE: 11		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Senator S.Y. Mézec		
Senator S.C. Ferguson		Connétable of Grouville		
Connétable of St. Helier		Connétable of St. Clement		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of St. Saviour		Deputy J.H. Young (B)		
Connétable of St. Brelade		Deputy K.F. Morel (L)		
Connétable of St. Peter		Deputy G.C.U. Guida (L)		
Connétable of St. Mary		Deputy M.R. Le Hegarat (H)		
Connétable of St. Ouen		Deputy S.M. Ahier (H)		
Connétable of St. Martin		Deputy R.J. Ward (H)		
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy of St. Peter				
Deputy of St. John				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those voting contre: Senators Moore and Mézec, the Connétables of Grouville and St. Clement and Deputies Southern, Young, Morel, Guida, Le Hegarat, Ahier and Ward.

7. Island Plan 2022-25: Approval (P.36/2021) – forty-eighth amendment: Tall Buildings (P.36/2021 Amd.(48))

The Deputy Bailiff:

The next is the 48th amendment lodged by Senator Ferguson and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that – (a) within Policy GD7 the words “Development of a tall building of over 8 storeys within town will only be supported in exceptional circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impacts. Development of a tall building over 8 storeys will not be supported outside of town.” should be deleted and replaced with the following words: “Development of a tall building of over 5 storeys within town will only be supported in exceptional circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impacts. Development of a tall building over 5 storeys will not be supported outside of town.”; and (b) the draft bridging Island Plan 2021 be further amended in such respects as may be necessary consequent upon the adoption of (a).”

Senator I.J. Gorst003A

Sir, it is Senator Gorst here.

The Deputy Bailiff:

Yes.

Senator I.J. Gorst:

I wonder if we are struggling with Senator Ferguson's technology because I do know there has been a problem with Wi-Fi and electricity in the west of the Island for parts of the day. She is there now, Sir. I hear her.

Senator S.C. Ferguson:

I am sorry, Sir. I got lost in the email of the amendments.

The Deputy Bailiff:

Yes, anyway, we have just called your amendment so are you going to speak to your amendment 48 dealing with tall buildings?

7.1 Senator S.C. Ferguson:

Yes, it is very short. Basically, it is an amendment originally and I take no credit for this. It was brought by Deputy Debbie De Sousa of No. 2 District in 2014 where she spoke against too many high buildings. Now very high buildings in town make for wind tunnels and the evidence for this is, for instance, with the recent trio of storms we had last month where, around the town as a whole, the wind speed was something like 55 to 60 miles an hour but the wind speed around the harbour where there are a lot of tall buildings was something like 88 miles an hour. Now we want town to be somewhere pleasant and people sized to live and if we insist on pushing people into very tall buildings, then we end up with a lot of wind tunnels and it makes it more difficult for pensioners to get out and walk around. It makes it difficult for mothers with children and if the lifts go out of order, then you have mothers with children and prams trying to get down 8, 10 or 12 storeys and the whole thing makes town something approaching the Gorbals in Glasgow and it is just not good enough. I have lived in a city where they had a lot of tall buildings. Manhattan in fact. On days when the wind was blowing, it was really quite unpleasant so we want to keep town people-sized, we want to make it friendly and, frankly, most of the people or an awful lot of the people in this States Assembly live in the country. They have nice views of green fields and brown cows, as one previous Chief Minister said, so I really do not feel that sort of cramming people into more and more high-rise apartments in town is the answer to this. I think we really do have to consider it more carefully in terms of making St. Helier a pleasant place to live.

The Deputy Bailiff:

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

Connétable J. Le Bailly of St. Mary:

I was just trying to make you aware that my microphone does not work. I did try to get your attention before Deputy Labey because I would have said something.

The Deputy Bailiff:

I am sorry. Yes, do you want to speak now?

The Connétable of St. Mary:

Well, I was just in support of whatever he said, Sir, and I did vote for that.

The Deputy Bailiff:

All right, that was the last debate, was it not?

The Connétable of St. Mary:

Yes, Sir.

The Deputy Bailiff:

Do you have anything you want to say about this amendment?

The Connétable of St. Mary:

Not at all, Sir.

The Deputy Bailiff:

Well, we are very grateful for that intervention. Does any Member wish to speak about this amendment?

7.1.1 Deputy J.H. Young:

I would hope that other Members would take up the issues. I think we all want to make sure we avoid having tall buildings out of context and in the wrong place where they create the kind of horrible environments the Senator envisages. I think, in an earlier debate, we were reminded of some of the horrible 1960s and 1970s developments in London. I can remember very well part of the urban jungle I was brought up in; horrible places. Thankfully we have learnt from that and those kind of high-rise blocks. In fact, I worked for Newham when one of them fell down with a gas explosion. I remember that very well indeed. I should not laugh - people lost their lives, sadly - it is inappropriate, but what it illustrates is the kind of push for tall buildings and system building as something which, frankly, those days are behind us. These days you expect architects to recognise that when you create urban environments, you need to create physical environments where people are in a decent place to live. That means space between buildings and in the right place. That is what the draft plan that we have got today seeks to do. On the other hand, and there is no getting around this, we do need to concentrate or least direct most of our development needs to our built-up areas. That means using efficient use of land that is already developed. I do not think you can sort of dismiss: "Let us have a blanket no" on the height of buildings. I think it needs to be a much more selective policy than that because that is what planning is about; you are going to make judgments. The reason, following on from the last debate, that is why we have planning policies, to help them make that judgment, rather than just rely on what we think and our own preferences. We might as well do that, just make it all subjective, but no, we do not. We have firm planning rules and processes to help those judgments. What the policies in the plan seek to do is to set out a range of policy tests to ensure that where a taller building is proposed, it is appropriate in the context. What we have done also, there has been a great deal of effort to produce detailed guidance for the town of St. Helier. I am just trying to find where we have published that. I am sure we have published it in the Island Plan. We have published a table drawn from Mr. Miller's character study of St. Helier. It is on page 92 and it sets out the range. Here we have got one, 2, 3, 4, 5, 6, 7, 8, 9, 10 different character areas, all different, where guidance is provided, ranging from areas, single-storey to 2 storeys, 3½ storeys and then 6 storeys in certain areas.

[17:15]

Then in the waterfront area - and I think possibly we are going to go on to discuss the amendment, I believe, from Senator Gorst shortly - talking about 8 storeys, but of course what we have seen is ... I do not know how this happened. I certainly had no hand in it. I think the decisions on the Horizon buildings which, frankly, to me, stick well above the general prevailing heights of the building ... and I know I have come to the shop, the people who live in the buildings next door in Castle Quay, who thought they would be the highest around, only to find they are sort of trumped with another set of floors above. I think that is one where gets ... I think those decisions, they are very, very longstanding. I do not know when those decisions even related from, but I think that is an example of the sort of things that if we did not get this guidance right, we can go wrong. I do not dismiss the Senator's amendment. I think the point is how do we do this best. I have to go back, because that is the advice I have given and I believe it, to trying to have a set of policies that are structured, that provide tests,

that have got process and do not have a situation where we can just make our own judgments because we think we like it. What do we know about St. Helier particularly, because obviously this is really about the town area? The height of the historic town is around 3 to 3½ storeys, but it is true - the Senator is right - that 20th century additions have grown much taller in places and we know how people felt about Cyril Le Marquand House. I am not sure how many storeys it was. Was it 10, 11?

Senator S.C. Ferguson:

Nine.

Deputy J.H. Young:

Thank you very much, Senator. I seem to remember there were quite large ceiling heights in Cyril Le Marquand House, so my guess is that they are probably the equivalent of higher than that, but 14 storeys in a few locations and the Esplanade. But what we have seen of course is the Esplanade, that 6 to 8 storeys has become the norm. My own view is that certainly I remember - most of us probably do - when they were all warehouses and low buildings, 2 to 3 storeys. When I came to Jersey, that certainly was, but we have seen that developed now into our office district, where they are now predominantly 6 to 8 storeys. I think the Island has adjusted to that. I worry about when you get these excrescences start popping up over the top with air-conditioning stuff and all this kind of thing. This is a general push upwards and somehow or another I think we need to guard against that, but nonetheless I think we have learnt, the town has learnt, to accommodate that change. Of course what we have not done yet is to provide all the other things that need to go on in the waterfront and Esplanade area to provide the public amenities. We desperately need that to go with tall buildings and that is a challenge, please, for the next ... and one of the things I have done is asked for a planning inquiry on that in the future and that will help those Members that are in office try to achieve that. I think the Senator's proposition suggests - I believe I understand it right - sets a threshold of 5. It says 5. It says here that anything over 5 storeys has to be exceptional. I think that is too ... it is unduly restrictive and I think really I rely on the planning inspector's judgment on this, where they heard evidence on it and they said: "On balance, we think the criteria [which is the high buildings policy in the plan, which is GD7] adequate to protect the built environment and would not create a blanket carte blanche to develop high buildings, as feared by some. The policy accords with the general strategy of the plan to concentrate development in the urban areas and the best use of brownfield lands. Mindful of the problems buildings higher than 4 to 5 storeys can create, we consider the policy is reasonable and recommend it for adoption as drafted." I think that is the advice I am giving to Members. The Senator is right to bring this for discussion. Again, all these things are a question of choices, but the work done by the urban character study plainly indicates there is scope for higher buildings in the waterfront area, but again, absolutely essential that the spaces in between are human spaces, that they provide the sort of quality of life for the people that live there and that needs to be a function of the final design of what is done there. There should not, in my view, be decisions made on any development until we are clear that is the case, so I shall not be supporting the amendment.

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

I will say that I am going to support Senator Ferguson's amendment. I fully agree with it. I think over the years, in fact, as long as I have lived in Jersey, it has also been said the population increase will be in St. Helier. Even the Constable of St. Helier has agreed with that wholeheartedly, but there comes a time when enough is enough. It is one thing saying people are going to come in and we are going to build higher. I am just looking at the States of Jersey Development Company document, where they are talking about the third stage of consultation on what their plans are for the waterfront is now complete. They said: "The design team has responded to comments by reducing the height of the taller corner buildings by 3 storeys to a maximum of 8 and bring the Gateway building down from 16 storeys to a maximum of 12." This body, the States of Jersey Development Company, has almost had carte blanche for what they wanted to do on the waterfront, and if they had their way, it

would become ... sorry, St. Helier and the waterfront would become the equivalent of Hong Kong, with tall, high buildings, having lots of people there. A 16-storey building or even a 12-storey building stuck on the edge of St. Helier, jutting out above Elizabeth Castle, would be totally inappropriate, in the same way that many of the buildings in St. Helier, if they creep up above their existing levels, will change the whole character of St. Helier for ever. I really do think, rather than just saying: "Trust the planners. Trust us, we will decide on the merits of each one" I think we should at this stage put a cap on the size of buildings. I wholeheartedly agree with Senator Ferguson and say 8 storeys is enough. I do not want 12, I certainly do not want 16 and if they get away with one, they will get away with half a dozen.

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

I am grateful to Senator Ferguson for the chance to commend Deputy De Sousa for her work in the Assembly before she left us, and in particular she revived the flagging St. Helier Battle of Flowers Committee, and that is all down to her that that is still going on 10 years or so after she left the Assembly. But to get back to tall buildings, and I am only going to speak once on this subject, the picture Senator Ferguson paints of people struggling down with pushchairs and struggling up to high buildings in wind tunnels is not really fair. If it were, I would probably agree with her. It is interesting in particular that the tops of these tall buildings are often the most popular ones for the residents, and I am not thinking about the new ones that are being built on the waterfront, I am thinking of Convent Court, which has been really well and sensitively refurbished by Andium Homes. I am thinking of talking to pensioners living at the top of that building and loving the views and really enjoying ... I know that those flats are really quite popular in our taller units of social housing. As I think we all understand, it is not really the height of the building that matters, it is what is below. It is how much open space is provided for the community living in that tall building; it is whether there is a really good community centre supporting the residents; it is whether there are shops and other services within easy walking distance. There are of course issues around the lifts. Of course, if the lifts do not work properly, if they are not high-speed lifts, if they are not really good or really well maintained, then people can be isolated, but by and large living in a tall building is not a bad thing. It can be a really enjoyable experience. Interestingly, Senator Ferguson spoke about the fact that everybody wants to live in the countryside and enjoy looking at cows, and I think brown cows in green fields. Ironically, it is the very fact that St. Helier has been willing to take the burden, the bulk of the housing needs, that those fields and those cows are there for us to enjoy. They are not just there for the people to enjoy who happen to live next to them, they are there for the St. Helier residents to enjoy when they leave the town to enjoy the countryside and coast, that their willingness to live in a high-density environment is making possible. It is not really as simple as to say that living in a tall building is a bad thing. Deputy Higgins never misses a chance to have a swipe at the Jersey Development Company and he did not let us down today. We have to decide whether we think that his interpretation of what is happening down the waterfront is the right one or whether what Jersey Development Company have been consulting us about quite a lot is going in the right direction. I am not going to make a comment about the height of those buildings at the moment because that is a matter for another day. He did say that I wholeheartedly support St. Helier taking the housing of the Island and I am afraid that is not entirely correct because every time I have said - and I just did it now, if Members were listening - that St. Helier accepts the housing burden, if you like. That word, I do not myself use it. I always caveat it, I always say there is a quid pro quo. You cannot expect St. Helier residents to live in more dense environments without providing them with the services they need, the parks, the community facilities, the transport links and so on. There is always a caveat and if there was not, then we might be looking at somewhere like the Gorbals, though I confess I have not been there and I do not want to speak out of turn. It may be a fabulous place. I think that the Island Plan, as the Minister has brought forward, is right. It is not being too prescriptive, it is allowing taller buildings where they can be justified and I do not think that this prescriptive cap being suggested by Senator Ferguson is the way to go and I will not be supporting it.

7.1.4 The Connétable of St. Mary:

I am going to use one of Deputy Tadier's favourite words: dichotomy. If we do not build up, we have to build out. It is quite as simple as that. You either increase your heights or you increase your footprint and Jersey is always moaning about the footprint, so surely it makes much more sense to build higher, especially in town.

7.1.5 The Connétable of St. Brelade:

Briefly, because I am conscious of the time. I just want to draw attention to the fact that by increasing building height, we also have to increase the facilities and the infrastructure to deal with it, particularly with regard to the fire service and emergency services, who may not be prepared at this point in time to deal with the higher buildings, so that inclines me to vote in favour of the Senator's proposition. Is it in order now to propose the adjournment?

The Deputy Bailiff:

Thank you very much. Is the adjournment seconded? **[Seconded]** Does any Member wish to speak on the adjournment? No. In that case, the Assembly is adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:28]