

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd MARCH 2022

PUBLIC BUSINESS - resumption	4
1. Island Plan 2022-25: Approval (P.36/2021) - forty-first amendment: States' Owned Land (P.36/2021 Amd.(41)) - amendment (P.36/2021 Amd.(41)Amd.) - resumption....	4
1.1 Deputy G.C. Guida of St. Lawrence:	4
1.1.1 Senator I.J. Gorst:	5
1.1.2 Deputy M.R. Higgins of St. Helier:	6
1.1.3 Senator S. Y. Mézec:	7
1.1.4 Deputy J.A. Martin of St. Helier:	9
1.1.5 Deputy S.J. Pinel of St. Clement:	10
1.1.6 Senator L.J. Farnham:	11
1.1.7 Deputy L.B.E. Ash of St. Clement:	12
1.1.8 Deputy G.P. Southern of St. Helier:	14
1.1.9 Connétable A.S. Crowcroft of St. Helier:	15
1.1.10 Deputy S.G. Luce of St. Martin:	16
1.1.11 Deputy J.H. Young of St. Brelade:	17
1.2 Island Plan 2022-25: Approval (P.36/2021) –forty-first amendment (P.36/2021 Amd.(41)) - as amended	20
2. Island Plan 2022-25: approval (P.36/2021) – one-hundred and third amendment: Five Oaks Masterplan (P.36/2021 Amd.(103))	21
2.1 Deputy J.H. Young (The Minister for the Environment):	22
2.1.1 Deputy K.C. Lewis of St. Saviour:	23
2.1.2 Deputy J.H. Perchard of St. Saviour:	23
2.1.3 Deputy L.M.C. Doublet of St. Saviour:	24
2.1.4 Deputy K.F. Morel of St. Lawrence:	24
2.1.5 Deputy R. Labey of St. Helier:	24
2.1.6 Connétable S.A. Le Sueur-Rennard of St. Saviour:	25
2.1.7 Deputy K.G. Pamplin of St. Saviour:	25
2.1.8 Deputy J.H. Young:	26
3. Island Plan 2022-25: Approval (P.36/2021) - seventeenth amendment: Use of Field MN489 for Over-55s Homes (P.36/2021 Amd.(17)).....	28
3.1 The Deputy of St. Martin:	28
3.1.1 Connétable K. Shenton-Stone of St. Martin:	29
3.1.2 Deputy J.H. Young:	30
Mr. M.H. Temple Q.C., H.M. Attorney General:	31
3.1.3 Connétable R.A. Buchanan of St. Ouen:	31
3.1.4 Connétable P.B. Le Sueur of Trinity:	32
3.1.5 Connétable R. Vibert of St. Peter:	32

3.1.6 Deputy D. Johnson of St. Mary:	32
3.1.7 The Connétable of St. Saviour:.....	32
3.1.8 Deputy R.J. Ward of St. Helier:.....	32
3.1.9 The Deputy of St. Martin:.....	33
4. Island Plan 2022-25: Approval (P.36/2021) - ninety-second amendment: Policy H8: Housing Outside the Built-up Area (P.36/2021 Amd.(92))	35
4.1 Deputy J.H. Young (The Minister for the Environment):	35
4.1.1 Senator K.L. Moore:	37
LUNCHEON ADJOURNMENT PROPOSED	38
LUNCHEON ADJOURNMENT.....	38
4.1.2 Connétable D.W. Mezbourian of St. Lawrence:.....	38
4.1.3 Deputy J.H. Young:	39
5. Island Plan 2022-25: Approval (P.36/2021) - twenty-sixth amendment: Amendments to Policy H8, Policy SP2 and Policy PL5 (P.36/2021 Amd.(26))	41
5.1 Senator K.L. Moore:	41
5.1.1 Deputy J.H. Young:	42
5.1.2 The Connétable of Trinity:	43
5.1.3 Deputy R. Labey:	44
5.1.4 Deputy K.F. Morel:.....	44
5.1.5 Deputy R.J. Ward:	45
5.1.6 Deputy I. Gardiner of St. Helier:	45
5.1.7 The Deputy of St. Martin:.....	46
5.1.8 Deputy L.B.E. Ash:.....	47
5.1.9 The Connétable of St. Ouen:.....	47
5.1.10 Senator K.L. Moore:.....	47
6. Island Plan 2022-25: Approval (P.36/2021) - ninety-third amendment: Policy ME1 - 20 per cent Reduction in Target Energy Rate (P.36/2021 Amd.(93))	49
6.1 Deputy J.H. Young (The Minister for the Environment):	49
6.1.1 Senator S.C. Ferguson:	50
6.1.2 Deputy G.C. Guida:	51
6.1.3 Deputy R.J. Ward:	52
6.1.4 Deputy J.H. Young:	52
7. Island Plan 2022-25: Approval (P.36/2021) - eighty-first amendment: Changes to Passivhaus Policy (P.36/2021 Amd.(81)).....	53
7.1 Connétable M.K. Jackson of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):.....	54
7.1.1 Senator S.C. Ferguson:	56
7.1.2 Deputy R.J. Ward:	56
7.1.3 Deputy M. Tadier:.....	57
7.1.4 Deputy J.H. Young:	59
7.1.5 Deputy G.C. Guida:	59
7.1.6 Deputy K.F. Morel:.....	60
7.1.7 The Deputy of St. Martin:.....	61
7.1.8 Deputy R. Labey:	61
7.1.9 The Connétable of St. Brelade:.....	62

8. Island Plan 2022-25: Approval (P.36/2021) - ninety-fourth amendment: Policy CI1 Education Facilities - Consolidated (P.36/2021 Amd.(94)).....	64
8.1 Deputy J.H. Young (The Minister for the Environment):	64
9. Island Plan 2022-25: Approval (P.36/2021) - sixth amendment: Education Estates (P.36/2021 Amd.(6))	65
9.1 Deputy I. Gardiner:	66
9.1.1 Deputy J.H. Young:	67
9.1.2 Deputy R.J. Ward:	69
9.1.3 Deputy L.B.E. Ash:.....	70
9.1.4 The Connétable of St. Saviour:	70
9.1.5 Deputy R. Labey:	72
9.1.6 Senator S.Y. Mézec:	73
9.1.7 The Deputy of St. Mary:	75
ADJOURNMENT.....	75

[9:32]

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

PUBLIC BUSINESS - resumption

1. Island Plan 2022-25: Approval (P.36/2021) - forty-first amendment: States' Owned Land (P.36/2021 Amd.(41)) - amendment (P.36/2021 Amd.(41)Amd.) - resumption

The Deputy Bailiff:

We return to the 41st amendment. We are debating the amendment to the amendment, lodged by the Minister for the Environment. Does any Member wish to speak on the amendment to the amendment?

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

Once more we are faced with Reform's rather puerile view of how economics work, which is made easier by the complete disregard for the laws of physics. We have seen this before. When you get into a bus there is somebody asking you for money, it is troublesome, it is expensive, why do we not do without it? Just get in, do not pay, much easier. They are free, they will use it more, and it will be much simpler. Less work to do. Here we have again exactly the same problem. Not enough cheap homes in Jersey so the only thing we can do of course is order people to build cheap homes. We do not have to consider the market, we do not have to consider why those homes are expensive, we just order people to make them cheap. Simple. I call it the Venezuelan school of economics. When it is expensive, shave the price. The shop cannot fix the price, nationalise the shops. The shops cannot buy the flour, nationalise ... oh, wait, they went to Colombia now so we do not have them and we are the country with the most petrol on the planet and one of the poorest economies. What a shame. So, we have the same problem here where we are trying to ask economic actors, people who run the economy, you just want to force them to do something. So let us say, for example, I am Ports of Jersey, I have got this nice land, and I know that if I build an apartment building on top of it, it is worth at least £20 million. That is what it is like on my spreadsheet. Now the Assembly will decide that: "No, no, no, you must not make money on it. We will consider that £20 million do not exist because you already have them so why account for them." This is my asset, this is my treasure. No, you already have them so like Senator Mézec already has a guitar, that guitar is worth nothing because he already owns it. He has paid for it, he has it. It is worth nothing. He should be able to give it way for free. It is the same with Ports of Jersey. They have this big site, let us make it worth nothing. That will not change anything. We are just asking them to make it worth nothing so that we can give apartments, we can try to make apartments cheaper. What will happen? They have this thing on their spreadsheet saying £20 million now it is zero, so this year they do not need to pay a dividend and they do not need to pay taxes because they have just lost money. That is because we told them what you have is worth nothing. They could be smarter and say: "Well if we develop it and earn nothing, so we spend 2 years working like madmen to try to develop it and then it is worth nothing we could just sell it. I wonder what we are going to do. I wonder whether we are going to keep that land that is so much trouble or are we just going to sell it to somebody else to develop. The same with the States. We own sites, they are worth hundreds of millions until about 10.15 today, when they will be worth nothing. What do we do as the States, as the Government? Do we just write them off and say: "Yes, we had this in our spreadsheet, it is the sort of capital that we borrow against and everything but right now it is not going to be worth anything because it is very important that we make cheap apartments"? Either, we sell them to other people, we build offices instead. That is what I would do if I was S.o.J.D.C. (States of Jersey Development Company). So, Ports of Jersey just sell, S.o.J.D.C. go back to building offices. It is not that we really need them but this will not be affected by this particular proposition. Let us just build them. Let us just build offices and forget about all those apartments that are so troublesome. All of the housing in Jersey is expensive. Not just the 10 lowest percent; all of it. The only way that we make all of the housing in

Jersey less expensive is by having more of it. To have more of it we need to encourage people to develop it, to build it. If we put obstacles in their way, if we say, “Yes, you can develop, you can spend years of your life developing this but you cannot make any money.” Forget about profits, forget about enhancing your life in doing this, just do it for free. It is not going to happen. Yes, we may have a few more affordable homes available in the Gateway but the rest of the market is going to separate itself and continue going away. It is going to be even worse because if we build less there will be less availability and prices are going to go up. Again, it is this thing but, you know, the price is £500,000 but if I take my Sharpie and I write a 3 instead of a 5, look, I have solved the problem. You do not look back, you do not look at the price of aggregate, which we are going to look at here in a few days. If you have to important them that is expensive; building becomes more expensive. We do not look at the cost of builders, you do not look at the value of all these things on a spreadsheet. Let us think about all that. There is no easy solution that we can take in 15 minutes, there is no easy decision that will all of a sudden change the housing market. The housing market needs more houses. That is the only thing that it needs. So, everything that we do today that detracts from that, that makes it more difficult to build houses, is going to be a hindrance and is going to make the market worse.

1.1.1 Senator I.J. Gorst:

Yesterday a number of speakers spent their contribution talking about their angst in regard to this amendment and Senator Mézec’s amendment as well. I fear that my comments are just going to add to that angst. Because let me be clear, I think that S.o.J.D.C. and Andium do an excellent job on behalf of the Government and on behalf of Islanders.

[9:45]

But they are the servants of Islanders and they are the servants of the Assembly. Not the other way round. It cannot be the other way round. But I do congratulate them on the work that they have done to date. What both of these amendments refer to is setting parameters to which those government-owned bodies should work in the future. The reason I am in angst this morning is because I broadly like the Minister’s amendment. It allows for appropriate flexibility. It allows for appropriate consideration of viability, which is extremely important. It allows for assisted purchasing rather than simply continuing to talk about affordable housing. But where I am greatly disappointed is that it points again to the 15 per cent. We had this debate some months ago and at that point I was reassured by my Ministerial colleagues that 15 per cent was a floor and that they would do everything that they could to rise above that floor of 15 per cent, and I took them at their word. The reason I find it disappointing that this amendment has 15 per cent is it is quite simply that. We cannot say that we are aiming for more than 15 per cent and a number of months later come back and use the same 15 per cent as a floor. It is very challenging for those of us who accepted at face value what we were told during the last debate, where the same thing has happened again. The reason I like the rest of the Minister’s amendment is because I, like many Members in the Assembly, want to see the proposal that S.o.J.D.C. have got on the table and are going to outline planning permission, I want to see that delivered. That is a plan which is mixed use, with lots of public realm benefit, and to my mind this proposal, or these 2 proposals, should not be covering old ground. I would go so far as to say that I cannot see how there is a way that S.o.J.D.C.’s proposal for the waterfront would be captured by Senator Mézec’s amendment because we discussed that previously. Now the Minister uses not just the Island Plan that we debate in the Assembly but he also then goes away and his officials deliver complex supplementary planning guidance on all of these policies. Often that supplementary planning guidance can be frustratingly technical and adds much more colour and depth to the Island Plan. I do think that there is an opportunity in that supplementary planning guidance, perhaps as the Attorney General mentioned yesterday, for the Minister to, in that supplementary planning guidance, make sure and ensure that the S.o.J.D.C.’s plan for the waterfront is not caught by Senator Mézec’s amendment. Yesterday, we accepted Senator Mézec’s amendment about affordable housing on privately-owned sites. I know all of the reasons that we did that, having voted for the H3 policy

previously. Then when that policy was at the point of enactment it was clearly indicated by developers, their agents, builders and land owners that rather than helping the supply of housing it would hinder the supply of housing. I am very much of the view that we should be pulling every lever that we have to deal with the affordability crisis that we are now encountering. I think that Andium can help us with that. I think that the S.o.J.D.C. can help us with that. But I am absolutely not prepared in the current situation to accept a floor of 15 per cent. It does not appropriately deal with the situation that we face and it will not provide sufficient affordable houses for our community. I cannot be any clearer and I cannot accept an argument that suggests it does because it does not. I then swing back to my angst on Senator Mézec's proposal. There is some flexibility in that proposal, I accept that. I am uncomfortable that supplementary planning guidance is going to be able to do everything that I would like to see it do, i.e. carve out the waterfront, make sure that 100 per cent is not the floor but that we can come down from 100 per cent to give community gain, and therein lies the dilemma. Do we want a 15 per cent floor? I do not. Do I want 100 per cent floor? No, I do not. I want the flexibility to produce the maximum amount of affordable or assisted purchase housing while also ensuring that those sites are viable and give back community gain. I do not accept Reform's economic view that government-owned land is free. Of course, it is not free. There is a value to tax payers and I want to see us maximising that value to taxpayers to enhance community facilities of course, but not at the expense and detriment to maximising affordable housing. Having given my colleagues the benefit of the doubt last time round on the 15 per cent I cannot do that today, for all of the reasons that I have just outlined. I know that others will and I understand why they will do because they are worried about the waterfront, and I am too. But as I sit here I am really not sure equally whether I can go with Senator Mézec's original proposition unamended. That is why I did ask the Minister to amend his 15 per cent to, say, 50 per cent. That would have been a far more reasonable floor and I would have had no problem with that whatsoever. I find myself on this Tuesday morning, of 22nd March, facing a housing crisis, wanting to help solve it, as I think most Members do, and we know that from the way that they have spoken and voted throughout this debate; to allow for taller residential buildings, to support Senator Moore's dealing once and for all with the glasshouse issue because the crisis is so important - we have got no choice - and to rezoning some green field sites. There is no doubt that another part of the answer is and has to be building more affordable assisted purchase housing on States-owned land. I am afraid neither of these propositions, the amendment nor the amendment to the amendment, gives me comfort that we are going to get that equation right. But as we are speaking to the Minister's amendment, with a heavy heart, I am not able this morning to support it.

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

I might add I was not going to speak on the debate until I heard Senator Gorst. Senator Gorst I think, to quote Shakespeare, does protest too much. He was the Chief Minister for 6 years and all the policies he pursued have led to the current housing crisis. For him to talk about: "I cannot support this" ... first of all, let us go back to the first point. He is prepared to support 50 per cent if the Senator had brought that forward. But he cannot even support 15 per cent. Senator Gorst's policies, not only in the time he was Chief Minister but in other areas, have gone against trying to deal with a housing crisis. I go back to the point that in September 2020 the States passed a proposition that we produce a digital property register for both residential and commercial properties. The purpose was because direct investment was probably accounting for 30 to 40 per cent of the price rises we had at the time. Senator Gorst spoke out against one element of the plan, which was to use the Jersey Financial Services Commission, which is absolutely essential if we are going to find out who owns property through trusts and through companies. Yet he opposed that. He successfully convinced the States to oppose that. He did not argue against the other 2 elements of the proposition, but when it came to the vote, he voted against the lot. We have now been coming under pressure from the U.K. (United Kingdom) Government, because of the fact that many of the properties owned by Russian oligarchs and others in London are owned through offshore companies, many in Jersey. Jersey is one of the

leading players in this. Now, he is prepared to get a register for them and he says yes, ours is a priority. I do not believe it. Unfortunately, his record is such, I cannot believe anything that he says in terms of wanting to deal with the affordable housing crisis. It is unaffordable, because of his actions and the actions of his colleagues who pursued a particular type of economic policy. Coming to the proposition, I am going to support the idea of Senator Mézec. I have been in the States now for 13 years and I am fed up with the number of debates we have had about affordable housing. One, we do not know what affordable is anymore, because prices have gone up. It is only going to get worse. Secondly, we talked about using States-owned property for as long as I have been in the States. Unless we do something about it, we will be talking about it for the next 15 or 20 years, because there are elements in this Island who do not want us to house our people. Basically, all they want to do is build expensive luxury properties, which the vast majority of people in this Island cannot afford. I will be supporting the amendment, but I will not listen anymore to rubbish, I must say, by former Chief Ministers who did nothing.

1.1.3 Senator S.Y. Mézec:

I will not necessarily address comments made from the last speaker. Senator Gorst did make a very good speech on this. He raised some important issues. I noted he kept referring to the floor of 15 per cent. Floor, F-L-O-O-R, but I think he could just have meant flaw, F-L-A-W. That is what this policy is, it is flawed and it is setting us up to not get best value from the land that we own to address the housing crisis. That is why it makes Members like Senator Gorst, who politically has very little in common with me, feel uncomfortable about this. I would say to Members of the Government, go out there into your constituencies and ask the public what they think about this.

[10:00]

Do they think that, when we are losing green fields, using government-owned land to build homes, which we are designating 85 per cent of them to be unaffordable to the average Islander, they are pleased with that? I tell you, they are not. This is a Royal Square bubble idea that really does not meet the expectations of our constituents. I say to those Members of the Government, just for a moment try to live in the real world on this. Deputy Guida started his comments by referring to Reform Jersey's puerile view of economics. If you did not know what the word "puerile" meant, Deputy Guida helpfully demonstrated it for the rest of his speech with his frankly ludicrous comparisons with Venezuela. Please let us raise the standard of debate in here. There is nothing like Venezuela in what is being proposed in here; the sheer irony of it, where he spoke of this absurd idea that we can simply order people to make cheap homes. What has he just done with the green fields we have rezoned? That is exactly what they are rezoned for, to be told you can only build affordable homes on this at 100 per cent. He is criticising the Government democratically choosing to do this at the same time as requiring, forcing, those green field sites to have this same standard applied to them. What this amendment proposes is far more democratic, in terms of us choosing to manage our land differently. I reject this idea that this is not proper economics. Deputy Guida, very sensibly, used the comparison of guitars as an example, which is one that speaks to me personally, as that is something I am very interested in. I can say to Deputy Guida, if you wanted to buy a good Gibson Les Paul guitar, top of the range, it will cost you around £3,000. It will be made up of hardware and wiring, but the wood is the main cost, because they are made out of mahogany wood. If you have to buy that wood in the profit margin would be squeezed when you went to sell that guitar. However, if you have a mahogany tree in your back garden and you chose to cut it down and carve the wood yourself, you would get it for substantially cheaper. That is what we are talking about here. We own this land. We can choose to use it differently. In the past, we have sold off the land that we own at a nominal fee to the government-owned providers to make sure that they get best value for it. I recall times in the past where we have even sold land to Andium for £1, I believe, as a nominal fee, to transfer it to them, so they can get best value of it. When it came to the waterfront and South Hill, the financial guidance that we were provided to prove to us that it was simply impossible to build

more affordable housing on those sites, what was factored in? It was the S.o.J.D.C. paying the Government back market rates for that land. That is why it was apparently impossible to build more affordable homes. However, if we chose to do something different with that land, which we are democratically entitled to do, we can get better value for it and we can increase the proportion of affordable homes on those sites. That is within our gift to do so. Do not accept that this is impossible that we simply cannot find a financial arrangement above 15 per cent. When you hear those arguments from Deputy Guida and the like, and also consider what Senator Gorst said about this 15 per cent floor, the problem is it will not be the floor it will end up being the ceiling. You set that target and that is simply what they will work to and they will come up with their financial arrangement to prove that anything higher than that is impossible: "We cannot do more than that because we have to pay market rate for the land. We cannot do that because we have to provide 25 per cent shared equity, rather than 15 per cent shared equity. We cannot do that because of this. We cannot do that because of that." In reality, all these things are choices. Senator Gorst makes a point, which I agree with, which is that in some of these sites it is not just about the homes you are building, it is about the community provision as well. That costs money and some of that stuff will not be profitable. You will have to find funding for it somehow and if you mix that in with the rest of what you are developing and the money you will make from that then you can make it viable in some way. That is a perfectly good point and we all want to see that. We all want to see us get the best use, not just for housing, but for community provision and all the rest of it, on some of these sites. How is it that Andium Homes, which is not our provider for amenity facilities, but somehow still manages to factor it into their developments, like the new premises they will be making for Autism Jersey on the Ann Street Brewery site, for example. The fact they are offering to put in a youth centre as part of their development as well. Something that is not within their remit, they are able to do that. They are able to provide new open green space on their developments. They still provide £30 million back to the Treasury every year. S.o.J.D.C. in some years barely manages a penny spent back to us. That is meant, apparently, to be our vehicle for regeneration in St. Helier. Can anyone point out what regeneration we have as a result of that? They have widened the pavement on Conway Street. That is about it. In fairness, it needed to be widened. Now we are getting Midvale Road, about a decade after we first talked about those improvements. This model does not work. Deputy Labey, yesterday, in the closing speech of yesterday's sitting, started by making a point which I am really surprised that he is repeating. He made this point in a previous debate on this subject. I would have hoped, with the benefit of time, he would have thought it through a bit more to realise how absurd what he was saying was. He said for a second time that the Assembly, the democratically elected representatives of the people of Jersey, is the greatest threat to the plans of Andium and the S.o.J.D.C. Has he forgotten who works for who here? They are our delivery agent. We are elected by the people. We are accountable to them. We are the ones who set the plans. They are the ones who go out and deliver it. We are not their servants. It does not work that way round. If the S.o.J.D.C. come to the Government and say: "Jump" we do not say: "How high?" We say we believe this is what the people of Jersey expect us to deliver on their behalf, using the assets that we own. Very high up on their list of priorities is the housing crisis. It simply defies logic in the minds of most members of the public to believe that we will take land that we own and build homes that nobody realistically can afford and which will not raise the funding for those community provisions. Deputy Morel also made a good speech on this yesterday. He referred to the cross-subsidy argument and scarcity of land in one of the issues that affects the argument here. He used a word, and I guess sowed a seed when using this word that other Members have used since then, which is the word "inflexibility". That has been used to refer to my amendment as opposed to the Government's amendment to it. I would say that if we want to talk about inflexibility, the greatest inflexibility that we have imposed in this Island Plan debate so far has been on the green fields that have been rezoned. We still maintain greater flexibility in my amendment unamended and there will still be some form of viability test within that. There will be a degree of wiggle room, but your target of 100 per cent is set as high as it can be, so that you will have to make a very substantial effort before having to deviate from that, whereas if

you set it at 15 per cent that will simply be taken as the basic standard and that will be what they aim for. I have little else to say, because we will come back to this debate, either amended or unamended, depending on how this next vote goes. This really is our last chance to get something set in stone to protect the land that we own and get best use out of it. It is not a choice between community provision or affordable housing. We can have both. There are other funding options we can look at. We do not need to maximise the value out of every square inch of land that we own that could be used to provide the value of homes for people to live in which they can afford, which they can base their lives in, thrive, contribute into the local economy, because they have more money in their pockets than they otherwise would have, rather than packing these luxury investment properties that do not serve the need that the Government's own statistics tell them that we have in Jersey. This would be a serious missed opportunity if we do not go for it. It is something we will come to lament. Many members of the public will simply be bewildered by this. I say to the Minister for the Environment and his Government colleagues that he has no groundswell of support out there for this policy. I hope Members will reject it.

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

It is a pleasure to follow the Senator who, for the last 6 months, has been screaming that we have a housing crisis. It is not a problem. It cannot be described as anything less than a crisis. Every vote so far this week, him and his party have voted against putting new homes in Parishes where they are wanted for different reasons. We are back here again, the same debate as last year. They could not get 50 per cent, they could not get 30 per cent, now they want 100 per cent on government-owned land. The Government of Jersey and the States of Jersey own nothing. It is all the people's land, paid for by the people. Please accept that basic economic fact, Senator. People have paid for this over many, many years. When the Senator was questioned yesterday, by the Minister for the Environment asking for clarification, and asked if he would accept that this is people's land he said his economics did not work like that. I do not know what he meant, but he has a different economic working somewhere. This is not our land. It has been paid for by taxpayers and rents over many, many years. Millions of pounds are invested. Deputy Tadier, another Member of Reform, said yesterday that the waterfront is reclaimed land and you cannot put a value on that. How does he think it got there? Did he think Poseidon, while we were all asleep one night, pointed his staff at it and moved the tide back over a mile? No, you cannot make this up. Again, 40 years ago there was a decision to reclaim that land. Millions and millions have been spent on it. While we were spending that money, we were not spending it on other things. We were maybe not putting enough into Health or maybe Education. It has no value today? Oh. Last November we did have a debate on the 30 per cent. All of them were chucked out. What has changed? I am old enough to be cynical. I wonder if, when Reform were sitting around the office, having a strategic look at the Island Plan, they realised where this amendment would come. Could they have thought: if we vote against everything on green fields by the time we get to this one the rest of the Assembly would be so desperate they might pass it? Hopefully we are not that silly. They will say you still have to take economics with you. They are already disappointing the likes of Deputy Higgins and some of the Constables where they could have got some through and their 4 or 5 votes would have got them across the line. However, no, they have taken the moral ground: we will not put a piece of concrete down in a housing crisis to help other people in other Parishes until we have as much as we think we can get out of States-owned land. Again, not States-owned land. To answer Senator Moore from her excellent question that she put in and her really good speech ... Senator Mézec's amendment, we might as well get the plans here now and I will put a match to them, for the waterfront, because that is what will happen. Hours and hours, thousands and thousands of pounds, consultation after consultation, and they will have to go; they will not work under this.

[10:15]

A third of our Islanders live on the waterfront. They want the roundabout. They want the shops. They want the vibrancy. They want to be able to walk down there on a Friday and Saturday nights and Sunday afternoons with their families. They want it to be a good place. They do not want just concrete homes down there. Then somebody said: "Oh, we can find another £50 million and we will do the infrastructure." No, we do not have the money. We have just been through a pandemic. We have not put any taxes up. We do not have the money. Do not worry about that. People who live in St. Helier should really be able to have the great thing that is the waterfront. I have said it for years. We have had debates on underground ways to get there, a piece of land over the top, et cetera. I have always said if you have a good waterfront people will find a way to get there. They can cross a road, and they do cross roads in many, many other waterfronts to get to the great facilities that are there. The Minister for Housing and Communities also pointed out, maybe not in this debate, but last November, that this is not just for first-time buyers. It is for people who are already living in the waterfront or on States-owned land. You cannot get on the first-time buyer list if one of the partners has already had a first-time buyer house or you have bought the one-bedroom at the waterfront and you want to then buy a bigger property. The Senator wants 100 per cent all first-time buyers and affordable. That puts paid to: "Well, I have loved living here for 10 years, but I cannot get a bigger place because they are not there now." I am really, really concerned that this plan of Reform thinks it is something we should now, because they have not supported anything, be so desperate to support. It is really not like that. It is not our land. We are the custodians for a very short time while we have the privilege to sit in this Assembly. You can only give it away, and they mean to give it away, once. That is why their plan must fail. I plead with the Assembly to support the Minister's amendment. It is fair. It will keep the plans where they are. The Minister for Housing and Communities said they will start building in early 2023. If you do not support the Minister's amendment and then you did go on to support the Senator's, just forget those homes; just forget those homes. We approved yesterday some first-time buyer homes on a green fields and I did vote for it. Again, let us see how that works, because it is not new. It was called H3 and developers just said no, and they sat on the land. That is why we are where we are as well today. When you think back to what Deputy Russell Labey did say, sometimes it is this Assembly who can put the wrong correction in and end up with a third, I think it was ... all the H3 sites had to have a third of homes that were affordable. The developers said: "Cannot do it. Not building them." Therefore, the fields stayed where they were and they are still there. You do have to do things carefully. You have to appreciate the money that has been put into these lands over the years. Not our money. No magic money tree. Things that did not get done, because we bought this land, and it is suddenly owned by 49 of us, to do with what we will. That is absolutely not my economics. Do not support Senator Mézec. Put your whole support behind the Minister.

1.1.5 Deputy S.J. Pinel of St. Clement:

The amendment before us, by the Minister for the Environment, to be clear preserves the default position that all States-owned land will comprise only affordable homes or subsidised housing. However, there is an acceptance that where a Government Plan stipulates a mix of housing is required for good reasons, such as viability and the provision of infrastructure improvements, there will still be a minimum of subsidised housing at 15 per cent. Senator Mézec's original amendment does not have a minimum percentage. If the viability test is such that open market housing is required his amendment does not prescribe a minimum. The Minister's amendment provides that minimum percentage for subsidised homes. During this long debate on the Island Plan, we have had various comments about unaffordable housing. Allow me to emphasise that government and the States-owned entities do not ever construct unaffordable homes. There are circumstances when it is appropriate to construct unsubsidised homes outside of approved schemes. It is surely appropriate to construct open market homes along with the subsidised homes, so as to ensure that all Islanders' housing needs are addressed, not just those meeting the criteria via the Housing Gateway. I speak on behalf of the States-owned entities. We, a shareholder, work with the States-owned entities to

ensure a wide variety of developments on the Island that match the varying requirements for all Islanders, together with some fantastic public realm and place making alongside these developments. We should be developing on the States-owned land for a wide range of Islanders, allowing all Islanders the opportunity to live where they prefer on the Island. As has already been mentioned, the criteria for affordable housing via the Gateway does not address the housing needs of all Islanders, only those eligible via the scheme. By providing a variety of properties on one development this ensures not only the viability of the scheme, but also funds public realm developments and provides partial funding for future developments. I am sure Islanders would prefer unique developments that offer communal space and create communities where a variety of Islanders have an opportunity to live. By developing schemes that are viable, we offer the opportunity for rightsizers, downsizers, families, first-time buyers, et cetera, to live together and create communities. This Assembly approved the 2 housing-delivery vehicles; Andium and the States of Jersey Development Company. Andium has embarked on an ambitious programme of developments, targeting a minimum of 3,000 new homes by 2030, each of which will be accessed by the Housing Gateway. States of Jersey Development Company is a very different vehicle and its developments are more commercial and involve the regeneration of an area. Regeneration includes significant public realm and infrastructure improvements for the benefit of the wider community. Those additional elements need to be funded and so the open market provision of housing, on such, cross-subsidises the construction costs. The College Garden site is the perfect example of a successful development that contained a mix of housing that was entirely sympathetic to the area. I have every confidence that S.o.J.D.C. will deliver similar fantastic developments at South Hill and the waterfront, in which residents and all Islanders can take pride. S.o.J.D.C. advances these schemes under the political oversight of the Regeneration Steering Group. That group considers, as its name suggests, the regeneration of a site and the interests of the wider community and prospective residents. It is only right that S.o.J.D.C. contributes to the housing supply for all Islanders and is now targeting a minimum of 20 per cent affordable housing on South Hill and the waterfront. A vote in favour of the original amendment from Senator Mézec has the potential to delay the construction on these sites by several months if not years, as mentioned by the previous speaker, and see 1,100 homes destined for all Islanders put at risk. The original amendment just blurs the lines between our 2 housing delivery vehicles. Allow Andium to focus on what it does best, affordable housing for the Gateway, and S.o.J.D.C. can focus on different development mixes. The Minister for the Environment mentioned Ports' plans for the harbour to strengthen capacity and supply chain resilience. These are absolutely vital plans to support the Island's future, economic stability as well as delivering the future increase in freight capacity. Part of the funding of this capital programme will come from plans to develop open market homes on the New North Quay and regenerating that area, which then cross-subsidises the harbour improvements. The original amendment, if enacted, would at worst present this cross-subsidising and halt Ports' plans and at best will delay the plans and generate endless debates about what is and what is not viable. The Minister's amendment requires Ports to include 15 per cent subsidised housing in their development. I urge Members to support the Minister's amendment. A vote in favour of the original, Senator Mézec's amendment, will not make homes more affordable for all Islanders, especially those that do not qualify for the Gateway.

1.1.6 Senator L.J. Farnham:

I am pleased that Deputy Pinel's speech has probably taken about 10 minutes off mine, because I was going to also focus on the reason behind the delivery, why we chose to deliver certain tranches of rejuvenation and homes in the way we did. Deputy Pinel explained it well. I wonder if we could just focus on the Ports of Jersey's responsibilities. I go back 20 years, to the committee system when I sat for 2 terms on the Harbours and Airports Committee, and we were identifying the long-term investment required to sustain the critical infrastructure that the Ports need to operate and to adapt with the modern world. The prediction then was that tens of millions of pounds would be required. That was the reason that led to the incorporation to provide that commercial freedom, to utilise the

assets in the best possible way, as Deputy Pinel explained, to ensure the burden is taken off the taxpayer for that infrastructure cost and can be delivered in other ways; some of it from profits made from the development of their lands. In this case, housing, of which a percentage will be affordable housing. Our housing strategy must provide a mix of different types of tenures and homes right across the Island. This is absolutely necessary for a balanced sustainable community where everyone can access a home that meets their needs. I want to, if I can, focus a little bit on the Minister for the Environment's amendment. This is important. We all want the same thing. We all want to build as much affordable housing as we possibly can. There has been a concerning narrative in this Island Plan debate that we can zone less land around the Island for affordable homes and fall back on putting more on States-owned land. This is wrong. It is a great aspiration, but it is not practical. Andium, as Members have pointed out, have done an absolutely superb job of developing what they inherited from the old Housing Department. We have seen just what can be done there. If anything, we need to put more resources, perhaps think more carefully about how we allocate States-owned land that becomes available, so Andium can do more of the good work and expand their portfolio to address the challenges we face, especially in the affordable assisted homes bracket. We all want to build as many affordable homes as we can.

[10:30]

I do concur with Senator Gorst, perhaps 15 per cent, but it is an absolute minimum. It was on the back of debates we have recently had. It would have been rather odd to come back now with a different figure after we have had that debate. It was a thorough debate. The Minister for the Environment thought long and hard and did a lot of soul searching; should it be 15, 20, 25, 50 per cent, but we have a minimum. With Senator Mézec's amendment there is no minimum, it is 100 per cent. There is no flexibility there. If we turn to the planning inspector's report at page 46, I will read a paragraph of that out: "Senator Mézec's amendment seeks to have all States-owned land or States-owned companies' land to be used for affordable housing unless unviable." This is in the inspector's report. If it is wrong then the Senator needs to take that up with the inspector. The report says: "The Minister for the Environment is not minded to support this amendment, as it is regarded as being just too prescriptive. We agree with the Minister." The inspector goes on to say: "However, he supports the premise that underpins the amendment and is looking for a more nuanced approach. The suggested wording in the amendment would allow for exceptions to be made with regard to viability. To allow for a more nuanced approach the Minister may wish to consider widening the considerations to be taken into account to include matters such as site specific and community needs." That is what is at the very heart of this debate. I know that is what was behind the Minister's very well-placed intentions, to find a solution to this potential stalemate. I would urge Members to support the amendment. We all want to build as many affordable homes as we can. I predict we will build far more than 15 per cent on a lot of States-owned land, because I am sure we can make that viable. Perhaps the Minister would, when summing up, share some of the ways we can ensure we do get more than 15 per cent where it is viable. If we do not then we create a bigger problem, if we put a very prescriptive ruling that it has to be 100 per cent, because then we will only get affordable housing right across great swathes of States-owned land, which have been put aside for other really important community and infrastructure uses.

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

I did say earlier in the week that it would be great if people could stick to the facts on the individual sites and not make political speeches. Ironically, I am now going to make a political speech. That is because this is not on individual sites. I would like to thank Members for sticking to the facts by and large on the fields. It moved it through quickly and it was an interesting debate. This is, however, as I said, an amendment to a politically-driven amendment. We have had the phrase "housing crisis" banded around now for some considerable time. I was there when this phrase hit its zenith at a Chamber lunch when Deputy Pinel was asked while the P.A. (public address) was down, it was an

off-the-cuff question given to her: does she feel there is a housing crisis? She replied that there was a problem, but she did not like the word "crisis". This, of course, gave the opportunity for certain members of the press and Members of the Assembly to leap around trying to make out that Deputy Pinel had her head in the sand and was unaware of the issue. I found this unfortunate for 2 reasons. Firstly, she obviously was and is aware of the severity of the situation. Secondly, she deserved better than some of the offensive abuse that has been hurled in her direction. I too, when I think about it, do not particularly like the word "crisis" when it is overused. During this debate Deputy Ward had 4 or 5 crises going on in Jersey. We hear the press every day when we open the newspapers that there is a crisis, an England batting crisis, a shortage of brussels sprouts at Christmas crisis. It is probably right that I tell you, in my view, what is a crisis. There is a great example going on. It is a tremendous example of what a crisis is. It is 2 million refugees crossing the border of your country that you have to feed, house and clothe; it is people seeing tanks in the streets; it is a mother writing a phone number on her child's arm and sending them off in the hope that they reach safety. That, in my opinion, is a crisis. We have seen a crisis in Jersey. It was before our time, but it is well-remembered, as it should be here. During the war we saw a crisis, when many, many people fled the Island; others were deported; some ended up in concentration camps; the harbour was bombed and people were saved on this Island from starvation only by the arrival of the Red Cross Ship, the Vega. Yes, that was a crisis. It is why I object to the word being overused. If people choose to use it and feel it is appropriate that is, of course, entirely their prerogative. I will accept that is what we are going to call it and I will continue. I wanted to address that early on in what I am saying, because I feel it is far, far more important that we address the problem and find a solution to it than mess around deciding what to call it. We have been taking action, of course, as I stated earlier on in this debate. I believe, if my memory serves, and I am getting old and I have this bug, that the Minister for the Environment said we have over 1,000 homes under construction; over 1,000. That is at the moment. We have many more due to commence shortly. Action is being taken. It must be stressed though that at times Andium and S.o.J.D.C. have not been helped in this by the delaying actions of the Assembly in placing obstacles in their way. That is undeniable. Having said all that, there is still an obvious need for much, much more to be done. I fully concede that. The Assembly is in total agreement. We are also in agreement that it should be done as soon as possible. What we are not in agreement on is where and how. That has become increasingly apparent as this debate has gone on. The word "N.I.M.B.Y.ism" (not in my backyard) has been bandied around. Not just in the Assembly, but in many of the emails we have all received. You probably have not, Sir, but we have. When you open those emails, we have had a good number that say something along the lines of: "I fully realise we need housing urgently and 100 per cent support it, but field 11OK(B) is not it." Do I blame them? Not really. It is human nature. In some of their cases, I agree with them. As I did with some others who did not want all glasshouse sites to become fair game. However, in acknowledging this, we have had in our midst the N.I.M.B.Y.ers N.I.M.B.Y., the crème de la crème, the pre-donna in the shape of the Reform Party, manoeuvring themselves like a well-oiled rugby pack from debate to debate, hurling the C-word around with gay abandon. Let us go through what they have proceeded to do. They have proceeded to not wish to build any higher, partly because we are told the higher floors will be bought by wealthy people. This ignores the fact that, of course, a lot of the best high-floor views on the Island are enjoyed by Andium tenants. There you go, but let us not let that get in the way of a good story. They do not support the Parish schemes, even for affordable housing on green fields. To an extent I can see their point, but one of their points, as we saw from Deputy Tadier yesterday, was perhaps these people would like to gift their fields for nothing, because God forbid someone makes any money. They do not want to build in St. Helier before we have a park in place and a new school. I, again, may tend to agree that they have a point there. However, again, that is restrictive on the time we have to build these houses. They do not want to build on glasshouse sites, because people might make money on that. Apparently, we can grow tomatoes on them again, very cheaply, much cheaper than the Spanish. Finally, we had another one, St. Brelade's Bay: do not allow hotels to be sold. I tend to agree with that. The only reason I voted the other way because then

someone pointed out, quite rightly, that these hotels are leveraged against the land value. That was not why they voted against that, nor to preserve the Bay, as everyone in the Assembly would vote for. We would all want to preserve the Bay. They voted against it, and it was Senator Mézec who said it, because luxury flats could be built there for wealthy people to live in. There is a bit of a trend coming here with Senator Mézec also stating the returns we get from Andium to S.o.J.D.C. It is a nice thing, is it not, the social housing provider providing generous returns and S.o.J.D.C., the evil property developer not providing any. He conveniently omitted, or maybe not conveniently, maybe it slipped his mind, that Andium received £500 million of assets on corporation; £500 million, loads of housing, loads of rent, whereas S.o.J.D.C. received £40 million. From that, it all appears to me right out of the “all property is theft” playbook. Not excusing the pun, full marks to Senator Mézec for doing that. I will leave it to States Members to see if there is a pattern here in their motives but my view is that by opposing all the other available sites, the only possible recourse is for States-owned land to be designated 100 per cent affordable housing. Their amendment is, therefore, a vital part of that strategy and this amendment is a sensible way to modify it and proceed as we did on South Hill and the waterfront. Affordable housing, in reality, means subsidised housing. The Reform Party line that open market means unaffordable and therefore why should Government build unaffordable properties on States-owned land has to be refuted? Open market housing simply means that the housing is unsubsidised. Senator Gorst has said he has difficulties but 15 per cent is not the maximum we can building; Senator Gorst, and I am sure you realise that. Have a look now at what we are building. The Limes site that is just commencing opposite the police station there is 100 per cent affordable housing. Not 15 per cent but 100 per cent. Andium are going to build 3,000 houses and, if the Alliance Party has its way, 5,000 houses by 2030. That will be their target. Vast amounts of that will be affordable. A vote in favour of Senator Mézec’s amendment will mean the waterfront and South Hill would have to go back to the drawing board to evidence the viability test yet again. That would delay the delivery of 1,100 homes by possibly another couple of years. This is a strategy by Reform to create more social housing. It is not a housing strategy. This is a strategy to create more flats in town, not family homes. Fewer homes overall will be built, meaning housing for the vast majority of Islanders will be, guess what, more expensive. Development of affordable housing will be delayed because the development of States sites will take longer to come forward compared to the sites that have been identified for rezoning. It is not the best use of taxpayers’ money, I am 100 per cent certain, and that is what we are dealing with here. It is owned by the taxpayer. If someone had a car, are they going to sell it for half price because they think someone needs it more than they do? Of course, they are not. They are going to make the best use of their possessions, of their property, and that is what I urge Members to think of today. I also urge Members to vote against the amendment eventually but to vote for the amendment to the amendment and let us continue to build the much-needed housing for Islanders as swiftly as we can. I normally like to quote Churchill but, here, I will quote Bob the Builder. Can we do it? Yes, we can. Thank you.

[10:45]

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

What a joy it is to follow the last speaker who set up a set of straw images in order to knock them down again but my leader can deal with that and he did. He did accurately mention the fact that some of us in the party are attached to Jean-Pierre Proudhon, the anarcho-syndicalist from the 1870s, who had such a long and proud tradition of trade union work. To deal with this issue rather than spurious issues raised by the last speaker, we are told time and time again that the amendment produced by Senator Mézec is not flexible enough and somehow there is more flexibility in the Minister’s proposal than others. What I want to do is just briefly mention the core of what we are talking about today, which is on page 4 of the amendment. The exceptions. “The main argument anticipated against this amendment will be that it could risk rendering some developments unviable if they are not able to produce enough of a financial return to support the development of amenities which do not generate profits.” The wording of the new policy is very clear in that it requires homes built to be affordable

except where the provision of only affordable homes would render the development unviable. I would put it to Members that that is as flexible as you can get. That is a very flexible policy that is in the right place and we should be supporting it, so I am urging people to vote against the Minister's amendments and vote for the amendment of Senator Mézec.

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

I was becoming concerned yesterday that the Council of Ministers were not going to speak on this amendment and that I would have to do the heavy lifting for them and I have been delighted to hear from several Ministers this morning who have put some of the other arguments across that need to be heard. Senator Mézec, in his speech, asked what evidence of regeneration had been delivered by the Jersey Development Company and the Minister for Treasury and Resources has already referred to the Jersey College for Girls development. I need to remind Members that that building stood empty for 15 years while the Government scratched its head and successive Council of Ministers failed to do anything about the building. What the Jersey Development Company delivered at no cost to the taxpayer was a mixed tenure development which, by all accounts, is meeting the needs of its many users extremely well. The financial services quarter, which still seems to lack friends out there, and the International Finance Centre with its generous open space, is another example of how the Jersey Development Company applies the profits of its developments to community facilities, in this case, to an extremely large area of open space called Trenton Square. There is no doubt - and we can prove this by looking at developments which took place at the same time - that had that been left to the private sector to deliver, there would have been no open space at all and the building would have come up to the pavement line. As it is, we have a marvellous building that is generally regarded as extremely well done. A fourth building is now coming out of the ground and the only fly in the ointment, if you like, is the decision of the Minister for Infrastructure to commit cultural vandalism on the front of the building on the wonderful wide pavement that was provided for us to enjoy. The company is also of course working on access to Fort Regent, a problem that successive Governments have struggled over for decades. Once again, they are applying public money to a range of public needs and requirements, particularly in the urban areas. I find it depressing that so many speakers will rise to criticise the work of the Jersey Development Company which is, after all, an arm's length body which we, the Government, are in charge of. So if it is not delivering in any respect, then it is our fault. It is not the fault of the company. As I say, I have been impressed with the quality of what they are doing and the fact the community facilities are very high on their agenda. It is absolutely right to say that their next and biggest project, which is the waterfront scheme, the south-west St. Helier masterplan, will deliver 1,000 homes. It was not going to before and I was looking forward to seeing a mix of cultural facilities, probably a concert hall, lots of open space, swimming pools and so on. Responding to the need of the Island, the Jersey Development Company have come forward with a mixed tenure proposition of 1,000 homes without stinting as much as we might have feared on the community facilities. We are still going to have a lot of open space. We are going to have underground parking. We are going to have a lot of greenery. We are going to have a new swimming pool. We are going to have an extraordinarily ambitious remodelling of the seawall with regard to flood risk in the future. If I could just correct Deputy Martin who said that we would lose £50 million of infrastructure if we pass this amendment today; it is worse than that. If this amendment is supported and the waterfront scheme has to go back to the drawing board, we risk losing £150 million of community infrastructure investment. That is a lot of money to find from other government sources if we decide that every home built on the waterfront should fit the requirement of affordability. I was speaking to someone around the time of the South Hill debate where we effectively had this debate in miniature at that time. I put it to them and I said: "How do you feel about a flat up at South Hill?" They said: "Well, that would be great to move into." I said: "Well, how would you feel if, for the price of that flat on South Hill, we could build 3 somewhere else? How would you feel about it then?" They said: "Well, it would make more sense to build 3 somewhere else." It is as simple as that in the development of open market homes. Some Members

like to call them luxury apartments, but the fact is people of all income levels want to move into St. Helier and if they want to move into St. Helier and they want to live in what is being called a luxury apartment and if someone is going to pay for the development of 3 or 4 affordable homes elsewhere, then what is our problem? This view of housing has been around since the Albert Quay development and I remember we had the same arguments about that. I suppose it will always go on. I just hope that the argument will always be won by the people who believe that we need to build a range of homes for a range of people that want to live in our Island. Now I do find it difficult to defend the current Government's record on regeneration, and it is a pity the Chief Minister is not in the Assembly today to hear this but we have failed to come up with, from the Regeneration Steering Group, an urban taskforce and investment in St. Helier. It is true that the Jersey Development Company are funding the north of town masterplan, which is now starting in Midvale Road 11 years late having been turned down by a previous Minister for Infrastructure. The Jersey Development Company were happy to fund that but of course that should have been funded by Government a long time ago. The Regeneration Steering Group simply has failed to prioritise regeneration schemes in St. Helier and, yet, I continue to bang the drum because I sit around that table and I have been promised that there will be an urban taskforce that will be able to deliver more schemes. We will have funding for places like Havre des Pas, which has been waiting for investment in vital public infrastructure and amenities and not just for a newly-surfaced carriageway, I might add, but they are looking for far more in Havre des Pas to make the lives of everyday Islanders more pleasant. So, I think there is a lot of talk today about how we must support the amendment. I agree with previous speakers who have pointed out that the 15 per cent is not a target. It is a minimum. We are already seeing the States of Jersey Development Company exceeding that target. It will probably be better if we did not have the numbers. It is a bit like numbers with the population debate where people talk about a cap, they impose a cap, and then they find they cannot meet the cap. The fact is, if we approve this today, we will put back, in particular, the waterfront scheme by a year or possibly longer, and those 1,000 homes that are ready to be built will simply fall away so, as Deputy Ash said, we will end up with less housing rather than more. I am going to finish by just commenting that almost every speaker in this debate has praised Andium Homes' ability to deliver, and I absolutely agree with that and I have been a champion of Andium Homes myself in many debates. I would just remind Members who have spoken - and this includes the Council of Ministers as well as the Reform Party - that we have, coming up in this debate, an amendment which will prevent Andium Homes from delivering their vision of doubling the size of the Millennium Town Park, and I think that is a great shame. I hope that Members who are supporting Andium now will support me when I oppose that amendment, which would effectively take away from the thousands of new residents of St. Helier the joys and essential benefits to quality of life that will come from Andium Homes being allowed to achieve their vision in the north of town.

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

I was not going to speak but I am speaking because of something that Deputy Ash said that has upset me greatly. It is not on housing really. Deputy Ash said that we do not have a crisis in housing in Jersey. What we have is a crisis in Ukraine. I could not disagree more. What we have in Ukraine is a disaster of catastrophic proportions. **[Approbation]** The definition of a "disaster" is a serious problem occurring over a short or longer period of time that causes widespread human, material, economic and environmental loss which exceeds the ability of the affected community or society to cope using its own resources. A crisis is a time of difficulty when a difficult or important decision has to be made so what we have in Ukraine is not a crisis. It is a disaster. What we have in Jersey is a housing situation which needs important and difficult decisions to be made and I would just like to point that out.

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the amendment to the amendment? I call upon the Minister to reply. Minister.

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

All the debates up to now have all been very focused, very straightforward and choices, as I said, at the beginning of the debate. Choices that Members have made and I think Members have handled those debates well. This one has been completely different. It has turned into a mixture of high politics and hyperbole which almost I think has been permitted in the debate to subsume what is the underlying planning issue, which is why we are debating the Island Plan. I distance myself from those remarks that are attributed to those who have, what I call, a right-wing open market free market perspective. I also distance myself from the alternative view and what I always seek is compromise. I find ways forward, solutions to problems, and what this debate has done is expose those divisions. Personally, I think that having arrangements where Government manages a free-market economy working for the public good is the kind of aspiration that people share. I see shaking of heads but I think that is the best way of pursuing life's decisions. Unfortunately, it has clouded the issue in which I was hoping we would have a debate about the substance of the amendment, what it does and what it helps us achieve in the Island Plan, which is fundamental. Its purpose is to ensure that land is used in the best interests of our community because we have a finite land area but we do not have enough land. That is what the plan seeks to manage and I had hoped we had.

[11:00]

I am now worried that we could get to a situation, from hearing some of the speeches, where even if my amendment to Senator Mézec's amendment, which is intended to be a real constructive improvement and which finds a compromise, is accepted, some Members are likely to throw out the amendment and end up with nothing. I think there is hyperbole in this debate. There is the importance of ensuring that we are, I believe, achievers and the way I put it is this. As many affordable homes as is possible to do without creating wall-to-wall ghettos in a kind of 1960s housing estate where I was brought up without the public realm, the facilities and then to make those places good places to live. When we do large regeneration developments, we need that. We need homes, we need other amenities, we need all those things that make life good, and that involves working with the private sector in construction. That has been done all over Britain successfully, as I said in my earlier remarks when I was opening the debate. In modern Parliaments, it is levelling up. It is levelling by generation. Those are the principles of how it works. You work together in that. It is not an all or nothing. It is not a binary situation so if we end up with nothing about this in the plan, we will have failed. I am urging Members now to go with my compromise because I think we had that discussion. It was a really good discussion at the planning inquiry. Senator Farnham has quoted the report and I urge Members to read it. Senator Mézec brought to the table an amendment to the policies of the plan that seek to ensure that, and he used the words, all homes developed in State-owned land or whatever should be affordable to ensure viability. So, his intention is right but of course the planning view is, and my view would be, it is entirely inflexible because there is no criteria. It does not tell you what viability means. "Viability" could be anything. It could be we have another dreamland property we want to do that has got nothing to do with this development but, equally, it could be focused on it. The inspector invited me and my officers to think about it and think how we can find ways of having a form of words in the policy, which would enable the planning system to work and make those judgments downstream, so that is what I was seeking to do. I would be astonished if anybody in the Assembly disagrees that we should get as much affordable homes as is possible. I hope nobody does. That is what I am trying to do, which is to get the flexibility. My amendment puts a criteria on that viability test and it says: "To provide public realm and community infrastructure delivery." Ironically, both the amendments we have been talking about are pretty short. Unlike some of the amendments that have gone to pages, these are just a few paragraphs. Those are

key words for me, and I think the Attorney General's advice was really, really helpful because I struggled a bit when I brought this amendment because, to be honest with you, my notes included a lot of corporate stuff that I think really does not help. I am not standing here as a member of the Alliance Party or anything like that. I am trying to find a way through this. The Attorney General lit that spark when Members asked him: "Can the words of the Minister's amendment work? Can they be done? Can they be used helpfully?" It was interesting. He said that, under either Senator Mézec's amendment or as amended by the one I am bringing and standing here today summing up, the Minister for the Environment can issue guidance which has a legal effect on how that viability criteria will be applied in practice. That guidance will help any decision-maker making a decision on a planning application because what supplementary planning guidance does is it provides more colour. What it does is it provides clarification and more detail about what is intended by such a policy. As I said, the Island Plan policies are primary. They carry that top status but supplementary planning guidance helps explain how that is used in practice and that is why the law gives the Minister for the Environment the power to bring supplementary planning guidance. So, my preference is that - and this is the intention of my amendment - I think the Minister for the Environment will need explicit instructions from the States of Jersey on the mandate and as to what that should cover and having that decision that it covers public realm and infrastructure delivery rather than be silent on the subject, as Senator Mézec's underlying amendment proposes. That is important for the planning system to work. Now there is a supplementary thing because the question is: "Who decides what that public realm and infrastructure delivery is?" I think it makes mention of the Government Plan and of course the Government Plan is a separate process. Whereas, the Island Plan is, this time, 3 years but in other years, it is 10. The Government Plan runs continually. It is a rolling programme and it is amended annually through government processes and also Members can do amendments to it during the year by proposition. They can do that so there are mechanisms. Now those mechanisms are not worked out. They do not necessarily have to be. The wording is there but the key thing is that it gives us mechanisms where there can be greater clarity on what infrastructure and public delivery realm we are going to leave. Now I will be honest with you. I could not give you a list of all the goodies in the south-west St. Helier planning application but I know there are a lot and those sorts of things will be part and parcel of the work that goes on. I am with the Deputy of St. Mary. I do not think we have kind of covered ourselves with glory in the way we have managed our States assets. We have good bits. Andium Homes have done incredibly well and that probably is one argument for going with my amendment because Andium Homes have had to deal with the open market without competing. When you have policies that are here - Senator Mézec's as amended by mine - I think it is going to help in carrying on doing a really good job. I have to say I would not go along with the Ports of Jersey because, at the moment, the Island Plan does not include the proposals and plans of the Ports of Jersey. Those, I think, will be issues of public land that will go into the next bridging Island Plan because there are big issues about ports and so on, and that will affect the town. Now, Deputy Labey, I think people are worried about the south-west St. Helier proposal which, at the moment, as a planning application, has not been progressed because, frankly, we have the hospital planning and we cannot deal with 2 major inquiries like that at once, and it would not be sensible during election time. So we have to have that public inquiry once the elections are over, once all the new Ministers are in place, and then I think the inquiry can proceed properly. Deputy Russell Labey said it would not have any effect. Well, I have to be quite straight with the Assembly. That is not true. I am sure it was well-intentioned from Deputy Russell Labey. The facts are that, whenever the policies in the Island Plan are debated here and agreed upon, when the plan is adopted, those planning policies apply to all planning decisions that take place subsequently. Now my view is I do not think it necessarily should cause problems for that project because I believe it should be possible for supplementary planning guidance to be issued, which is a well-informed objective, and to have that in place by the time the planning inquiry takes place. That will help the States of Jersey Development Company to prepare their evidence of viability because the issue of viability would need to be a factor in the terms of reference for the inquiry, as I see it. That will allow the planning inspector to prepare

for it and also, at the same time, of course that is in parallel with the work on the Government Plan. I do not see that there is a frustrating factor there. It will help us have greater transparency and provide greater confidence that the decision that we are making about the use of that public land is absolutely, I think, completely transparent, and so I think that is in line with what Members of this Assembly do want. The sort of things that could come into the nuts and bolts of viability were the cross subsidies that I was talking about. Inter-site crossed between one site and another. It can appear. Also, then the issue about unrelated costs and so on. All of those things can be included. Now, it will not be me who is drafting the supplementary planning guidance. I will leave it to better brains than mine. But it will go to consultation. It will have to go to consultation before it is adopted. So, it can be done. So, we can quite quickly put in place sensible mechanisms to do so. Senator Mézec's proposition, we have had so many parties own views of anti-Reform, I distance myself from all that. Senator Mézec's amendment has addressed an important subject, as I said, how land is used in the best interests of the community. Personally, I regret that we have had this split between town and rural developments, the idea that we do not have to have developments in the countryside, because we need that housing mix. We need the housing mix. We have larger families, we have the need for larger homes, and we have a whole mix of things. We have to get that mix right. It is not one or the other. We need both. We need both and always have needed both. But, anyway, it is a shame, but that is fine. We are now having to decide on an amendment to Senator Mézec's amendment, which is an important component as amended in this plan. I hope Members will adopt my amendment but further on I really do hope that amendment stays in the plan. So, I call for the *appel* on the amendment.

The Deputy Bailiff:

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

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

Can I raise the défaut on Deputy Doublet please?

The Deputy Bailiff:

Yes, if Members agree to that, yes. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting.

[11:15]

I can announce that the amendment has been adopted.

POUR: 30		CONTRE: 16		ABSTAIN: 0
Senator L.J. Farnham		Senator I.J. Gorst		
Senator S.C. Ferguson		Senator T.A. Vallois		
Senator K.L. Moore		Senator S.W. Pallett		
Connétable of St. Helier		Senator S.Y. Mézec		
Connétable of St. Saviour		Connétable of St. Lawrence		
Connétable of St. Brelade		Connétable of St. Mary		
Connétable of Grouville		Connétable of St. John		
Connétable of Trinity		Deputy G.P. Southern (H)		
Connétable of St. Peter		Deputy M. Tadier (B)		
Connétable of St. Ouen		Deputy M.R. Higgins (H)		

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

**1.2 Island Plan 2022-25: Approval (P.36/2021) –forty-first amendment (P.36/2021 Amd.(41))
- as amended**

The Deputy Bailiff:

We now return to the amendment as amended. Does anyone wish to speak on the amendment as amended? If no Member wishes to speak on the amendment as amended then I close the debate and is the *appel* called for? The *appel* has been called for on the amendment as amended. Members are invited to return to their seats. Those joining the meeting via the Teams link may cast their votes in the chat channel. I ask the Greffier to open the voting for Members in the Chamber. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment as amended has been adopted unanimously.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
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 Trinity				

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

2. Island Plan 2022-25: approval (P.36/2021) – one-hundred and third amendment: Five Oaks Masterplan (P.36/2021 Amd.(103))

The Deputy Bailiff:

We now move to amendment 103, this is a late amendment. Members will recall that we had a late amendment last week. This amendment deals with the Five Oaks Masterplan. Members will recall that under Article 4A of the Planning and Building (Jersey) Law, the Minister may propose an amendment to the Island Plan without the usual lodging period being applied, but only if the States agrees. The Minister has lodged the 103rd amendment, it was circulated last week, and published in the usual way. Minister, do you seek the permission of the Assembly to debate this amendment now?

Deputy J.H. Young:

Yes please. I apologise this is brought late. Frankly, it was omitted and it became obvious during the debates that it should have been there. So, I am asking the Assembly to debate it please.

The Deputy Bailiff:

Is this seconded? [**Seconded**] Does any Member wish to speak on the proposition that this matter be debated now? Will Members agree on a standing vote that this matter can be canvassed? Thank you very much. I invite the Greffier to read the proposition.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “, except that after Policy H5, Provision of affordable homes,” on page 194, add the following: “Five Oaks has evolved into a significant suburban centre providing a range of accommodation but with a particular concentration of family housing. It sits at a major confluence of traffic routes into and out of the town and has a number of commercial sites within its midst. There is considered to be a legitimate need to undertake a specific piece of work to assess and review the planning issues in this area with the local community and other stakeholders to develop and adopt a Masterplan to guide its future development and to improve local community infrastructure. This should, in particular, include a review of the need for, and provision of public open space, community facilities and travel and transport improvements; and which might consider the future development and use of employment sites in the area. Proposal: Five Oaks Masterplan. The Minister for the Environment will bring forward a Masterplan for Five Oaks, during the bridging plan period, in consultation with key stakeholders, including the Parish, Andium Homes, other landowners, local residents and their children, and businesses which will include consideration of travel and transport improvements, particularly for active travel (walking and cycling); the provision of community facilities and open space; and future employment land opportunities.”

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

This proposition seeks to add in what we call a proposal in the plan, the things in the green boxes, and they are a commitment by the Minister in the lifetime of the plan to do certain work. So, it is quite important to have that in because particularly the significant pieces of work will require of course funding and resource. Members have often spoken in the past about that things have been put in plans that do not happen. That is something that I am determined should not happen. A number of things prompted this. I should have realised it earlier but I live in the west of the Island so I do not go through the Five Oaks area very much, but of course a lot of Members do. Deputy Lewis showed me the congested nature of the pavements, particularly with housing development in that area. I made it quite plain that this proposal is absolutely not dependent on any zonings. In fact, we do have some zonings in that area, which still remain, but in any event they are obviously reduced in volume, but nonetheless they are there. Also, there are these major landowners and redevelopment schemes going on. So, it is a good period to look at what can be done, particularly about active travel, walking and cycling. Of course, we have the intensification of what is planned at the Cinq Chênes with Andium. So, we can factor in a piece of work, or the planning officers, in consultation with all of the parties listed in the proposal. I would add in schools because there is no question that the issue about schools provision and open space for children is absolutely crucial. I would be surprised if it is controversial and there is any contention. But I make the proposal there to include this in the plan.

The Deputy Bailiff:

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

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

I welcome this further amendment. I spoke to the Minister for the Environment at length on this and this is very welcome, the Five Oaks Masterplan. It does say in the Minister's report it sits on a major confluence of traffic. Confluence being Latin for gridlock. It is not really, it means the meeting of rivers, which is quite appropriate on approaching the Five Oaks area that from Bagatelle Road there is a series of small cottages on the left and we have had to install what we call orcas, which are thick rubber blocks painted white and black, just to stop the big heavy trucks from taking slices out of the walls and removing the drainpipes, which has happened quite a few times. So, as you are driving along towards the Five Oaks roundabout, to the left obviously is St. Saviour's Hill, the next left will be Rue à la Dame, straight in front we have La Grande Route de Saint-Martin, and to the right obviously it is Princes Tower Road. So, it is a major confluence, it is a major junction. My Department for Infrastructure have done major works up there in recent times to stabilise the road but the traffic is just absolutely horrendous. As the Minister has pointed out, we have most of the Island's schools in and around St. Saviour. So, with the morning rush hour, plus the schools coming in and leaving, it is a very, very busy junction. With the estates that are going up, I believe that the Cinq Chênes is going to be completely redeveloped in the not-too-distant future, plus a few fields will be built on, plus further down the road obviously the St. Saviour Hospital site will come online, so there will be more and more pressure on this junction. So, I thank the Minister for bringing this forward and am more than happy to work with him on it.

2.1.2 Deputy J.H. Perchard of St. Saviour:

I am speaking very briefly on this item, both as Assistant Minister for the Environment and Planning, but also as a Deputy whose district covers a portion of Five Oaks, District 3 and District 2 converge at the roundabout, we border each other there. Something I would like to just add to the comments of the Minister for Infrastructure is that it is really important that the members of the public who live in the area, and for whom this is a very emotive issue, understand that there will be an opportunity for them to share their views. That is a really important part of this particular amendment, because sometimes it can be confusing when members of the public hear that we will be bringing forward a masterplan. What that does not mean is that the intention is that we are going to build lots and lots of things in that area and we are going to bring forward a plan to show all the new buildings we are going to put there. That is absolutely not what is being proposed here. The reason I am saying that is because I have had communication from my parishioners who live in this area who are concerned about any more development taking place, because of the reasons outlined to do with traffic at rush hour, at school times. It is really important that members of the public understand that this is your opportunity to raise your concerns, to share your views and to participate in the democratic process, and that those engagements do have a direct impact on outcome. We have seen that through various public engagement mechanisms that we have used for different things. I am shortly going to be proposing the carbon neutral roadmap, which is a result of a people-powered approach in its entirety.

[11:30]

I can say wholeheartedly that the members of the public who engaged with that process have had a direct impact on subsequent policy development decisions. So, I would just urge any parishioner of mine or of District 2 who feel affected by developments in Five Oaks and who are concerned about that to actively engage with this process when it is brought forward. Because it is not about winning; it is about a holistic approach to improving the environment for everyone who lives there. That might include redevelopment of some buildings, but it also includes a very serious commitment to improving active travel and to improving the quality of life of people in that area. So, obviously as part of the Ministerial team, through Environment, I am supportive of this. But as a Deputy I welcome it because Five Oaks is an incredibly emotive issue, particularly for the residents of the area, partly because of the concentration of schools on the doorstep. So, I welcome any opportunity

to have the views of those people magnified and heard in relation to any future development of the site.

2.1.3 Deputy L.M.C. Doublet of St. Saviour:

When I saw this amendment come in, I am really pleased that the Minister has mentioned schools, because I did contact the Greffe and ask if I could amend it to add schools in there. I was told that was not something we could do. So, I am delighted that the Minister has committed to that. I know it is not part of the wording but if he could maybe just, in his summing-up, touch on how he will ensure that is included as part of the masterplan. Because sometimes there is a separation, is there not, between the schools and the residents when we are all part of the same community, whether it is families that live in the area or families whose children attend school in the area, and often both of course. But we do need to remember, when this consultation is being carried out for the masterplan, we need to remember that in terms of consulting in schools we need to consult different groups of people in the schools. Of course, staff need to be consulted, and I am sure the leadership of schools will be spoken with in part of that conversation. But also, parent groups within those schools, so the P.T.A.s (parent teacher association). Because of course in terms of travel to school, parents and teachers are often travelling to schools at very different times of the day and therefore encounter different issues on the roads. The children that attend those schools, of course some of those children, because there are several private schools in the area, will not be children who live with their families in the Parish. So that will be a different element to the consultation to of course those children who live in the area and have their homes there with their families. So, I just wanted to ask the Minister to take those points on board if he will, and I am looking forward to this consultation for this masterplan. It will be really welcomed by the residents in the area because all the Deputies have seen that there is a willingness to contribute in terms of moulding what is going to happen in that community. So, I thank the Minister for this amendment and I will be supporting it.

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

Really there are 2 things, first a slight aside which is the Minister for Infrastructure mentioned having to put rubber padding on corners because the road narrows there. I would also suggest maybe he asks the team at D.V.S. (Driver and Vehicle Standards) under his leadership to stop licensing vehicles that are clearly far too big for the roads of Jersey. The other thing that I wanted, which is really a question for the Minister for the Environment, because I certainly will be supporting the masterplan no doubt. But it was obviously as an Assembly we chose not to zone the fields at Five Oaks, either side of the junction, for housing. As a result, there will not be money going into sustainable development in that area. My assumption is that this amendment for the masterplan has been brought forward initially with the view that those fields would be zoned and therefore money would be available to develop the masterplan. But my reading of it now is that there would not be money available to develop the masterplan. So, the masterplan might be developed, but then implementing the masterplan, because we did not zone fields in St. Saviour. So, could he just address that and advise the Assembly as to how, once the masterplan is developed, it will be implemented? Where will that money come from?

2.1.5 Deputy R. Labey of St. Helier:

I was asked earlier in this sitting for an update on the plans for Les Cinq Chênes. Now would seem to be an appropriate time to do that for the Assembly. Les Cinq Chênes is fast approaching the end of its life really - its operational life - and refurbishment is not an option; that would be too uneconomical. So, the plans are still in formation but we will see a redevelopment of the site commencing probably in 3 years' time. We are hoping to select a contractor probably in Q3 this year. The residents of the estates have all been informed through correspondence and once the new design of the development is finalised there will be a visit to their homes from an Andium representative in person to explain the plans and how it is intended to work and to limit the impact

of the redevelopment on the existing residents. So, this is a major project and one that will be undertaken in phases over several years. I hope that is helpful.

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

This is much needed because it is a mess even without the thing. But I would like the parishioners to be involved. Normally we are very good, we have hearings, the parishioners can turn up and they fill out forms to say whether they live in the Parish or whether they pass through it. I would hope that this will continue because this is very important for the people who live in the St. Saviour area, not only in the Five Oaks, but who have to come through it. They are parishioners, they pay their rates and they expect to have something for it. So, I would hope that this will happen. I also hope that it will happen before they decide to do the building works. Because you are going to have lorries grunting up and down and diggers and all sorts when they start. I would also like to know that the front, on the roadside, and they have retained some of the garden, and I am wondering if they have retained some of the garden so that they can have a cycle route or a safer route to school work. The people who own the Morrison site are very worried about what is going to go on the roundabout, because they do not want to sell the land, they do not want to sell the site. So, there is a lot of consultation to go on and I am a little bit disappointed because Deputy Lewis has just said about the building and yet he withdrew one of the fields to allow for fast building, so there will be building in St. Saviour. That is a bit of a shame. I would like this to happen, if it is going to go through the masterplan, and it seems that it is a very good idea and I am glad that Deputy Perchard is in favour of it. But it has to be put in situ before we start all the building on the Les Chênes site. So, it will not be my problem; it will be the next Constable, but I would hope something will be done with consideration for the parishioners of St. Saviour and not just the people passing through.

2.1.7 Deputy K.G. Pamplin of St. Saviour:

The only thing I want to add to the debate is the item that has come up a few times around this area, and I have spoken to the Minister about this and the Minister for Infrastructure, is the future of what happens with the St. Saviour Hospital site. It still currently is where we deliver our services to support our Islanders with their mental health. There is still, thanks to the work that we did - my colleagues on the Scrutiny Panel - to transfer the Orchard House site to a new facility across the field at Clinique Pinel. Unfortunately, that work is slightly delayed but we still want to see it come through as soon as possible, and we will continue to push that work until the end of this term. So, there will still be, for the years to come, a facility and also the other facilities nearby for those who get their support for different versions of mental health and mental illness. Those facilities will remain there until a purpose-built facility is built with the new hospital. I know it is very premature and I know it is exciting, we all get very excited about States-owned buildings. The St. Saviour Hospital site is one that does provide an opportunity. But I just want to add a bit of realism back that that whole area, until we have secured a purpose-built cohabited mental health facility site on the site of the new hospital, has to be put back into the reality of the context when we are talking about this part of St. Saviour. Because until the hospital starts to be built, until that facility starts to come to fruition, I just want to add that reality of context. That is not a guarantee unfortunately and I just want to add that to the context that that whole area must continue to support the much-needed facilities that are needed until a new version does come about. I just want that to be considered in this masterplan, all the surrounding areas, and I would just add to that a little bit further down we have Les Varines, which is a much-used road up into the Parish, especially at school time, as people will know, dropping their young children to school. But it also is used by many young people as a walkway. We are so grateful to the parishioners who provided a bit of their land so that there is a bit of safe passage. So, I add that to the mix that all the surrounding areas that touch into Five Oaks are talked about, and I am sure that the parishioners of St. Saviour will make sure that happens. But I just wanted to add that context to this particular debate.

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on this amendment? I call upon the Minister to reply.

2.1.8 Deputy J.H. Young:

I thank all Members for speaking. There are a lot of really good points have been made there. Obviously, St. Saviour Members and also the Minister for Housing and Communities, so I will try to pick those up. Absolutely the issue about schools, that is an omission; I should have picked that up earlier. I give a commitment that I will ensure it is included within the draft terms of reference. Having listened to Members, it would be my plan to ask the officers to get the terms of reference for the piece of planning work in draft and then forward it to St. Saviour Members for their comment as a kind of starter for 10. That is quite helpful. For me, there is no question, the issue really, and I think Deputy Perchard mentioned this, this is an exercise, or should be, in what I would call community planning where a community has a stake in what goes on, what major changes in an area, and where you have an area that is likely to be subject to some change or there are pressures on that really need to have that kind of focus. But schools of course are a community themselves. You have staff, you have leadership, you have parents, and you have children. So, they are a community; they really are plugged into the area, so that is so important. I would say if you did any piece of planning work and you do not engage with the schools you have messed up really. The way the masterplan would work, the way I would see this, is that it needs to be professionally done, i.e. you need to have people who do this sort of thing with the skills and experience to do that. We have had masterplans before. They have not all succeeded to be frank. North of Town Masterplan we had. We have had plans for the waterfront, a lot of those have not seen the light of day. Sorry, I should not be smiling at that, but it is not an easy exercise; one has to make sure that what you get out of it is useful. But they are going to have to be funded and so I think the question of timing has come up there: when can this be done? We can certainly get the terms of reference together pretty quick. But in terms of funding we have what we plan to do in Les Quennevais as well, and so dependent on what we can free up from our Minister for Treasury and Resources budgets through contingencies, we will have to see. But, either way, timing is important. The commitment in the proposal is that it will be done during the 3-year bridging plan.

[11:45]

Of course, I can see the pressures, having heard from the Minister for Housing and Communities, that there is obviously extensive work to happen there. We are phasing. So, I do think there is a real benefit in bringing the work forward during the early part of the bridging Island Plan period. Also of course the Connétable was kind enough to mention the fact - and I cannot remember the field numbers that were not included within the propositions to remove them from the plan so they are still there - there is one field that is immediately adjacent to the boundary of Five Oaks. So, there will be work there. But, of course, again that is work, those sites are not going to happen tomorrow, each of those sites will have to have planning briefs, there will have to be consultation, they will have to go through a series of stages of work, which obviously will start as soon as possible, but there are a lot of sites. So that will be towards, I would have said, probably by the end of the year you will see those drafts out there. But, of course, the developments themselves, as I said earlier on, they will be during the lifetime of the plan, during the 3 years. Deputy Pamplin asked about St. Saviour Hospital. This is one that gives me a good opportunity to put the record straight. Although that has been mentioned, this site is not in the Island Plan. It is not in the bridging Island Plan. The reason why that is, is because it is still in Health operational use. It cannot be developed and it is not being freed up for development until the Minister for Health and Social Services advises otherwise. That is the right situation. There are lots of opportunities at St. Saviour on that site. Lots of aspirations in the community. It will need its own planning brief and the timescale of that, this is my view, and the Minister for Housing and Communities will be disappointed, but it is probably likely to be in the next

Island Plan and not during this planning period. That obviously will not be for me. There will be a hot debate about that in the future. So, I think I have covered the points that Members made, but thank you for all of the comments and I am grateful. Cycle routes, absolutely. Part of the key to this is helping children get to school. There is no question. At the moment it is a nightmare. We have to find opportunities for a way to do that in a more sustainable way. Thank you. I make the proposition.

The Deputy Bailiff:

Do you ask for the *appel*?

Deputy J.H. Young:

Yes please. Sorry, I lost my words for a minute.

The Deputy Bailiff:

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

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. John				
Connétable of St. Clement				
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 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 Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

3. Island Plan 2022-25: Approval (P.36/2021) - seventeenth amendment: Use of Field MN489 for Over-55s Homes (P.36/2021 Amd.(17))

The Deputy Bailiff:

We now move to the 17th amendment lodged by the Deputy of St. Martin 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 H6 - Supported housing, after the words “proposals for the development of supported homes, including” there should be inserted the words “age-restricted homes (for people over 55),”; (b) within Policy H6, after the first paragraph there should be inserted the following new paragraph - “To support the provision of homes that help meet the needs of an ageing society the following sites are specifically zoned for the provision of age-restricted over-55 homes, and their development for any other use will not be supported: 1. Field MN489, La Longue Rue, St. Martin (1.3 hectares/7.2 vergées), to provide homes for rent, to be administered by St Martin’s Parish.”; (c) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of (a) and (b); and (d) the Draft Bridging Island Plan Proposals Map Part A - Planning Zones should be amended to reflect the adoption of (a).”.

3.1 The Deputy of St. Martin:

I hope it will not take too long making this proposition. Members may well remember that what seems like an awfully long time ago now, but not long after the start of this debate I withdrew an amendment to put retirement homes on a field in St. Martin. That field was 410 and Members may remember that was a field alongside St. Martin’s Catholic Church. It became apparent during the inspection in public that this field may well go for affordable housing and St. Martin, as a Parish, wants to support anybody who needs a home. We, and I, were quite happy to withdraw my amendment on field 410 and allow it to go forward for affordable housing because we want to help young families to have homes for the future. Here is a chance now with this amendment to provide some homes for over-55s in St. Martin. Originally, 410 had been the place that we might have done that. But, as I have said, we want families to make their home in the Parish and why would they not want to? Because in St. Martin we have the most fantastic facilities with our village green, our shops, supermarket, vet, doctor, pharmacy, church, pub, Parish administration, and not least our village

tearoom. We have great facilities, but we also have great demand for housing, and especially housing for over-55s. I took the opportunity to speak to our senior procureur yesterday and at the moment on our books we have 50 people looking for units of retired housing in St. Martin. We could more than double what we currently have and still not fill the demand. In my view, and talking to people on the street, we know population and housing are the 2 most important things. We have here the opportunity to build homes for people to retire into. But it is my view that every home we build is another home that helps to solve the housing crisis that I spoke about earlier. Every person who takes up a retirement home leaves another unit behind, a unit that can be used by others and a unit that can be left while the new person rightsizes into a retirement development, such as I am proposing here. I want to build sites moving forward. I want to help people with housing. Every site is difficult, I appreciate that. But we do here have a site that is up against existing facilities. It is not dissimilar to 410, the field on the other side of the St Martin's Catholic graveyard. It is adjacent to the current retirement homes that we have. But it is not alongside any roads. It is an extension of the village and an extension of the existing facility. The access to it would be through our existing retirement homes, so we do not need to create new accesses on to the green lane. Because it comes through the existing homes, it would be quiet like it is now. I am not going to say this location is out of sight, but you do have to work quite hard to be able to see where it is. Unlike 410, which we have agreed, which is alongside a road, this site is not alongside a road. Agriculturally, you have to access it going through another field. You only really get to see it if you concentrate very hard and go into the depths of the green lane. So, it is almost out of sight. Unlike the vast majority of the other sites we have had proposed in this last 7 days, I have not received, or I believe anybody has received, any complaints or objections to this site and that is important. We do not want to build on green fields but we need to accept that voting to build affordable homes only on States-owned land, if we do that the Parishes and the country Parishes will get very little, if not nothing. We certainly do not and will not get sheltered housing in those country Parishes such as St. Martin. I very much hope that Members are going to take a view on this. St. Martin have withdrawn their objection to the affordable homes amendment on field 410. I hope the Members are going to support me with this field. As I say, it is very similar to 410 on the other side of the graveyard. I have highlighted a few reasons why I believe it is, and I just leave this one item with States Members before we start the debate. States Members will know I am a farmer. I have great sympathy with farmers. I want to do what I can to help them. I know they will have a view on this field and it is 7 vergées, it is a good-sized field. I have said that it is not easily accessed from the road. In fact you have to go through another field owned by somebody else to get to it. But I just make this point, this is a potato field, and there are 11 potato farmers on this Island. They farm roughly 14,500 vergées of potatoes. That means on average 1,300 vergées each. This field would be less than half of 1 per cent of any average potato farmer's land. I know 7 vergées is significant. It is a good-sized field. The sort of field that farmers want to work; easy, square. But retired homes alongside retired homes; this is the site that we will go back to time and time again as an extension to our existing facilities for our retired and elderly parishioners. So I ask Members to think about that. I very much hope they are going to be able to support me and I look forward to the debate.

The Deputy Bailiff:

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

3.1.1 Connétable K. Shenton-Stone of St. Martin:

I fully support this amendment for the over-55s. We have a long waiting list for parishioners to downsize. We have parishioners, and this is no lie, quite often phoning me up in tears or speaking to the Parish secretary in tears who desperately want to move. In February, I attended the senior citizens meal and spoke to people who have 3-bedroom houses at Maufant who dearly would like to downsize but they have nowhere to go to. They feel too old to cope in the houses they live in but do

not want to move out of the Parish and all the support and the infrastructure, which is available in our Parish. The access is not a problem as the access is through the Le Court Clos, and obviously this would be an extension to Le Court Clos, so we do not have any problems there. We have money in the housing trust to be able to purchase this field and buy the land and also to build. We keep talking about rightsizing and freeing up homes for the younger generation. But this will not happen if we do not have the accommodation for people to rightsize to. This is a really genuine problem in our Parish. I also have parishioners or members of the public who grew up in St. Martin, have moved somewhere else, for example I was talking to somebody at Don Farm, and they desperately would like to retire to the Parish. So, we have quite a few people like that. So, we have people from other Parishes who want to come back to St. Martin because, as the Deputy said, we have fantastic facilities there. We have the village green, we have a pharmacy, we have doctors, we have vets, we have all sorts of infrastructure in place to support the elderly members of our society. I do acknowledge that this is a potato field but, as the Deputy has said, this yields less than 1 per cent of the potatoes. I am usually against building on green fields unless there is a real need and I would say that we do have a desperate need in our Parish for parishioners to downsize, for parishioners from other Parishes to come back to the Parish, and we are more than happy to help here to provide really good accommodation and support with the rightsizing initiative of the Government. So I would really hope people would support this.

[12:00]

3.1.2 Deputy J.H. Young:

There are 2 parts to this amendment. The second part obviously deals with this particular field in St. Martin, the aspirations of which have been explained by the Deputy and the Connétable. But also proposition (a) makes a general change to the policy H6, which at the moment deals with just supported housing. The inspector obviously considered this. At the time there were several proposals. The Connétable of St. John had brought forward 2 proposals, at the time whether there was a possibility of it being supported housing. But in the debate we are now with one in St. Martin. What the inspector had to say is that both of these aims are commendable. We all want to have ways of helping people. Not just people of advanced years, people like myself, but generally who need supported housing, and we had that debate the other day; an excellent debate on Deputy Ahier's amendment. But they did consider this particular amendment on the field MN410, and they did say that: "We agree with the Minister [because that was my position at the inquiry] that the evidential justification for the amendment is not convincing." In particular, they talk about the needs of the over-55s, which is the first paragraph (a). It says that the needs of the over-55s is what the inspector said are catered for by other policies in the bridging Island Plan through the work of the Gateway. So, policy H6 as drafted is not intended to apply generally to anyone over 55. So, for example, it could have the unintended effect, if you went with the Deputy's amendment (a), that the proposal we approved for Deputy Ahier under policy H6 for supported housing could go to anybody over 55, regardless of their needs, I think, if this amendment (a), because that is what it says. It says: "Within policy H6, supported housing, after the words 'proposals for the supported homes including age-restricted homes for people over 55'." So that is my interpretation having looked at part (a). I think part (a) is possibly more significant than what it would purport to be, because it affects all supported housing proposals I think. So, I put that there. I do not have an answer to that because that seems clear to me. If Members would like to look up policy H6, it is a very short policy in the draft plan, while I am looking at my notes on the field, I am trying to find it. The policy is on 195. It is quite a short proposal. So, adding in just age-related into that could be problematic. Page 195 has the blue policy, policy H6. One of the possibilities, one of the aims, I think probably with the loss of the very significant reduction in the number of homes that Members have approved for zoning, the aspirations we had for rightsized homes are going to be affected adversely. The aspiration was that we could have found within the 600 homes in the zoned sites a proportion from rightsized homes to allow people within the Parish communities to be able to downsize into rightsized units. Those people are

in very different circumstances because they have generally got their own homes. The rightsizing policy that we all had in mind, and I know the Minister for Housing and Communities bought into this strongly, was that those could only be allocated in the Gateway if the person who was downsizing released a family home to the market, released the family home that they currently under-occupy. That was the intention in the rightsizing aim. I am hoping we can still do some, it will not be for me. The policies still allow a rightsizing component but it is inevitable that will be affected because of the decisions made by the Assembly not to zone the recommended sites. It is a shame because every Parish that I have spoken to the Connétable has a very significant need within their Parishes. So if we go with paragraph (a), unless it is linked ... I suppose it really applies to paragraph (b) probably as well. As worded, allocating sites unconditionally for over-55 homes, it is open to the possibility that they would be allocated without releasing any family home underoccupied in a downsizing situation. So, at its extreme, I am not saying this could happen, but you might get people buying, in effect ... these homes under this paragraph (b), you might get them buying a second home. I can see shaking, well I am pleased that is the case, I would trust the Constable with that. But I am saying there are some real potential gaps in this proposition, so I am going to listen to what the Deputy says about how he sees those gaps being filled. He might have a think about whether he really is prepared to vote on parts (a) and (b) separately. Because what we are doing here, we are doing a zoning. We are doing a zoning. We are doing a zoning of what are agricultural lands. We are developing it for homes. But we are saying it is for the over-55s. The one thing that I am quite attracted to, and I am not sure, I might have to ask the Attorney General, it says: "For rent." I would like to know whether that is legally binding. Because my understanding was the planning law cannot specify tenure; cannot limit tenure. So, I do not know if the Attorney General is listening or perhaps I could give notice and hopefully other people will speak until the Deputy of St. Martin is able to come back. So, there are a lot of snags about this. I personally am very much keen on doing things for over-55s. As I said, the vehicle that I wanted to go with, my favourite vehicle, was to do this within the sites zoned for housing and we could have made a major contribution. Here, zoning a site for open market homes is not something that I am prepared to recommend. So, unless I can hear replies that respond to the points I have made, I am pretty certain I will not be able to support it. Because this site is not within the village envelope and of course, obviously, access is poor; it will have to go through the adjacent Court Clos and on to a one-way system and so on. It is quite poor. So, there are negatives about this housing site. It being outside of the centre, although it does relate well to the sheltered housing development. I have probably said enough. I will wait to hear what other Members have said. I do not know if the Attorney General is able to answer now.

The Deputy Bailiff:

Let us find out. Mr. Attorney, are you available to respond to a question from the Minister?

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

Yes, I am. I do not consider that there is a difficulty with the part of the proposition which specifies that the homes are to rent. Looking at Article 4(4) of the 2002 law, specifically contemplates accommodation for renting. So, I do not see a difficulty with that part of the proposition.

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

I am pleased to follow the Attorney General's response. I just want to clarify something further for the Minister because I am pretty much aware that St. Martin follows the same pattern as St. Ouen does in that it is the rules of our housing association that makes them rental properties. Certainly, as a Parish, St. Ouen would never contemplate building units for purchase because that rather defeats the object of the exercise, not least because you have serious issues when the tenant or owner dies and making sure that those properties continue to remain in over-55 accommodation. Whereas, if it is rental, the Parish simply refurbishes it and then contacts the next person on the list and allocates them according to need. I shall be supporting this because, as most Members know, there is a grave

shortage of over-55 accommodation. In St. Ouen we have at least 168 people on our list looking for over-55 accommodation and we have people joining that list all the time, even though we do clear it down from time to time by filling up existing empty units. They do not come empty that often. We have tenants who have been in our units for 20 years now, they moved in their late 60s and now in their late 80s and long may they be with us. But it is a sad fact of life that sometimes they do pass away and the accommodation becomes free. There is not a big turnover, is the point I am trying to make. So, I think, notwithstanding the fact that the land is agricultural land, in my mind there is a huge demand for this type of accommodation. Indeed, I have a proposition later on which will provide a small but necessarily vital addition to that number of units, so I shall be supporting this proposition and supporting St. Martin in this matter.

3.1.4 Connétable P.B. Le Sueur of Trinity:

I too would like to support the Parish of St. Martin in their endeavours here. Like them, the Parish of Trinity have a waiting list of over-55s, names of parishioners and people from across the Island who would like to rent one of our retirement homes. It was unfortunate that the site that we put forward in the call for sites failed because the drainage infrastructure is at capacity in this particular area. But there is a desperate need for this type of accommodation and I will be happy to support this amendment.

3.1.5 Connétable R. Vibert of St. Peter:

I would like to echo the thoughts of the other Constables. I will be supporting this amendment. Unlike other Parishes we do not keep a specific list of people for the rightsizing accommodation because we produce a new listed advertisement on each occasion. But each time we have advertised we have a large number of applicants. On one of the more recent ones we had 21 applicants for the single unit that became available. It is sad that those units only become available normally when somebody passes away. There is an urgent need for this accommodation. I am sure if we had a list it would be a lot larger than the 21. With that I would just say I hope other Members, despite this being a green field, can give their support.

3.1.6 Deputy D. Johnson of St. Mary:

Just a minor point I make. The Minister did - if I understood him correctly - suggest that by adopting the first part of this proposition it might somehow militate against the present policy H6. But the wording of the amendment is to include this category of people and it does not exclude the other, so I do not think it does in any way harm the existing policy H6. On a general matter, yes, I can well understand the various Constables approving developments of this kind if it does free up bigger properties in the Parish for younger members of society. I have to say on a personal note over 55 seems rather young to me, but that is a personal note. But subject to that I would approve it.

[12:15]

3.1.7 The Connétable of St. Saviour:

We are lucky in St. Saviour, we have Maisons Connétable homes and they are very successful. We have wet rooms in all the bungalows. They have a little garden they can be in, and they have been very, very successful. We have such a waiting list for this type of home and, to be perfectly honest, with you we have more people who pass on the list waiting to occupy one of our bungalows than we do have in the bungalows. They seem to have a new lease of life and they are well-catered for. So, I will be supporting my fellow Connétable and the Deputy of St. Martin because I think these homes are needed and it is fabulous, they are all the same ages, they all get on, they know things, and it is very, very good. So, I will be supporting this.

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

I just wanted to thank Deputy Johnson for raising the point that 55 is rather young. **[Laughter]**

The Deputy Bailiff:

I call upon the Deputy of St. Martin to reply.

3.1.9 The Deputy of St. Martin:

Can I start by thanking the Deputy of St. Mary? I concur with him entirely and I think the reading of the policy H6 just adding those words there does not change anything, and he is quite right. Constables generally, thank you for your support. It clearly shows that there is a need in of course the whole Island for this type of accommodation. As my Constable said quite rightly, she gets people in tears phoning up looking for homes, and I cannot thank the Constables enough for their support. It leaves me to just talk about the Minister's comments and address those. I think we must not forget that over-55s ... what is being proposed here is all about rightsizing and as I said at the start of this debate, it frees up homes. I want to be clear; this site would be purchased by the Parish, by the H Trust, as it is known, which is a Parish trust, and it would continue to work exactly the same as it does at the moment. It would not be for homes for sale; it would be homes for rent, and an affordable rent at that because it is not the open market rent. The tenure is important but we have a system here that works and what we want to do is to continue with it. The Minister mentioned access on to the green lane and the one-way system, but the access to this site would be through the existing site, it would be as is. It is a system that works and it is a system that would continue to work. I just want to get back to what the Minister said about rightsizing, but I just want to remind people yet again that every home that is freed up by people moving into these type of retirement homes frees up other homes. I hear what the Minister is saying but is he seriously suggesting that the procureurs and the Constable of St. Martin or any Parish would allow someone to use one of these rented properties as a second home. I can assure him that that absolutely would not happen. I am a little bit disappointed, if I might say, that the Minister has not found more words to be supportive here. The Minister just seemed to me to be looking for problems in a way that do not exist, and I do not like putting people down but we have a system here that works and what I wanted to say to the Minister is do not try to fix something that is not broken here. Members are right to be concerned about detail but I thought back, while the Minister was speaking, to one of the first propositions I made in this Assembly 10 years ago now when I brought a housing site to be rezoned which turned into being Clos Le Troquer, which was opened some 18 months ago now. At the time I remember Members being worried that we might rezone a site and it might go into private hands, it might end up something that was not construed in the first place. But I can assure Members that nothing else will happen on this site other than it will be an extension of our very successful and very much in demand and much needed over-55 houses. I just remind Members the Parish gave up aspirations on field 410 for retirement homes to concentrate on this site. I will just finish by concurring with those Members about over-55s. There was a time that I thought over 55 was very old, but we all get there and I am well past it now. I would just like to say to Members there are lots and lots of people at my age who are looking to downsize, rightsize, move into these retirement homes, and I urge Members to support the proposition and call for the appel.

Deputy J.H. Perchard:

A point of clarification, Sir?

The Deputy Bailiff:

Will you accept a point of clarification?

The Deputy of St. Martin:

Yes.

Deputy J.H. Perchard:

The Deputy stated then that the amendment would result in an extension of the current provision. Could he just clarify whether that means that there would need to be any reduction in the current provision of Le Pont Clos in order to create the access required for that extension? Would any of the houses need to be taken away to create access?

The Deputy of St. Martin:

I have been on site a number of times, as the Deputy might appreciate, and I think it can be done without removing any houses from the site. Even if we did need to remove one, which I am sure we do not, but if we did need to move one I can assure that the person in that home would be well catered for while we were doing that. But it is my understanding - and I am not an engineer - but there is plenty of space to put a road through between the units.

The Deputy Bailiff:

Thank you, Deputy. The *appel* has been called for. Members are invited to return to their seats. Those joining the meeting via the Teams link may cast their votes in the chat channel, and I ask the Greffier to open the voting for Members in the Chamber. I will then ask the Greffier to close the voting. I can announce that the 17th amendment has been adopted.

POUR: 33	CONTRE: 9	ABSTAIN: 1
Senator I.J. Gorst	Senator S.Y. Mézec	Deputy J.H. Young (B)
Senator L.J. Farnham	Connétable of St. Helier	
Senator S.C. Ferguson	Deputy M. Tadier (B)	
Senator T.A. Vallois	Deputy R. Labey (H)	
Senator K.L. Moore	Deputy K.F. Morel (L)	
Senator S.W. Pallett	Deputy G.C.U. Guida (L)	
Connétable of St. Lawrence	Deputy M.R. Le Hegarat (H)	
Connétable of St. Saviour	Deputy J.H. Perchard (S)	
Connétable of St. Brelade	Deputy C.S. Alves (H)	
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		

Deputy L.B. Ash (C)			
Deputy of St. Peter			
Deputy of Trinity			
Deputy of St. John			
Deputy S.M. Ahier (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

4. Island Plan 2022-25: Approval (P.36/2021) - ninety-second amendment: Policy H8: Housing Outside the Built-up Area (P.36/2021 Amd.(92))

The Deputy Bailiff:

We now move to the 92nd amendment, lodged by the Minister for the Environment, and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that - (a) In Policy H8 - Housing outside the built-up area, section 2, together with subsections a. and b., should be substituted with the following - “2. in the case of an extension or where it involves the subdivision of part of an existing dwelling that would lead to the creation of separate households: a. the accommodation is required to provide independent accommodation for someone who requires a high degree of care and/or support for their personal wellbeing and health; or b. the accommodation is capable of allowing the creation of additional households, where they meet minimum internal and external space standards and specifications for homes, within the existing or extended dwelling; and c. it does not facilitate a significant increase in potential occupancy; and d. where the accommodation is capable of re-integration into the main dwelling.” (b) after Policy H8 there should be inserted a new proposal, as follows - “Proposal - Housing outside the built-up area The Minister for the Environment will develop supplementary planning guidance to assist with the interpretation and application of Policy H8 - Housing outside the built-up area.”

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

Obviously now after this amendment we are likely to go on and discuss Senator Moore’s amendment number 26, and this really talks about subdivision of buildings. Of course, those buildings can be anywhere. Basically, the intention in that amendment 26 is that that will be enabled in a very, very broad way. What the amendment that I am bringing here today, which is what I would call the sort of consolidating amendments, I tried to bring forward those elements in the proposition, if you like, on the principle of Senator Moore’s of how we can have subdivision, but do it in a very much, what I would call, controlled manner, or in a way that I think can ensure that where it is possible under the rest of the conditions of the Island Plan, we can allow subdivision. I am very aware that when I spent time in our sister islands they have a policy called a dower policy, which has similar intentions, that where you have properties that can enable the creation of a second household, providing certain conditions are met, that can be done. Again, it is part of this issue about finding the planning balance. Obviously what we have got is that we want to make best use of the land and buildings that we have already got, but also at the same time we do need to protect the character of the coast and the countryside, so trying to make sure that where we get what I would call intensification of development and use, because that would be the case if one enables a blanket subdivision, that we can make sure that it takes place in the most sustainable positions with access to services and facilities. So, the draft plan already seeks out and allows for residential development in the countryside. For example, historic buildings, I think we all know all around the Island there are all sorts of farm complexes, traditional farm buildings, where this is routinely done. We have policies

that facilitate the conversion of those traditional buildings that are no longer required or of value to agriculture to go into separate occupations and many, many residential units are achieved. Also in listed buildings, obviously where you can accommodate that within a listed building that can help give the building a new sustainable use. So, again, that is in policy HE1. The policy I mentioned about agricultural buildings was ERE3, and also there is a policy in particular for subdivision for the creation of separate households for our dependants who require a high degree of care or support. This is generally where a member of the extended family requires help in maintaining life and obviously that subdivision is permitted under policy H8.

[12:30]

So, there are already a number of policies in the plan, which I think help achieve this, and that is about the planning balance. I have certainly thought about how we could have more flexibility into the plan because I think that was really prompted by Senator Moore's amendment. I think, in particular, what I have addressed is where this takes place outside of the built area. I think I have included in the points a. to d. in my amendment a series of tests to secure these homes, and the tests are that the accommodation is capable of allowing the creation of additional households providing they meet minimum internal and external space standards. Where the accommodation is capable of reintegration into the main building - and this is quite important, certainly very important in the case of historic buildings - where that modification is capable of reintegration of a single dwelling. That might apply where the buildings are large, and so I think what I would want to do in this amendment is to make sure that we allow that subdivision to have the potential to offer multigenerational living that does not create undue strain on the services and facilities in the countryside. Senator Moore's amendment pushes the boundaries a bit further, if you like, not just the creation of new households but of course the intensification of subdivision. It is open, and so I really have the targeted proposition here, and of course the planning inspectors looked at this and they said: "A more flexible approach to the use of existing buildings within the countryside is sought by Senator Moore. We agree with the Minister that the suggested amendments are not acceptable given the strong emphasis on countryside protection in the bridging Island Plan and the strategy of focusing development in sustainable locations. We agree with the Minister that to extend the flexibility to all buildings [that is amendment 26 which is Senator Moore's amendment] the suggested change would undermine the sustainability credentials of the bridging Island Plan." Now, this is not an easy subject. As long as I can remember this has been very controversial. I think what the amendment I am proposing here does, it increases where we can allow that subdivision, so those categories a. to d. I think provides those tests. Also, those tests will need a lot more clarification on how they are going to work, and how they are going to work may change in time, and so we have the means of supplementary planning guidance, and that is covered in paragraph (b) of the proposition, to be able to help the interpretation and application of how this policy would work. I think really we should try it. We should see how it goes. For example, we want to make sure that if we allow subdivision that the drainage systems work. There are a very large number of properties in the Island which are served with private drainage systems because we have not invested in our sewer network. That is something which I hope in the future will be dealt with, but in the meantime a lot of these systems are failing. They are failing and we are getting constant reports through the water pollution side of failing drainage systems that are causing pollution, and because not only of course do they pollute but they pollute boreholes because generally the properties are served by boreholes and they create problems there. Also we have got the issue of parking and access and roads. Getting on to sites. A lot of countryside properties are very inaccessible locations and this could have a very, very ... going from a very open-ended situation where any property could subdivide, yes, it would make a difference but I think it could create a lot of potential problems, traffic, implications for neighbours of intensification, and I think we should be more cautious and try my amendment to see whether or not that allows a relaxation in a way that cannot ... where we can mitigate any broader effects. Obviously, it is not presented as an amendment to Senator Moore, it is presented as a standalone proposition where we amend policy H8.

Policy H8 deals with housing outside the built area, and of course if you look at policy H8 on page 200 you will find there is a long list. It starts off by saying: “New residential development will not be supported” and then it has got one to 6. It has got a whole long list, nearly a whole page of exceptions. Section 2 deals with the second bullet point on that policy, it says: “In the case of an extension to the subdivision that would lead to the creation of a separate household.” That is where I have widened that out because I think we can widen out point 2 under policy H, and so whether or not you make a separate decision on Senator Moore’s amendment which will follow, I strongly recommend Members adopt this proposition because it does make a more relaxed position but in a mitigated way to that policy on page 200, item 2 on that long list. Thank you and I make the proposition.

The Deputy Bailiff:

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

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

Both the Minister’s amendment and the amendment of Senator Moore talk about properties that are outside of the built-up area. As a part owner of a property that fits this criteria, and it could potentially benefit me, I will not participate or vote in either amendment.

Senator K.L. Moore:

I would also like to state that I have a very small loft area that is possible for conversion and I think it is important to state that at the outset of this debate. If anybody else has any such property they perhaps might want to mention it now, but otherwise I will speak.

The Deputy Bailiff:

Do you want to speak now, or any other declarations of potential interest? I am not sure that these declarations are necessary or prevent Members from participating.

Deputy K.F. Morel:

Hearing Senator Moore there just made me think, many people who own a property will have a loft area that could be converted ...

The Deputy Bailiff:

That is what I was saying. I do not think these declarations will necessarily mean that Members are disentitled from speaking or voting in this debate. It seems rather common.

The Connétable of St. Peter:

I have subdivided a property under the existing provisions for a family member. I am not sure that is a reason to have an interest but I thought I should declare it.

The Deputy Bailiff:

I do not think it is. It will not be affected by these changes; no need to declare that.

4.1.1 Senator K.L. Moore:

I am grateful to the Minister for approaching my initial considerations in the bridging Island Plan, and I do and will maintain amendment 26, although I have obviously considered whether the Minister has gone far enough to meet my concerns. One can always of course look at the inspector’s advice in a number of different ways, and I would be with the inspectors when they state that what the Minister proposes here - although it is in the main sensible and I will be supporting it - also is open to interpretation and can, as they quote, has the possibility of confusion, particularly with the use of the phrase “significant increase in potential occupancy”. I would hope that the Minister or his successor will provide sufficient guidance on that point. I think in the main here though the issue is whether or not we, as an Assembly and politically, are in agreement with the Minister who wishes to

restrict in all possible ways the number of people who can reside in our beautiful countryside. These amendments allow for what I would consider to be very minimal developments because they are of course restricted by the existence of existing buildings, and those are becoming fewer and fewer it can be said. But we do see many large residences, converting them for a multiplicity of uses. We see pool houses, gyms are very popular, party rooms at the moment are extremely popular. But we do have a housing crisis and, despite Deputy Ash's earlier speech, we have a housing crisis, and also a duty upon the residents of the Island to offer them a variety of lifestyles for them to access if they so wish. As I have stated in the report to my amendment, the opinion and lifestyle survey shows a massive disparity between those people living in St. Helier and their contentedness with their quality of life versus those who live in the country Parishes. My proposition will be that we should be allowing more people to enjoy and to make habitats additional use for accommodation in existing buildings where it is possible. We will go into amendment 26 of course later on. The Minister suggests that this is, potentially, leading to intensification in the countryside and I would urge Members to consider that with a pinch of salt perhaps because, as I have stated, there is already only a limited number of buildings that would fall into the realms of this amendment and that, therefore, disregards the potential for intensification in the countryside. That being so, there is plenty of room on our roads already for a small number of journeys that this would allow. I am grateful to the Minister but I do hope that Members will also support amendment 26, which will go a little bit further and offer members of the public greater enjoyment of the countryside. Given the time, Sir, I will propose the adjournment.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Thank you, Senator. The adjournment is proposed, is it seconded? **[Seconded]** Does any Member wish to speak on the adjournment? No. The States stand adjourned until 2.15 p.m.

[12:43]

LUNCHEON ADJOURNMENT

[14:16]

The Deputy Bailiff:

Returning to the amendment, does any other Member wish to speak on the amendment?

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

I have just met a former Member of this Assembly who served for some 25 years and we were talking about the debate that is taking place. He was very pleased to say that during those 25 years he managed to avoid serving on the Planning Committee. There are a number of reasons for that. During my time in this Assembly, I have also managed to do that until 2018 when I thought that I should take a look at it and, essentially, have my say as a member of the Planning Committee, and of course that is what I have done over the past few years. It is not easy for the lay person, such as myself, to understand everything in terms of planning, however, we are guided of course by the policies within the Island Plan. I would just like to say that this amendment from the Minister makes sound sense to me because I know, having visited a number of properties within the countryside over the past few years to consider applications where the owners have been trying to achieve exactly what the Minister has set out in this amendment and we, as members of the committee, have just looked at the property and said: "Why can we not do this?" Because clearly what we determine is all the information and the planning officers make a recommendation as to whether it should be approved or refused. Of course, unless there are really exceptional circumstances, as I have mentioned when I have spoken during other amendments, then we really are obliged to determine according to the policies. But, as I say, there have been times when we have come across a property which would just make so much sense to be altered in accordance with what the Minister is proposing

here. I really do hope that Members will support him on this because it is one of those common-sense amendments.

The Deputy Bailiff:

Thank you, Connétable. Does any other Member wish to speak on this amendment? I call upon the Minister to reply.

4.1.3 Deputy J.H. Young:

I am very grateful for the Connétable's comments. I think the Connétable being a member, having to make these difficult planning decisions, has experienced that, where you come to a point saying: "Why can we not do this?" It looked sensible in the circumstances of that case but the policy gets in the way. That is what I am trying to achieve with this amendment, something which fits within those circumstances. Of course, I asked a question but, unfortunately, I have not had the answer. How many buildings are there, how many dwellings are there in the Island? How many dwellings are in the built area? I do not know but I think if I was to take a guess I would personally say the majority of dwellings are in the built area but I would guess probably a decent proportion of them are still outside the built area, effectively in the countryside and on the coasts. It is really important that when we make what is, I think, a very, very significant change to planning policies the restrictions that the Connétable described, I think there has been the case, certainly as far as at least 2002, it may well even have its origins back earlier than that in the 1987 plan. This amendment I am putting here may seem sort of combining that but it is a very significant shift in policies and it allows the decision-maker, that is the Planning Committee, to be able to make those judgments. There has been a criticism of it that it has got this clause in it which says: "Does not facilitate a significant increase of potential occupancy." Obviously, that requires judgment and I think the decision-makers are able to make those judgments because, as part (b) of the policy describes, there will be a need for a supplementary planning guidance, which will help the decision-maker. The other things are quite clear, point a. says: "Where somebody requires a high degree of care and support for their personal well-being and health." That becomes a very clear case. In the past people have had to argue exceptions to policy. A lot of families have been put through painful processes to justify exceptions to policies. Now there will be under this policy a provision that deals with that, which will remove that difficulty. Then of course we need to make sure that where we alter accommodation to allow additional households that they meet minimum internal and external space standards, because it is not good to create poor quality space. So, these standards and specifications within the existing and extended dwelling and also, I think, where it is possible to do reintegration. But, again, that requires judgment and I think the decision-makers can make those judgments, and the supplementary planning guidance will really help. It is not a perfect policy because this is a huge shift and what I am advocating is let us give this a go for the bridging Island Plan. We can judge it, we will monitor it; this policy will be monitored. I did ask a question: how many applications are we getting for this that we have refused? I am afraid I do not have the: umbers, I wish I had. Our systems are not good enough to be able to respond so quickly. But I feel it is important that this is not the time to go for a wholesale shift, it is to make a step - a very significant step - and of course that is the distinction, if Members approve my amendment, which I hope they do and we go on to the next one, which I think the next one is extremely far-ranging and I will talk about that in a moment. I make the proposition and ask for the *appel*.

The Deputy Bailiff:

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

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
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. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

5. Island Plan 2022-25: Approval (P.36/2021) - twenty-sixth amendment: Amendments to Policy H8, Policy SP2 and Policy PL5 (P.36/2021 Amd.(26))

The Deputy Bailiff:

I now move to the 26th amendment lodged by Senator Moore. Senator Moore, I think you understand that the amendment will be read less subparagraphs (b) and (c), as they have already, in effect, been adopted by the Minister's amendment just debated. I invite the Greffier to read the amendment with the absence of (b) and (c) on the first page.

The Deputy Greffier of the States:

After the words "the draft Island Plan 2022-25" insert the words "except that, in order to achieve the ability for existing properties to be sub-divided or traditional buildings to be converted to create additional units of accommodation, within Policy H8 - (a) the word "and" at the end of sub-paragraph 1.a. and sub-paragraph 1.b. should be deleted; (d) the word "and" should be inserted at the end of paragraph 5.a, and sub-paragraph 5.b. should be deleted, with the remaining sub-paragraph redesignated accordingly." After the words "the draft Island Plan 2022-25" insert the words "except that, within Policy SP2, after the words "in its location" there should be inserted ", or where it involves the conversion, extension and/or subdivision of existing buildings"; After the words "the draft Island Plan 2022-25" insert the words "except that the second paragraph of Policy PL5 should be deleted and replaced with the following paragraph - "To protect the countryside and coast and to ensure development is concentrated in the most sustainable locations, the development of new homes will be supported in limited circumstances, including the conversion, extension and/or sub-division of existing buildings.""; After the words "the draft Island Plan 2022-25" insert the words "except that the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent to the adoption of the amendments to Policy H8, Policy SP2 and Policy PL5."

5.1 Senator K.L. Moore:

As I stated at the beginning of the previous debate, I do have a loft space above a garage that could, potentially, be converted into some sort of habitable accommodation. It is in considering I do not like waste, and particularly when we have a housing crisis and people are crying out for homes, I would like to consider use of that particular space and I am sure there are plenty of other people in the Island. Recently a friend was approached by the person who does their gardening and asked if they would rent them their stable because the gardener was struggling to find anywhere affordable to live. There are around and about our beautiful countryside small buildings that could, potentially, be converted into accommodation for members of the public and also for family members. I have a constituent who is most frustrated by their inability under the current rules to subdivide their family property in Trinity so that they can live alongside their parents during the years where their parents are ageing and retired and they are trying to bring up a young family and run their own business.

[14:30]

The Minister may have suggested in the previous debate that this subdivision conversion of existing buildings was already possible but it is a blocker for many. This is not a broad amendment in my view, this is a simple amendment to prevent the waste of buildings that could otherwise provide accommodation for those who desperately seek it. But also it could enhance the enjoyment of our countryside by people who would like that style of living, as opposed to a town dwelling. As I mentioned in the last debate, if we look back at the opinion and lifestyle survey from 2018 it is very significant the disparity of views between countryside dwellers and town dwellers when they are asked about their feelings about the environment within which they live. While we have during the debates over the last 2 weeks made many attempts to create additional housing in both town and country, we can always do more to improve both experiences. But if we continue to place all of the emphasis and burden on those town dwellers then there will not be the space to improve the

environment, to plant trees and to create green spaces and lungs for town dwellers to enjoy. I maintain the position that this would not see a great and vast number of people moving to the countryside but it would make good use of small spaces that are available and bring a small number, perhaps one additional family unit per country lane, which I would argue would have a minimal impact upon the enjoyment of the others in that location and a minimal impact on the traffic circulating on those country lanes. I think in my view this is a very simple argument and I do not wish to prolong this debate at all, so I will move the amendment and look forward to the debate.

The Deputy Bailiff:

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

The Connétable of St. Peter:

Sir, just to say that I will abstain from voting because I submitted a redundant agricultural building into the Island Plan and I also spoke to the inspector in his hearing about it, so, therefore, I will abstain.

5.1.1 Deputy J.H. Young:

I think the Senator said the arguments for are simple. I think the arguments against, contrary, are equally simple. This, in my view, goes too far and, in the advice of my planning officers, who are very experienced in dealing with large numbers of applications, it does so. There are a number of differences between the amendment you approved that I brought and this one. This one does not address dwellings, it addresses buildings. It means any building can be put up for conversion into a new dwelling or subdivision; any building. When one reads the proposition great reference is made about redundant farm buildings. Farm buildings, unused, no longer suitable for farming, it says “add to the charm and character.” Of course, they do, that is why we have other policies in the plan, policy ERE3, that enables those conversions of dwellings, done all the time; that provision is already there. Of course, what we are here talking about, and it is very clear, the next paragraph tells us: “Home offices, gyms, pool houses and party rooms for large houses.” I think we all know what we are dealing with. I think there are quite a number of large homes in the Island with very large gardens where people in fact got permission within the curtilage of a dwelling house to erect these buildings. Of course, what this amendment will say, when you have got these things in your large house you can then make them into another dwelling. I think that goes too far. Because we are open to the thing, well speculation ... potentially, it would be very open to people applying to say: “Can I have a party house?” Then in a couple of years: “No, I am going to convert it into a dwelling.” I think Members should think seriously about going this far, that is why I brought my amendment. The inspectors have backed the judgment that I and the planning officers are putting to you; we should see how that goes. If we need to expand the scope of the amendment that you previously passed - my one - we can do so. We can change the guidance as we go on; the new Minister can change the guidance. But here we have got a provision that applies to all buildings; whatever they are. I do not know how many there are, unfortunately they have not got any figures. There must be numerous buildings that could be made. What about farm buildings that are not traditional, agricultural sheds? I do not know, I think this is very unfocused. I think for that reason I really have to caution the Assembly about adopting this now, otherwise I think the Planning Committee are going to have all these sorts of cases coming forward. We want to have subdivision homes, my amendment was to enable that where it can happen for people to live. But party homes, pool houses, and I have got nothing against people who want those but why are they generally provided? They are provided for amenities for people; that is what they are provided for. Then I suppose if this did take root, and the Members approve this, I do not know what the impact will be, potentially, in the numbers of households in the countryside. I do wonder what the impact is on school provision, I wonder what the impact could be, potentially, on traffic. I worry about the impact on drainage systems because a lot of these properties do not have mains drainage, they rely on private drainage systems and so on.

There are unknown impacts. At the moment I do not think we have enough information to justify or want this change. I caution against it. I see on the second page of the report that goes with it, it makes a case on the grounds of thermal efficiency and energy management. That will be done anyway by our building regs, it does not need this proposition to do that; there is no link in that. All the new buildings, the buildings created have to comply with modern building regs full stop. I am not able to support this and I ask Members not to support it.

Deputy R.J. Ward:

Sir, may I please ask whether we can just have the amended version of whatever we have got to look at? Because I did listen intently to it being read out, I always do. But I think there was just some clarification in the Minister's speech with regards ... I do not understand, I do not know what a party house is and it was just mentioned, and trying to put it into the context of where we are with pieces removed from this, from the previous amendment. It may just be me but I think it just needs a little bit of clarification on what we are debating here. I am sorry to put that into the mix.

The Deputy Bailiff:

Deputy, we do not benefit in this amendment with a marked-up document showing the effect of the amendments, as of course you will appreciate. What I have done, which may or may not assist, is I am working off the Minister's amendment, which does on page 5 show the effect of his amendment, Policy H8 housing outside the built-up area. Then if one takes that it is quite straightforward to appreciate the effect of Senator Moore's amendment on the policies that currently stands because we are only considering the removal of the word and in subparagraph 1. between a. and b. Then the second part of the amendment, if you look at 1.d. of Senator Moore's amendment, has an effect on subparagraph 5., as contained in the marked-up version of Policy H8 in the Minister's page 5. You see the effect is to put the word and at the end of 5.a. and then delete subparagraph 5.b. As to the other amendments, you need to look at your copy of the bridging plan, which most of you sensibly will not have in paper and the amendment of significance is really to policy PL5, which is to be found on page 76. I hope that assists.

Deputy R.J. Ward:

Thank you, Sir, it was very comprehensive. I think it does, I am just putting all of these documents together.

Deputy J.H. Young:

Sir, could I also point out in respect that it also affects policy SP2 in the previous paragraphs?

The Deputy Bailiff:

Yes, absolutely, that is affected too. I was not saying that was not what it did but of a most significant change I thought was the policy PL5 but you may say that that is equally significant, that is a political question, not a question for me. Yes, so that is the amendment. Deputy Tadier, you had a question about declarations of interest.

Deputy M. Tadier of St. Brelade:

Just to be on the side of caution, I do not know if I technically need to, although it is not likely at the moment but it is possible in the future that I might be caught by this amendment today. I will be abstaining and I will not take part in the debate, Sir.

5.1.2 The Connétable of Trinity:

I just wish to endorse the comments of the Minister really, that I believe that this is, unfortunately, a step too far and that the Planning Committee will be inundated with inappropriate applications coming forward. I know that there is a need for accommodation but conversion of some of these buildings that we already see is woefully inadequate to provide suitable accommodation for people.

I just think this will open the floodgates. Nobody wants an address which says care of the pool house at such-and-such a property or care of the double garage which has been converted. My mind is made up on this one and I will not be supporting this amendment.

5.1.3 Deputy R. Labey:

Yes, and I agree with the previous speaker; it will be a nightmare for the Planning Committee. I think that it is regrettable in the built-up area that we have lost so many townhouses, small/medium townhouses, to developers and their conversions into 2, 3 and 4 flats and what was the garden becomes the store for 3 Eurobins and all the rest of it. It is something I think that we should be actively discouraging and encouraging the retention of small and medium size, even quite large townhouses and restore them back for family town dwelling. What I think would be regrettable is if the developers then turned their attention, necessitated possibly by this amendment - I know that is not the intention - to countryside properties and mass conversions of those. I am very, very, very much in favour of encouraging a return to a useful purpose for redundant existing farm buildings, stables and barns, even more modern ones. I think that if it does generate more trips then we will just have to put on more buses. But accommodation for people to live in is a priority, especially now and they could be fantastic homes.

[14:45]

I also am sympathetic to subdivision in a temporary way perhaps for members of the family or even extensions for a granny annex, a dower house, as they used to be called, too. But if we see the mass subdivision for apartment living in some country houses it kind of rips the purpose from out of them and why they were built and that would worry me. For those reasons I am out in terms of this amendment, though I know the Senator is well-intentioned and I applaud her initiative.

5.1.4 Deputy K.F. Morel:

It is just to say I think the Minister in this one is right when he talks about taking it step by step because I think Senator Moore is also right to be challenging us as an Assembly and saying there are lots of houses in the countryside which could be used more efficiently for accommodation; that is absolutely correct. But I speak really solely from my experience on the Planning Committee, and we are constantly challenged ourselves by requests to build a pool house; yet to have a request to build a party house but I know Deputy Ward will soon be putting that application in, when he finds out what they are. But very often we have these requests, it could be for an office, a study, et cetera, and what we are told is: "No, this is definitely not to be a second unit of accommodation on this site" and then 2 or 3 years later sure enough a change of use comes along: "Can we change this to a separate unit of accommodation on this site?" We have also come across in recent months pool houses which when visited did not look very much like pool houses and looked very much like units of accommodation that had been built on to the geysers pool houses; that is something which has definitely caught the attention of the Planning Committee. I do think that with the Minister's amendment we have taken one step forward on this route, which is correct. I think Senator Moore's amendment - it is the Minister's words - does just open it up too wide. The issue you will then have as well is issues of substandard accommodation, accommodation which really should not be used in that way and of course all of this all adds up over time. In isolation one planning application perhaps does not matter but when you have hundreds of them coming through it really does start to add up. I know Senator Moore's intentions on this were absolutely correct and I share her views that there are a lot of unused potential existing countryside buildings but I do not think this amendment has a right kind of caution in there. Just one thing that I would like to say, and I think the Minister's amendment covers this, we did on the Planning Committee have one house in the countryside, which I believe was a 9-bedroom house in an L shape and 5 of the bedrooms were in the long part of the L and 4 of the bedrooms in the shorter part. Of course, the planning policy at the time said that we should not give them permission to subdivide into a 5 and a 4-bedroom home. The Planning Committee decided

to go against policy on that one and allowed them to do that and I strongly believe that was absolutely the right decision. You had a 9-bedroom house being massively underused or you had a 5-bedroom and a 4-bedroom house being used properly and no building in the countryside as a result, just the creation of some internal walls and a whole new dwelling was created. But I do think the Minister's original amendment covers that well, and currently I am personally satisfied with that original amendment. I am afraid I will not be supporting this.

5.1.5 Deputy R.J. Ward:

I am trying to analyse the difference between these 2 amendments here and I get the Minister's original amendment. This is a much nicer debate by the way, it is much more considered in what we are looking at, which is nice to see. We have had these discussions about fields and so on. The Minister's amendment is trying to address this issue for some perhaps families who have somebody that you want to care for nearby so you can subdivide the house, and that is the part about community and doing it, and that is great, and I supported that amendment as well. I think Senator Moore's amendment, we are not going to agree on everything in this Island Plan but I can see the issues in terms of not letting it go too far. However, there does need to be a pragmatism here in the situation that we are in in this Island. For somebody who does not want to see so many green fields being built on because to me that will just continue and continue and continue once you start down that line and that will become the norm, and I am going to keep on saying that, it is a real concern in the back of my mind I am afraid. But this is one area that perhaps there is an opportunity, if you are lucky enough to have a home that is big enough to convert and to get somewhere else, perhaps for your children if you have family - you have not got much of a chance of buying anywhere on Jersey or getting anywhere - this could be an extension. I get the issue of pool houses and I do not want to see them being built as a sort of a this is just a free rein for those with a lot of money and a lot of space and a nice pool to build themselves a nice little pool house; I would not want to see that, as it probably will not be a surprise to you. But I do not think it is about that, I think that is a rather cynical approach that I would not want to take. But I think this is perhaps attempting to address some of the issues that we have got here and, in a complicated way I must say, but I think it is something that can be done. I get the idea as well that we have got to take this a step at a time, everything is going to be a step at a time but I am afraid with the prices that we have in housing we have to take some steps very quickly. As somebody who very much supports the use of unoccupied homes and really wants to see those come back into line and be used, this is a sort of, if you like - if you will excuse the pun - a subdivision of that, which allows homes to be used, and I am minded to support this for that reason. Because at some point we do have to make the decisions, and this might be a difficult decision to some but it is not a difficult decision I would struggle with particularly. I have learnt something about party houses today, I did not realise that Deputy Morel has a party house; his house is a party house apparently, which is very interesting; it is nice to hear. It is a much nicer debate to be in. I do not think this is about party houses or pool houses or whatever they are, I think this is trying to look at the homes that exist in the countryside that could be extended or built upon and separated up to provide much-needed accommodation where possible. I do not see such a large problem. But having said that, I did support the Minister's amendment because it does do that point about residential, if you have got a relative that you want to care for nearby, which is so important for some people, which I think we have all supported that anyway. I am minded to support this and I think we have got to make some steps forward.

5.1.6 Deputy I. Gardiner of St. Helier:

The previous speaker moved me to speak. I think I stated clearly I have supported very few green fields and I am not supporting most of the green fields, and I do not want to see building on the green fields, we need to find some solutions. What is in front of us, and if I am reading: "To protect the countryside and coast to ensure development is concentrated in the most sustainable locations. The development of new homes will be supported in limited circumstances, including the conversion,

extension of subdivision of existing buildings.” There are some clauses in places to make sure that the countryside will not be affected, that it will be developed sustainably. What I was wondering from the previous speakers, the Constable of Trinity and our Minister for Housing and Communities, one of the concerns, the major concern that the Planning will be flooded with applications. Is it a real concern? Yes, Planning will be flooded with applications and we might need to designate more officers to look through the applications, but this is where the decision should be made if the application for extension or subdivision creating substandard accommodation, but it does create a unit for a young family to live next to their parents, to have support, to be connected to the Parish community that we discussed so many times. I did not hear a real reason why not to vote for this amendment, apart from that we will be flooded with applications, it might be substandard houses will be developed. This is the reason that we need to make sure that it will not be substandard accommodation and I think we have all the tools to ensure this and I will be supporting the amendment.

5.1.7 The Deputy of St. Martin:

I would like to assure the Assembly that whether you are the Minister for Planning, an officer or a member of the Planning Committee we do not approve substandard accommodation. I am rising following Deputy Ward and Deputy Gardiner really and agreeing in many ways with the Constable of St. Lawrence and thinking back to the situations we have faced in the last months, years of Planning Committee and the challenges that are put in front of us with extensions, with new builds in the green zone and many other problems with interpreting policy. But, of course, it is the ability of the Planning Committee to deviate from policy where they feel it is appropriate and they can do that much more easily than an officer can. I must agree that in certain circumstances the approval of the Minister’s 92nd amendment unanimously has taken us some steps down the road. I must also agree that Senator Moore’s amendment here takes us a considerable number of steps further down that road. What we have to decide as States Members is, have we gone too far or are we not going far enough? I think the challenge is or the answer is somewhere between the 2. The difficulty we face is: do we take a chance that for 4 years we are going to go too far over something which we will regret, which we will not be able to go back on, or are we prepared to accept not quite going far enough, not making enough progress in the next 4 years when we know we could be doing better? It is difficult because I can come up with some practical examples that possibly are not going to get developed under the Minister’s amendment that we have just adopted, and I can also think of some quite scary examples that could come in if Senator Moore’s amendment is passed. It is a really, really tricky one. Planning is all about balance, it is all about balancing policies and deciding whether they come out on the good side or the bad side. I think I am going to have to come out against Senator Moore because of the word “buildings”. I can think of so many buildings which are not dwellings, which are something else scattered around the countryside, which under Senator Moore’s amendment might well enjoy an approval of an application to turn them into a unit. I accept that she uses the words “limited circumstances” but of course the word “limited” is subjective. Planning officers do not like subjective words; they like things in black and white. What does limited circumstances mean? It is clear with conversion, extension and subdivision of existing is quite clear but the word “buildings” does not help us here. I wish there was a halfway house between the Minister and the Senator because I would be voting wholeheartedly for it. There are examples in the countryside and in town where units can quite easily be made; policy does not allow us to do that at the moment. I am in a real quandary over this one but I fear that I would not want to look back in 4 years’ time and realise that we had made a big mistake, which we could never go back and repair. I think I am going to vote against this amendment.

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on this amendment? If not, I call upon the Senator to reply. Sorry, Deputy Ash went just before the wire. Deputy Ash, do you want to speak?

5.1.8 Deputy L.B.E. Ash:

It is just very, very briefly. It is pretty much to back up what Deputy Luce said, I think anybody who has been on the planning bus - it is not a party bus as such but it is a jolly place to be - but we go round a huge number of areas to look at things.

[15:00]

I think the last time we were out there we had something like 5 pool houses. The one thing you often find when you go on these planning trips is people go: "We need much-needed housing", as they are trying to convert one barn, and of course we do need much-needed housing. But we need hundreds and thousands of properties, not one or 2 piecemeal and I am afraid this will rather open it up for little piecemeal properties which will not greatly solve the problem. I think it will be an excuse for more pool houses, to be honest. I am afraid I will have to vote against it, sorry.

5.1.9 The Connétable of St. Ouen:

Returning to the subject of pool houses and party houses, I think that my view is quite simple on this. We need to come back to reality. We have a housing crisis and I do not think we can get away from it. I personally know of 3 or 4 people and I have had friends for many years who have left the Island simply because they cannot afford to be here. In my mind this is a relatively simple proposition and I understand that there are planning complications but then we have some very able people on Planning to resolve those issues. We need to build houses, we need to build accommodation, and this provides that accommodation. From my perspective, it is relatively simple. The difficulties that we have put in its way and ... I think it is right that these things are brought to our attention. But, nevertheless, like everything in life, there are 2 ways of looking at the problem; it is either too difficult and we walk away from it or we find a solution. I think in this instance we can find solutions. Yes, it is going to cause more work but at the end of the day if it puts people into houses and accommodation, in my mind, it is certainly worth supporting and I shall be doing just that.

The Deputy Bailiff:

Thank you, Connétable. If no other Members wishes to speak, I call upon the Senator to reply.

5.1.10 Senator K.L. Moore:

I thank all Members for their attention and those who have contributed to what has been a thoughtful debate that has focused on the issues at hand. I fully appreciate the difficulty that this places Members in; it is not easy. But if I could speak from my own perspective, what prompted me to bring this amendment and, forgive me if I perhaps should have defined buildings and particularly a kind of building a little more carefully in this instance, but for me this is a gross contradiction that I think one member of the Planning Committee explained. They often see applications and visit sites where there are applications for pool houses and amenities around larger properties, which of course is the owner's free will if that is what they wish to do with their own property. However, when we have a housing crisis it feels uncomfortable for me that we can on one hand allow buildings to be converted for amenity use by one family while we openly prohibit additional units of accommodation in the green zone in the countryside area. It feels for me very uncomfortable. I also have to admit to enjoying watching property pages and occasionally look at websites to see what is on the market and at all ends of the spectrum because it is interesting. Sometimes there will be large properties that sit on the market for considerable periods of time, often it is very clear that they are empty and disused but they will sit on the market because they are one unit of accommodation requiring a sizeable

amount of money, whereas if they could be subdivided they could make 2 or perhaps, in some circumstances, even 3 units of accommodation that would be much more accessible to a greater number of people. Therefore, yes, it may be in Deputy Ash’s view a piecemeal approach but every little bit helps. If we are truly going to tackle our housing issues then we have to tackle them from all angles. The family I spoke of earlier in Trinity, who would like to move to Trinity to be alongside their family members while they bring up their young children and run their own business, they particularly touched me because they too found the whole situation contradictory and frustrating. There is space there in that family property, yet they are unable to go and live next door to their own parents. It is a situation that we, as an Assembly, are able to overcome. The amendment does point out that these would be only in limited circumstances and so I do not think this is going to open the floodgates, as it were. In fact, I think it would be in the Minister’s gift or any successor’s gift to state some planning gains perhaps in guidance that they would have in their gift to set. They could perhaps make it very clear that a conversion of a property for amenity use would have to have that amenity use for a given period of years to protect people, making that piecemeal conversion from one thing to another and then into a unit of accommodation if that was what the Minister thought. The Minister has also spoken a number of times about drains and other service issues, which of course are proper issues that the Minister should be aware of and taking into consideration. But surely if a property is adding additional units of accommodation on its site then there are already rules and regulations about access to drainage and those practicalities. If there are not then the Minister would have it in his gift to tighten them up. Deputy Ward used the word “pragmatism”, this is genuinely a pragmatic approach and I urge Members to support it and offer a greater number of people in limited circumstances only an ability to enjoy what would otherwise be disused and empty shells of buildings dotted around our countryside.

The Deputy Bailiff:

Do you call for the appel?

Senator K.L. Moore:

I do, Sir, thank you.

The Deputy Bailiff:

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

POUR: 21		CONTRE: 17		ABSTAIN: 3
Senator I.J. Gorst		Senator S.C. Ferguson		Connétable of St. Peter
Senator L.J. Farnham		Connétable of St. Helier		Deputy of St. Peter
Senator T.A. Vallois		Connétable of St. Lawrence		Deputy of Trinity
Senator K.L. Moore		Connétable of St. Saviour		
Senator S.W. Pallett		Connétable of Grouville		
Senator S.Y. Mézec		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Clement		
Connétable of St. Mary		Deputy K.C. Lewis (S)		
Connétable of St. Ouen		Deputy S.J. Pinel (C)		
Connétable of St. Martin		Deputy of St. Martin		
Connétable of St. John		Deputy R. Labey (H)		
Deputy J.A. Martin (H)		Deputy G.J. Truscott (B)		

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

Before I move on to the next amendment, can I remind Members that Deputy Ash is to be referred to as Deputy Ash, not a more familiar name that has cropped up more than once in the course of the last week or so.

6. Island Plan 2022-25: Approval (P.36/2021) - ninety-third amendment: Policy ME1 - 20 per cent Reduction in Target Energy Rate (P.36/2021 Amd.(93))

The Deputy Bailiff:

We move on to the 93rd amendment 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, within Policy ME1 - 20 per cent reduction in target energy rate for large-scale developments - (a) in the Policy title, the words “for large-scale developments” should be replaced with the words “new development”; (b) after the words “Development proposals”, the words “in the built-up area for non-residential development with a gross floor space of 200sqm or more; or residential developments of 5 or more homes”, should be replaced with the words “for the construction of new dwellings and other buildings, where they are required to meet the technical requirements of building bye-laws technical guidance documents: Part 11 Conservation of fuel and power in new dwelling (2016 edition), Part 11 Conservation of fuel and power in buildings other than dwellings (2016 edition)””; (c) after the words “where it outperforms the target energy rate by 20%”, there should be inserted the words “as demonstrated using the existing Jersey Standard Assessment Procedure (J.S.A.P.) calculator, or Simplified Building Energy Model (S.B.E.M.) tool”; (d) after the words “the higher standard is to be applied.”, there should be inserted the words “if during the course of the Bridging Island Plan period the relevant 2016 editions of the technical guidance documents are revised to meet or exceed a 20% reduction of target energy rate, this policy will no longer be applied.”; and (e) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of paragraphs (a)-(d).

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

I am pleased to say that at the top of my note it says: “We are now moving on to managing emissions.” Tuesday afternoon and we are through the housing section. We are on the final run, I think. I hope Members do not want to have a long debate about all the technicalities of this amendment. Indeed, the next one that we are going to talk about, my amendment and the Scrutiny Panel’s amendment on energy management policy, as far as affecting buildings. Obviously, the key thing here, these policies are presented and they are critical to the carbon neutral strategy, which obviously we will be having a debate about, and the route map for that, in a few weeks. Obviously, they deal with things like spatial strategy, reducing the need to travel, reducing generation of construction waste, reduce the need for raw materials and generation of carbon and supporting onshore and offshore renewable

energy and, most particularly, reducing energy demand in new homes and developments. We have got 3 policies in there. The first policy is ME1 and that relates to what was called 20 per cent target energy reduction. Then there is policy ME2, which, I have to say, is a very technical word used by the industry - those in the industry know what it means - Passivhaus standards for affordable homes and major developments outside the built-up area. Then we have got policy ME3, it relates to B.R.E.E.A.M. (Building Research Establishment Environmental Assessment Method) and new large-scale non-residential buildings. This particular amendment number 93 addresses the first, which is the 20 per cent target energy reduction. I will not go into the ins and outs of that. Under the way the policy works every building has a target energy rate, and the actual energy rate achieved must always be lower than this figure; that is what the building bylaws requirement requires of anybody building a new building. With this policy then the applicant will need to demonstrate that their proposal, and that is their plans, all the technicalities of it, achieve 20 per cent lower than the normal target energy rates and it is calculated on the individual characteristics of the building. It is not like imposing a one-off standard, it is all calculated and computed from the details on the scheme.

[15:15]

Lots of factors; the amount of space, how the water is heated, how airtight the building is and all that, and of course all the people in the industry have all these very posh online calculators always to help them do this. These are the standards by which this is done. Going into the planning inquiry, basically this was initially going to be proposed at 5 or more dwellings only ... developments of 5 or more dwellings and larger new scales, increasing the thermal performance bylaws by 20 per cent; that was the initial proposal. I presented that, we sent that through to the inspector following consultation. But, of course, it is true that it can in fact apply to all new dwellings because anything that falls under the building regs. We now know what is in the draft carbon neutral roadmap, and I submit that we have the confidence to make the changes to the bridging Island Plan to bring it in line. Because when the plan was drafted we were at an early stage of the carbon neutral work. The initial policy was stopped but I now propose we upgrade that policy in this amendment to be kind of a bigger leap. In the previous one I was arguing against the leap but I am now arguing for a leap forward. It would be a full and immediate change to building bylaw requirements of part 11, fuel and power, and the change will be temporary, pending a more ambitious and comprehensive review of the building bylaws and of course that is the way in which we can deal with energy performance. The bridging Island Plan of course is 3 years, so allow us to make immediate actions while we develop longer-term solutions but of course we are going for the goal, or that is the recommendation, of net zero and obviously this is a start that takes us down the road. I do believe that linking it into building regulations is the right way. There is going to be that review as well because why do we need to do that? It is because the building industry does need to be able to adapt and adjust to new processes. The building control officers are comfortable with the approach. I think there are concerns but I think the concerns are confined very much to the next amendment, which is about Passivhaus, just to give Members a heads up. This is the Scrutiny Panel's amendment on this; I am proposing now to accept it. But, of course, that is on the assumption that you do approve this amendment number 93, which I am now proposing. The compliance is all done by the building regulation officers, there is no problem there. It is a really good start and that is the recommendation that I make to the Assembly.

The Deputy Bailiff:

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

6.1.1 Senator S.C. Ferguson:

I just wonder if the Minister would like to expand a little on what measures he expects to be in place to reduce the energy demands by 20 per cent. Is this already planning for the new heating system,

the air pump heating systems, and things like that? I think it would be helpful if Members knew what stage the measures would be and how much is involved?

Deputy M. Tadier:

Just to check, has the Minister accepted the Scrutiny Panel's amendment and do we get to debate that separately or is in order to ask for that?

The Deputy Bailiff:

Yes. In the course of when this began some time ago now, the Minister indicated that he was prepared to accept the Scrutiny amendment but there was a request, I think, from Deputy Ward that it be debated separately in any event.

Deputy M. Tadier:

All right, good.

The Deputy Bailiff:

That is the next debate.

Deputy M. Tadier:

Thank you, Sir.

6.1.2 Deputy G.C. Guida:

Yes, I can help the Minister here. On Senator Ferguson's question, basically what happened here is that the first iteration of the Island Plan of course happened quite a bit before we had the carbon neutral roadmap ready, so we had notions of what was going to be needed for carbon emissions reduction but we did not know how far it would go. Also, that relates to amendment 81; so the next one. We were indeed wary of putting too much cost on the building, especially since a lot of what was going into the Island Plan was about affordable homes. Discussion with the industry, with the inspector and all the other consultation done at the time, brought this in sharper contrast and basically the idea was that, yes, there might be a slightly higher cost to building but making buildings more efficient also means that they are cheaper to run, they are cheaper to live in. Of course, we are looking at the future where energy is going to be expensive; where energy is going to be more expensive than what it is now. It felt quite reasonable to go a little bit faster in the plan and try to go for a bigger figure. We have not changed the figure, it is still 20 per cent but instead of being only large-scale developments it is now any new build that is affected by building bylaws will have to come down by 20 per cent in their target energy rate. The other question about the Scrutiny Panel amendment, so amendment eighty-one, the Minister is minded to accept that amendment because indeed bringing that reduction of 20 per cent helps go towards the same goals that Passivhaus standards would bring to it. Passivhaus standards are more of a philosophy than actual standards and it is the way that you think of your building that is involved. From the very beginning you develop with that notion of making a house that is really passive from the beginning. For example, anything that would make a thermal bridge between the inside and the outside of the house is discarded, you try to think not in those terms. There is massive insulation in force and the ventilation is very different from the ventilation in a standard building. They are all those things, which are extremely directive. If you just bring the thermal energy rate down you give builders more scope in how to achieve that number. It is at the same time a very, very big step forward but also easier to achieve. In that sense the Minister is minded to accept amendment 81 because we are still going in the right direction. Also, this is just temporary. Where this is going to be really interesting is when we do make the bylaws and that, of course, will necessitate much more consultation and they are going to be much more directive.

6.1.3 Deputy R.J. Ward:

Just to check with the Minister, part (d) because I am reading that, that what it does is if the standards become greater - I do not know if that is the right word - if the standards change and become more efficient then that will be adopted and we cannot go back from these standards. I hope I am right in thinking that, if I can ask the Minister. Because it says: "Should they be revised to meet or exceed a 20 per cent reduction of target energy rate this policy will no longer be applied." It does not mean that it simply will not be applied and it will be forgotten, it means that the policy of 20 per cent will not be applied but the higher or would it be lower? Probably be higher energy reductions, so it is a double negative would be applied to it. I just want to check that that is the case.

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on this amendment? I call upon the Minister to reply.

6.1.4 Deputy J.H. Young:

I am grateful for my Assistant Minister, Deputy Guida. I asked him to help me on this because he is much more technically geared up than I am on this subject. I think that deals with the point raised by Senator Ferguson. I apologise to Deputy Ward, I should have mentioned that, that is absolutely the intention of item (d). What we are saying is that we go for the 20 per cent now and we apply it to all developments now because the inspector recommended we do that. But, also, we do this process of building regulation review with the expectation of course that still higher standards will be achieved exactly in line with the evidence at the inquiry. The planning inspectors put by doing it that way, whereby when we adopt the new bylaw this particular policy, ME1, that 20 per cent would go and it would be replaced by the new bylaw requirements. What it gives time for is a normal consultation process and work with the industry in preparation for that; normally it is about 6 months on the building regs. I think, if you like, there is, again, the arrangement in this amendment to achieve what I think Members want. I make the proposition and ask for the *appel*.

The Deputy Bailiff:

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

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
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. Peter				

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

7. Island Plan 2022-25: Approval (P.36/2021) - eighty-first amendment: Changes to Passivhaus Policy (P.36/2021 Amd.(81))

The Deputy Bailiff:

Next is the 81st amendment lodged by the Environment, Housing and Infrastructure Scrutiny Panel 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) Policy ME2 - Passivhaus standards for affordable homes and major development outside the built-up area should be deleted; (b) in the Proposal “Review of building bylaws”, after the words “arising from buildings” insert the following new paragraph - “The Minister for the Environment will establish a working group to consider the environmental benefits and ‘Green’ opportunities presented by Passivhaus and other energy efficient building standards and to inform decisions on the most appropriate standard for use in Jersey, with a view to the implementation of increased requirements within the next Island

Plan.”; and (c) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent upon the adoption of (a) and (b).”

7.1 Connétable M.K. Jackson of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

I think it is best to open by explaining what Passivhaus is. It is not clear with everybody and it is a building design and energy performance standard originating in Germany and it has been widely accepted internationally.

[15:30]

Its core purpose is to dramatically reduce the requirement for space heating and cooling, creating an ultralow energy building, while also creating an excellent indoor air quality and comfort level. But passive design is not a supplement to architectural design but a design process that integrates with architectural design. Passivhaus principles can be applied to any new domestic or non-domestic building, as well as any existing buildings through suitable retrofits, which will be tested against the respective standard for retrofitting, known as EnerPhit. The purpose and rationale behind this amendment is really to propose to withdraw policy ME2 in the Island Plan. The rationale for doing so is that the introduction of policy ME2 could have various practical and financial implications and, consequently, an adverse impact on the delivery of affordable housing supply, and that is the last thing we would want to do. While the current policy wording applies some flexibility in relation to exemptions where it can be demonstrated that the implementation of Passivhaus would render developments unviable, concerns over its timing, viability and practical implementation still remain. A decision on introducing Passivhaus standards should be deferred until the next Island Plan approval to allow sufficient time for Andium Homes to complete 2 ongoing Passivhaus trial projects, which will assess the appropriateness of Passivhaus standards for Jersey and the impact of its introduction on the construction industry, the supply chain and the occupants of homes. The panel makes it clear that it is not against the principle of introducing Passivhaus standards but that the implementation of energy efficiency standards, that be Passivhaus or others, will be best informed from the outcome of suitable pilot schemes. Andium Homes raise several concerns in relation to ME2 in its submission to the draft Island Plan, firstly saying: “There is a shortage of affordable housing, both for rent and purchase and we need homes to be developed quickly.” We know that: “The capacity of the local construction industry, however, is already under pressure with many Government infrastructure projects, namely the hospital, the Government headquarters and others, to deliver the number of homes required by the draft Bridging Island Plan, the industry will need to increase its output of new homes from a prior 10-year average of 400 homes a year to at least 750 homes a year. Building costs are increasing and may continue to increase for some time and the potential increase in cost of Passivhaus in Jersey is presently unknown. There is little on-Island experience of constructing to Passivhaus standards in any sort of volume. There is no clear process for the local certification of Passivhaus buildings.” Andium Homes have drawn on the experience of Exeter City Council who delivered a workshop last year with Jersey’s local construction industry and were able to share their experiences at delivering small-scale housing developments to Passivhaus standards. The outcome of the workshop indicated a degree of concern from the local industry about the feasibility of Passivhaus delivery, due to there being a potential 20 per cent increase in building costs just for affordable homes, which might disincentivise developers and slow down the delivery of affordable homes, something which is not in Jersey’s interest given the demand. The capacity of the industry over the 5 years of the bridging Island Plan supply period is of concern, the lack of design team and contractor experience in developing Passivhaus standards, which might encourage the industry to focus on other types of development because of the risks associated with Passivhaus. Of course, given the importance that Exeter stressed about certification, the absence of any certification process is a concern but it is noted that the Minister is not proposing that certification be mandatory. A submission from the Jersey Construction Council to the panel’s Affordable Housing Supply and

Delivery Review also raised similar concerns over the timing of new environmental design standards and the impact this could have on delivery. Andium Homes has begun trial projects to assess Passivhaus, drawing on experience, as I said, from Exeter City Council and it is the intention to share the outcomes from these trials to inform the development of a fully informed and evidenced energy efficient building standard policy for inclusion in the next Island Plan in 2025. The trial schemes will also consider other approaches to energy efficiency standards should Passivhaus be deemed an appropriate cost-effective and workable solution for Jersey. The policy could be introduced in the next plan, allowing adequate time to upskill the construction sector and resolving any practical implications, such as supply chain links and enabling the standards to be applied across the board to all new homes and large-scale development from the outset of the policy's implementation. This would avoid the risk that much needed affordable homes are not delayed because our local construction industry is not prepared or adequately experienced to deliver a completely new building standard or that the potential increase in costs makes affordable housing schemes unviable. In addition to those concerns already mentioned, the new social rents policy to cap social rents at 80 per cent of market rent reduces the gross development value of social housing, which is an important consideration when assessing a site's viability for development, together with the uncertainty of types of tenure split on proposed sites rezoned for affordable housing, this also creates added pressure on development viability. Given that work carried out by Government to test the viability of proposed policy provisions within ME2 of the plan was carried out before these factors were known, there is arguably now even more increased risk that ME2 would place additional cost burden on the deliverability of affordable homes and would almost certainly slow down delivery and in some cases potentially render schemes undeliverable. The case presented in the draft bridging Island Plan for targeting the development of affordable homes with these standards is to reduce the risk of fuel poverty in homes for people on lower incomes and while also reducing the whole life cycle carbon impact of the development. However, Andium Homes has recently completed a wholesale upgrade of its 4,500 social housing portfolio improving insulation standards and transitioning properties away from fossil fuel heating and hot water systems on to low carbon electric off-peak alternatives. In addition, the Government of Jersey's social housing rents policy now sets rents in the social housing sector at no more than 80 per cent of the market equivalent, which we are very supportive of. Approximately 60 per cent of the Andium tenants receive assistance with their rent and living expenses through the income support system. The significantly lower rents and protection afforded by income support, alongside a housing stock which is already relatively efficient, reduces the risk of this cohort suffering from fuel poverty. It is, therefore, arguable that social housing tenants, particularly those living in the Andium properties, already have a higher degree of protection from the fuel poverty than other sectors of our society. In response to the panel's request that the Minister clarify the position on whether the Jersey Development Company's waterfront and South Hill developments would be required to meet Passivhaus standards under ME2, as drafted, the Minister responded stating that: "All affordable homes will be required to meet this standard and while it would be positive to see entire mixed-tenure schemes developed to the Passivhaus standard, it will not, ultimately, be required. In instances of mixed tenure it will be for the developer to determine how the requirement will be best delivered, relative to the design of the project. The developer will need to explain how their proposed approach complies with the policy, which is sufficiently flexible to accommodate practical and viability changes which may be faced by developers." We are concerned that the policy, as drafted, could lead to an inequitable situation where some homes on a mixed-tenure development may conform to the Passivhaus standards and others in the same development may not. Following the examination in public, inspectors recommended that ME2 should be extended to include all open-market housing in a built-up area. The Minister rejected this recommendation stating that doing so: "Would not represent a just transition to carbon neutrality." We share the Minister's view and the effect of the inspector's recommendation would result in the development industry, local architects and building services engineers being universally required to upskill and change practices very suddenly, which is not considered to be a reasonable expectation.

Given that it is not considered viable at this time to extend the Passivhaus requirements on all new homes, the panel takes the view that in order to resolve concerns of an inequitable approach to the policy's implementation and the risk to the timely and cost-effective delivery of affordable homes, the most suitable option would be to remove ME2 from the plan. In the intervening time before the next iteration of the plan, the panel recommends that this time be utilised to work with developers and the construction industry to ensure both financial and practical viability and particularly, but not limited to, the availability of on-Island skills and expertise and strengthening supply chain links to ensure that suitable energy efficiency standards, Passivhaus or other, are deliverable across all new developments by the time of the next Island Plan approval.

The Deputy Bailiff:

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

7.1.1 Senator S.C. Ferguson:

The Connétable talks about fuel poverty, does he not realise that this is going to include middle Jersey, just as much as low-income families and pensioners? Has the panel calculated the cost of the extra insulation versus the reduction in running costs? The amendment refers to new developments only. Has the committee looked at what happens to existing buildings? This really is a problem because the U.K. calculations are a cost of around about £100,000 a house to upgrade heating and insulation, and that does not include the cost of charging points with the doubts as to whether the capacity of the local electricity grid will stand that. I think it is all very nice to talk about Passivhaus and I am all for it, living in a house where I have done the insulation part of it, but there is a long way to go and it is going to cost a lot of money. How is the committee looking to forecast this? I would be interested to hear the Connétable's views of the future direction of this policy.

7.1.2 Deputy R.J. Ward:

I should speak because I wanted to talk about this. I feel, unfortunately, that this is a retrograde step. We are just about to embark upon building more homes on this Island than we have done for a long time. We have had so much talk about affordable homes and we have had talk about affordable homes and the removal of green field sites, the removal of parts of established ecological systems will be taken to build homes. But at the same time we are saying but we will not build those homes to a standard of energy efficiency, which means that over the long term - "the long term", and I am going to use that phrase a number of times when I speak here - we will save not just energy but money and cost for the people who are living in those homes, and that is vital. I will come on to the notion that it will be covered in the contradictions that were mentioned earlier.

[15:45]

I do hope the Minister for the Environment might be listening, and he deserves a cup of tea next door because he has been working really hard, but I hope he is listening and may want to speak on this. This is a missed opportunity, so many missed opportunities that we have had on this Island at the moment to not just deal with the issue of climate but the issue of the climate in which we live, both social, economic and physical. Because at the moment we live in a climate where energy prices and fuel prices of fossil fuels are completely out of control and they are unlikely to be under anyone's control for a considerable amount of time, if ever. Let us put that and let us develop this argument, let us put that at the point where we are about to build homes that are affordable, not just affordable at the beginning but in the long term, so that people can live in them; that is why they are called homes. We are about to go on the building process of these homes but we are not going to build them to a known standard. I will say I have no idea why we have to do so much research on this Island when these homes have been built all over Europe and all over the world for a considerable amount of time. We know how they work, we know the standards and there is no reason why they do not fit well into Jersey. Instead, we will just delay something because the money is talking again.

This Island bridging plan that is becoming more and more in my mind a developers' charter is yet again being undermined by developers. Let us get back to the point about the reason we need to do this. This gives security to people because it lowers their energy needs over a long term. Passivhaus gives warm homes in the winter, cool homes in the summer through design, through design from the beginning. Over the long term we will not have a choice, other than to deal with these energy costs because they would become too expensive. What we will end up doing is retrofitting and costing ourselves 4 or 5 times as much to produce the same standard that we could have with a brave step at the beginning of the process. But instead short-termism and this notion it will become unaffordable, some figure plucked out of the air of 20 per cent - potential the word was - increase. Let us not go into what potential means. It will slow down developers. Those are the driving forces behind this and what the driving forces should be is we have an opportunity to build homes that in the long term will be cheap to run, so that people on lowest incomes, middle incomes, whatever incomes, will not be spending significant parts of their income on just heating or cooling their homes. I think it was a dereliction of duty of this Assembly to drop this standard as we are building. It is not the right thing to do. The thing to do would be to adopt this standard and then try in some way if there are genuine issues over cost in the short term, which will be more than recapped in the long term to address those costs and do something with subsidies. Because like it or not we are going to have to subsidise change in some way. We are going to have to put our hand in our proverbial pockets and subsidise change on this Island in some way, to deal with the changes in the way in which we produce energy, the energy that we use, to move away from fossil fuels and the future that we all face. What we have decided to do instead is to put it back a few years and let us look at that. It was mentioned, let us say, 400 homes a year over the next 3 years without this standard, that is 1,200 homes built without a standard that would lead to long-term reduction in costs for running those homes. That is 1,200 homes that would need to be retrofitted at some time. The efficiency of insulated homes is well-known. There is much documented evidence out there to say the best thing to do is insulate your home. Every time we have this debate I feel guilty about the fact that I still have not done my loft with insulation. It has been potentially done for the last 4 years, like so many things around my house but it just has not happened. Perhaps I am catching the let us delay it bug from being in the Assembly for a few years because that is what we are getting with this. In these issues, and I know there is an economic driver to everybody in here and we cannot see past the money, but in these issues the time to act is ... it was not now, the time to act was 10 years ago but you did not and we did not, so the time to act is now. The best time to act was 20 years ago, the second-best time was 10 years ago, the third-best time to act is right now. But what we are saying with this is let us delay it a few more years. I understand Deputy Guida's point, it was a clever sort of intellectualisation of the reason why we do not do this. But there is, I think, a slight contradiction there saying but we can cover this Passivhaus thing with the bylaws, which will reduce the energy need by 20 per cent as we go so we do not have to worry about it. If we are already doing it, why do we not do it properly? Why do we not do it properly from day one and really build a stable environment for people to live in, so that they are not energy poor, they are not those suffering and there is not that energy inequality? There is probably only one thing I agree with Senator Ferguson on in regards to this and that is that it will affect everybody on this Island, fuel costs. But this is the way to address that, by building homes that you do not have to pump tonnes of fuel energy just to keep warm and you can do it on an island like Jersey where there is beautiful weather most of the time and the temperatures and levels of sunlight. This is a missed opportunity. Yes, I urge Members to reject this amendment, keep those standards and let us build for the future, not in short-term goals, there has been nothing for long-term gain for this Island and the people of this Island. We have to leave a legacy and that legacy is long term, not just in the next couple of years.

7.1.3 Deputy M. Tadier:

I can sympathise with the Deputy's delay when it came to his loft. I finally got round to putting some insulation board on to one of my gable ends only a couple of weeks ago. But I think rather than

calling it a delay he should have probably called it a lag; that one is for the Deputy Greffier, Sir. Got to use them while she can, use the puns or lose them. I think what concerns me here is that the Minister has endorsed, effectively, a downgrading of insulation standards and I would have hoped the Minister would have opposed this. There is a particular point when it comes to social housing tenants, and I hope this is not done out of cynicism, but the consequence will be, because the Constable did touch on it saying where they are insulated - again, that was not a deliberate pun - to a certain extent from any increases because they can get support from Social Security. But the problem is, of course, if you only rely on income support for your income and they will cover the whole of your rent if you are in an Andium property. That is not the case if you are in private property incidentally, which is a big problem in itself; that is a matter for another day. But what they do not cover of course are your energy bills, so a tenant is responsible for their own electricity, which is likely to be electricity in most Andium and trust housing increasingly. The problem is it becomes, therefore, the responsibility of the tenant to pick that up. There is no guarantee of course that the income support components will go up in line with inflation. You are having some of the very poorest in our society, or certainly the ones without the ability to increase their pay easily, having to find more energy because the homes that they live in, they are not going to be up to the standards which the Minister originally would have wanted with these Passivhaus regulations. I think that is a shame because the Constable, the chair of the Scrutiny Panel, has said: "It would create an inequality, you would have some houses having to conform while others did not." That seems to me just to be a downgrading, a levelling down, saying that if not everyone has to adhere to these rules then nobody should adhere to them but we will have a look at it and we will see if something can be done in the future. We have already declared climate emergency and we know that the targets that have been set internationally, they are not being done quickly enough. I think this is an example of a win/win. If we can make sure that the homes that are being built are of a better standard, it becomes a long-term investment. It is going to be much cheaper to put your insulation in and whatever other methods that you want to ensure that the homes we build are the best that they could be in terms of energy efficiency; you do that at the point of building. It is much more expensive, intrusive and inefficient to do that afterwards and I think we all understand that point. I think this might be an attractive proposition for a lot of Members to support but I think it does kick the can down the road, and we do not know what is going to come of it. I personally have been an advocate for a long time and this is something I want to push for in the future or would like others to at any rate. I do not understand why we do not have the energy efficiency rating as standard. You go out and buy a washing machine, a fridge, television, whatever it is, whether you like it or not there is that pyramid, if you like, or rather half of a pyramid, a triangle, from A down to G with the colour code on it and you know exactly what it is you are buying. When you decide to buy your washing machine you might think, okay, I will go for the cheapest one, it is going to save me £200, then you realise that it has only got a C or D rating and you look at the cost on that because it very helpfully tells you how much it costs per cycle on average or per year and you realise that over the lifetime of that washing machine you are better off going for the more expensive one. Because even though there is an outlay there that it is going to cost you more in the long term, so you go for the best that you can possibly afford. I think when it comes to these homes we should be going for the best homes that we can possibly build and looking at the long-term cost. I think somebody said, it may have been Deputy Ward last week in one of the debates: "Affordability of homes should not just be about the cost of buying the home, it should be considered over a longer period of time." That is something we have never been very good at doing, analysing costs over a long period. Because there are savings to be made and we need to get our head around that. I can understand why the Environment Panel might think that this is attractive and other Members might but I would urge Members to go for what the Minister originally intended. I think the Minister in his heart of hearts knows that he should be sticking with his original plans to make sure that the standards are as high as possible in this regard.

7.1.4 Deputy J.H. Young:

I do not think I need to say very much, except to say that obviously the opinions are sharply divided about the draft plan proposal to adopt Passivhaus standards on all affordable homes. In other words, it would become mandatory. The point the Assembly approved the plan that becomes the rules. Here we are, there are obviously very large numbers of developments and so on in stock, and it has a very significant effect. Of course, what I heard, I am not a technical expert but I do understand when technical opinions are divided. You have architects for it, architects against it, people who are working. I understand that Andium Homes expressed a view against it, they expressed a view on grounds of cost because obviously affordable homes are intended to be affordable. Obviously when you have got cost pressures that is something that one cannot be discounted. It is true that the inspectors were very strong that we should adopt it. Of course, I had a number of discussions with the Scrutiny Panel and of course the Scrutiny Panel employed experts and experts talked about the experiences of Passivhaus elsewhere and that information was passed to us.

[16:00]

Obviously when I chose to leave the Passivhaus policy in place, in fact as we debate it now it is in the draft plan. It is the Scrutiny Panel that are proposing to remove it. What I have said is I am inclined to support the Scrutiny Panel, only because of the amendment you previously passed. Because the response that we decided to make to it was to upgrade policy ME1 to impose this 20 per cent standard increase on every development from day one and that was not intended in the draft plan. What one has to look at is: what is the effect in terms of the difference between the 20 per cent plus the building bylaws review that I spoke about in response to Deputy Ward under the previous amendment, which you have gone with and going against the Scrutiny Panel and sticking with Passivhaus? My judgment is and, again, I have said finding where the balance is, trying to find ways through this, there are no perfect answers. For my money I will be supporting the Environment Panel on this matter. Members are free to be able to decide and if Members decide not to accept the Scrutiny Panel's amendment, well the Passivhaus will stay and that will be the rules. There we are and that is my own opinion.

7.1.5 Deputy G.C. Guida:

I will try to help the Minister here. We have been talking about the cost of implementing Passivhaus but of course that is only part of the issue. The real issue is to know how to do it because it is a number of very strict requirements. It is not like the number that we are given where you calculate your target energy rate, you put all your details into a calculator and you try to bring that number down to a number of kilowatt hours or kilograms of CO₂. That can be done according to what you are able to do, what your workers can do, what your foreman knows how to do and what your architect can do. If you go into Passivhaus you are telling them here are completely new rules, some of which you have never seen in your life and now you must build according to those plans. Many of the developments that are in the books today have been done in a completely different way. What we will say is forget about them, start from scratch and here are the rules. The difference between those 2 propositions using Passivhaus immediately and just looking at the target energy rate are that one leaves it up to the developer and the other one is extremely specific on every aspect of the build. This is something that we are going to encounter more and more. For example, we are going to go from gas boilers to electric boilers. While people who installed gas boilers acquired a certification, they have been trained, they know how to do that, they are really specialised. But when they switch to electric boilers it is a completely new world. It takes 6 years to become an electrician, it is not something that you change by clicking your fingers; it is something very, very different. We know that and when you see the carbon neutral roadmap you will see that we have taken that into account, that we understand that there will be training involved and it will take money and time. Here we are quite glad that the Scrutiny Panel brought this up and indeed when this was consulted on there were many more problems about the Passivhaus system than the figure of the target energy rate. The

people were fine with it but they would bring it down a little bit. We can act on this parameter or that parameter; that is up to us. The Passivhaus, it is brand new rules that we have to integrate and we need to train everybody. This is not so much about money and it is certainly not about delaying it, it is about ensuring that the people who build those houses can do it. If we give them those rules they all have to stop, okay: "Where do we start, what do we do?" Do we have to redraw all the plans because even the materials that we are using are not going to be right for this? It is just about being reasonable and saying we are going to give quite a big improvement - 20 per cent is quite significant we are going to drive, quite a big improvement now - but leave it to the developers to choose how they reach those extra 20 per cent. At the same time as we are looking at the building bylaws, which will introduce Passivhaus standards, at a reason that the industry can take.

7.1.6 Deputy K.F. Morel:

I think this is once again where I have to side with the Minister on this, and there is one really big reason for it, and that is the cost of building to Passivhaus standards. Looking at the Passivhaus Trust in the U.K. so this is a trust which is designed to promote Passivhaus standards and wants people to move to adopt the Passivhaus standard. They accept and they say themselves that on average the costs are about 11 per cent more for building a house to Passivhaus standards, but those costs can rise depending on the project and some of them can be as high as 30 per cent more and even higher than that, to be honest with you. But they have said the average cost is 11 per cent more. So if you are talking about a home which costs £400,000 to build, that will now cost £444,000 to build; so there is no question it will add cost. That cost will be passed on to tenants, that cost will be passed on to buyers. It will also change the viability to some extent when you have got a 10 or 11 per cent costing fee, because I know in the report Andium Homes said 20 per cent, and maybe in Jersey it would be 20 per cent more because it is not just building to different standards, it is using different materials. For instance, in a Passivhaus the windows that you use will tend to be of a particular specification, which means they are much more expensive than windows that you might otherwise have used. So I am concerned that by imposing Passivhaus standards, which I think the Assembly should know are relatively new standards so these are not tried and tested. I am just flicking through the document but they said of the 165,000 homes built in the U.K. each year there is just something like 1,200 that are a Passivhaus. So, it is an absolutely tiny, tiny number that are currently being built in the U.K. One thing I do know about the U.K. is the climate there is colder and wetter than it is in Jersey and so the need there would be greater than it would be in Jersey. There is the argument of course of the cost over the course of the lifetime, the lifecycle cost of the building, and from Andium Homes's perspective there would be a gain over the cost of the lifetime, for instance if you are using better windows they need to be replaced less often. If your home is a Passivhaus it is going to get a lot less damp than a home which is not a Passivhaus, and so there would be savings. But I believe in a different document it said that savings over the course of the lifetime are about 2 per cent to 5 per cent in savings. I cannot tell you where I just saw that because I do not have it on my screen, but what I just read was 2 per cent to 5 per cent over the course of a lifetime, so you are talking about an 11 per cent increase in cost to build but a 5 per cent gain over the course of the lifetime of the property. I would love all homes in Jersey to be built to Passivhaus standards. I think they are fantastic. But I think we also have to ask ourselves, if we are to build affordable properties in Jersey to higher energy efficiency requirements, do we want to go all out to this kind of maximum point, which runs the risk of meaning that fewer homes will be built, or do we want to go to higher energy efficiency standards than we have today, which is exactly what this amendment proposes. I want to see homes built and I want to see them built to high standards, but I do not know if that has to be the highest standards of energy efficiency. That is my concern here, is it is that kind of gold-plated issue in Jersey that we often suffer from. If we gold plate everything then we effectively do nothing, we tie ourselves in knots, and that is what I fear on this. Just as an aside, an anecdote, a friend of mine had the fortune recently to build a home in St. Brelade and his initial intention was to build it to Passivhaus standards; this is a private development of his own. As he looked at the build costs of his home, which costs a

lot of money to build, he stepped back from the Passivhaus standards because they were that much more onerous from his perspective. I am just concerned that was a person who had the funds to do it, he has gone full out for photovoltaics, he wants his home to be as energy efficient and self-sustaining as possible, but when it came to Passivhaus he did realise that it is so onerous and the gains are not so great over the course of the lifetime of the property that it may not be worth it. I want Members to bear that in mind; that perhaps sometimes when you want to get a particular job done gold-plating it is not necessarily the way forward. What is being proposed are energy efficiency standards which are far better than the ones we have today, and the ones we have today are not bad. In that sense I think it probably is ... that is the job of this Assembly, to balance the pros and the cons, and I do think in this case that the Environment Scrutiny Panel has got it right and has said: "We are going to increase the standards anyway, do we need to go to this full extent whereby homes are built to such an incredible standard that it may mean that fewer homes are built?"

7.1.7 The Deputy of St. Martin:

I rise following the speech from Deputy Ward, and I was a bit surprised because he and I think quite similarly on many environmental things and I was surprised that he made his remarks. It seemed to me to betray the Environment Scrutiny Panel as some sort of flat-earthers. But nothing could be further from the truth, and I worry that not only Deputy Ward but other Members may have got the wrong end of the stick here with this amendment. This is not about the Scrutiny Panel trying to achieve new standards in insulation or to save energy or save money, save carbon and try our bit to save the planet. It is not even about cost. It is not really to my mind about the difficulty or the time in getting trained up or using these buildings. My recollection - and I have gone back to the amendment and read the report because I was really surprised and shocked by some things that Deputy Ward - and the reason that I feel we have brought this amendment about passives house is that Passivhaus is one of a number of different standards that you apply to get to a level of insulation, carbon saving and money saving. Passivhaus, and I read: "Is a prescriptive approach to achieve high energy efficiency in buildings and low carbon emissions which relies [and this is the important bit] heavily on the air tightness of buildings. Not all occupants or commissioners of new homes credited as meeting Passivhaus standards are comfortable with the home environment it creates." This for me was the reason that we did not like Passivhaus; it is not the standards we do not like, it is not the insulation, it is the way that the results are achieved. They are achieved by putting people in sealed boxes relying on their body heat to raise the temperature, and there are issues. There are also alternatives such as Scottish Government energy efficiency standards which will get you pretty much to the same place but by different physical means, and this is where I feel the Scrutiny Panel, certainly from my own perspective, this is not when we have already adopted the additional measures, that 20 per cent, this is not about trying to cut down on our commitment to save carbon so we increase insulation to reduce the cost of heating homes. It is about the way we get there.

[16:15]

Passivhaus is one of a number of different ways we are getting there. What we are asking here is let us have a think, let us consider the other options before we make that critical decision and make sure we pick the one which is most comfortable for those people in their homes.

7.1.8 Deputy R. Labey:

Building costs are increasing and may continue to increase for some time, and the potential increase in cost of Passivhaus in Jersey is presently unknown. There is currently little on-Island experience of constructing to Passivhaus standards in any sort of volume. There is no clear process for the local certification of Passivhaus buildings. The liveability for tenants of Passivhaus buildings, including necessary changes in behaviours, has not been assessed or trialled. No assessments have been undertaken to determine whether another energy efficient building standard, which may be as effective but cost less and be more liveable for tenants, may be more appropriate for Jersey. As

Passivhaus is presumed to reduce running costs for occupants only requiring Passivhaus for one sector, the affordable housing market, creates an inequity. Andium remain concerned about the timing of introducing this new standard. The case has not yet been made for its use in Jersey and it could have several negative consequences on the supply of social and first-time buyer housing. Work Andium are doing with Exeter City Council indicates that the initial costs of introducing the new standard might be as high as 20 per cent more than existing building costs. This will make the delivery of homes more challenging in terms of first-time buyer homes. It may need to be passed on of course to the purchasers. I certainly do not wish to argue against high building standards and more energy efficient homes. Finding a standard which fits Jersey's scale, the structure of our industry and our location is key. Many of the elements of what you might see in Passivhaus can be implemented, for instance triple-glazing and high levels of insulation, but without the complexities of setting such a specific and inflexible standard from day one.

The Deputy Bailiff:

Does any other Member wish to speak on this amendment? I call upon the Connétable to reply.

7.1.9 The Connétable of St. Brelade:

First of all, thanking all Members who have spoken, which this can be considered a dry subject but truthfully it is terribly important in the long term, and I think our successors will thank us for dealing with it. If I can just talk to the climate emergency first of all. There is a clear, recognised need for action to reduce emissions and address the climate emergency, however, the impact of emissions reductions directly resulting from ME2 is likely to be small given the limited, targeted approach of the policy as it stands, and to affordable homes and major developments outside the built-up area. We have seen the Minister take action through his amendment 93, which we have just adopted to amend ME1, which is the 20 per cent reduction in target energy rate. This includes all new development as opposed to just large-scale development, and that is incredibly important. As outlined in the Minister's consolidated comments on P.36, the effect of the broadened policy scope of ME1 effectively represents an interim uplift in the energy performance requirements of the bylaws, affecting a significant number of new developments, but to which it is considered the development industry will be able to respond. It has been noted that no significant concern achieving a 20 per cent target energy rate reduction was raised during the consultation. ME1 is a significant step forward for Jersey in taking action to reduce carbon emissions from new developments. The Minister considers that in testing the effect of achieving a 20 per cent reduction in a targeted energy rate for new buildings the change will narrow the gap between current building performance requirements, and that which would have been expected in the flexible application of the Passivhaus policy, and also that this gap will be further closed by the review of the building bylaws. Because of this, the justification for retaining the Passivhaus policy, in the words of the Minister, has become smaller, and when considered the work in relative, both the work of Government and the industry, will need to do to implement Passivhaus and the additional layer of regulatory assessment it would require, the balance of benefits are no longer as they once were. The Minister, it seems to us, is therefore satisfied that the policy can be withdrawn and he has explained his reasons why on the basis that the same or similar ends are expected to be achieved in an ambitious review of the building bylaws. We agree that the increasing scope of ME1 demonstrates significantly improved action towards managing emissions and without an immediate need to introduce the Passivhaus requirements under ME2 at the same time. The Minister's intention to take appropriate action to reduce energy consumption from buildings through a comprehensive review of the building bylaws is welcomed. We sought to strengthen this proposal by proposing under part (b) of this amendment that a working group be established to consider the environmental benefits and the green opportunities presented by Passivhaus and other energy building standards. The aim of the working group would be to help inform decisions on the most appropriate standard for use in Jersey, and in time for implementing any increased standards by the next Island Plan. So, we believe that sufficient concerns have been

raised and a strong case presented that Passivhaus pilot schemes should be undertaken before the policy is agreed and implemented. We did take advice, as was indicated earlier in speeches, from a consultancy, and I note that in its report to the panel that the Passivhaus standard, they said, is a very prescriptive approach to achieving high energy efficiency in buildings and low carbon emissions, which relies heavily on the airtightness of buildings and not all occupants or commissioners of new homes accredited as meeting Passivhaus standards are comfortable with the home environments it creates, as Deputy Luce alluded to earlier. So, in concluding, the increased requirements under ME1 and a comprehensive review of the bylaws still enable Jersey to make significant progress in emissions reduction without mandating the implementation of Passivhaus standards at this precise time, allowing more time for evidence to be gathered and an informed view to be taken on whether Passivhaus is the right energy efficiency standard for Jersey. So, I would ask Members to support the amendment and I ask for the appel.

The Deputy Bailiff:

Thank you, Connétable. The appel has been called for. Members are invited to return to their seats. Those joining the meeting via the Teams link are invited to cast their votes in the chat channel, 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 the amendment has been adopted.

POUR: 39		CONTRE: 5		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Senator K.L. Moore		Deputy M. Tadier (B)		
Senator S.W. Pallett		Deputy R.J. Ward (H)		
Connétable of St. Helier		Deputy C.S. Alves (H)		
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.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 of St. Mary				

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

8. Island Plan 2022-25: Approval (P.36/2021) - ninety-fourth amendment: Policy CII Education Facilities - Consolidated (P.36/2021 Amd.(94))

The Deputy Bailiff:

The next is the 94th amendment lodged by the Minister for the Environment, and I ask the Greffier to read this amendment.

The Deputy Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that within Policy CII - Education facilities - (a) after the words “Mont à L’Abbé School:”, the words “part of” should be deleted; (b) after the words “field 782 St. Ouen”, there should be inserted the following words - “Proposals for education facilities outside the built-up area or designated sites will not be permitted except in the most exceptional circumstances where the proposed development is required to meet a proven island need and it can be demonstrated that: a. the development is essential to the delivery and continuation of education services and cannot reasonably be met through alternative sites, service delivery arrangements or co-location with other services; and b. sufficient work has been undertaken to consider reasonable alternative sites for the development and the selected site represents the most sustainable option, with the focus on accessibility to the community relative to the defined spatial strategy, local demand, its impact on the character and nature of the landscape and the scale of development that may be required.”; and (c) the Draft Bridging Island Plan Proposals Map Part A – Planning Zones be amended to reflect the adoption of paragraph (a).

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

I had hoped this proposition would be straightforward and uncontroversial because we are now on to the community infrastructure part and, unless I am wrong, this amendment refers to page 225. I have to be open and flag up, that policy seeks to amend policy CII where unfortunately the wording in the proposition is CI2, which is nothing to do with education. I am sorry but I have just spotted that. So I will carry on and you will tell me procedurally where that leaves us. I think it is simple; the changes proposed in the proposition to CII are simple. The words “part of” in relation to land safeguarded for education purposes at Mont à L’Abbé School, the “part of” is removed so that all of the field H1256, which is available ... so previously 70 per cent of the field was set aside for feasibility work for Mont à L’Abbé School. But I am persuaded, and so are the officers and so is the planning inspector, that they will need more outdoor space and therefore the whole of the field is proposed to be safeguarded. So, the words “part of” are deleted. The other provision is that following the end

there is no change to the field 782 St. Ouen, that is merely pointing out where the extra paragraphs go in.

[16:30]

This is an extra paragraph being put in that extends the policy to allow for the fact that education facilities outside the built-up area or designated sites may be permitted. But the way the amendment is worded obviously deal with the usual way and it says it is not permitted unless, unless, unless, and all the safeguards are there. But the intention of those changes is to provide a specific provision within policy CI1, which does enable us to deal should any unexpected requirement be identified outside of the built area or any of the specified sites for education facilities, the plan provides for that to be dealt with. I think that is a good provision because, as we spoke about earlier, we do not yet know the outcome of the education review, and in fact we have done quite a lot of zonings and decisions which one cannot rule out the fact may have impact on the provision of school sites generally around the Island, and so I am hoping this is non-controversial. I am in your hands about that minor error. I do have an option at the end, I suppose, to bring forward a late amendment. But, nonetheless, I am making the proposition on the basis that that is an error and it should be CI1, unless I am wrong. I have not checked with the officers but it seems obvious to me.

The Deputy Bailiff:

Well, let me assist you. The amendment makes no sense unless it reads CI1 and not CI2 and accordingly it will be read as if it says CI1.

Deputy J.H. Young:

That is a great relief, thank you.

The Deputy Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on this amendment? If no Member wishes to speak on this amendment then I close the debate. Do Members wish to adopt this amendment on a standing vote? Those in favour please show. Thank you very much; the 94th amendment is adopted. Thank you, Members.

9. Island Plan 2022-25: Approval (P.36/2021) - sixth amendment: Education Estates (P.36/2021 Amd.(6))

The Deputy Bailiff:

The next is the 6th amendment, lodged by Deputy Gardiner. 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 CI 1, after the words “Part of field 782, St Ouen”, there should be inserted the following new paragraph - “Where additional needs for the primary school estate within the Parishes of St. Helier and St. Saviour have been identified by the responsible Minister, the redevelopment of States of Jersey or States-owned companies’ land for the purposes of meeting education needs will be given the highest priority. Proposals for the redevelopment of States of Jersey or States-owned companies’ land within the vicinity of existing primary schools in the Parishes of St. Helier and St. Saviour must be able to demonstrate that they will not compromise the ability to address identified education needs.” (b) within Policy PL 1, there should be inserted a new third paragraph as follows - “Where additional needs for the primary school estate have been identified by the responsible Minister, the redevelopment of States of Jersey or States-owned companies’ land in Town for the purposes of meeting education needs will be given the highest priority. Proposals for the redevelopment of States of Jersey or States-owned companies’ land within the vicinity of existing primary schools in Town must be able to demonstrate that they will not compromise the ability to address identified education

needs.”; and (c) within Policy PL 3, there should be inserted a new fourth paragraph as follows - “Where additional needs for the primary school estate have been identified by the responsible Minister, the redevelopment of States of Jersey or States-owned companies’ land in local centres for the purposes of meeting education needs will be given the highest priority. Proposals for the redevelopment of States of Jersey or States-owned companies’ land within the vicinity of existing primary schools in local centres must be able to demonstrate that they will not compromise the ability to address identified education needs.

9.1 Deputy I. Gardiner:

I was considering first of all whether to bring this amendment, to debate this amendment, in what form to bring this amendment. I can see the Minister’s comment and I reviewed our previous debate on education estate that we had back in July. I needed to decide if I am trusting the current process as it is, going forward how we manage our estate, and I decided this is the right place to debate and to further discuss our strategic vision for the crucial infrastructure, that is educational estate, and to further examine our relationship between public needs, States-owned land and States companies’ land. There are a number of primary schools in St. Helier and, indeed, in St. Saviour which are built on this site that is no longer fit for purpose. I also heard about challenges around capacity in other local centres, not just St. Helier and St. Saviour. We have education sites with a lack of outdoor space, a lack of sports facilities, outdated, unfit for education, such as Rouge Bouillon, Springfield, St. Luke’s, and I could continue the list. Enough time has passed, enough promises have been made and broken, assurances have been false and I see no evidence that educational infrastructure needs of children of St. Helier and St. Saviour are being taken seriously. I welcomed the amendment today where we discussed the masterplan for Five Oaks and St. Saviour where that was raised, but it is not enough. It is one year since all States Members were told that the primary school estate review was underway. It was in March 2021 in this Assembly. We were told that we would be presented with the results very soon and I was asked to postpone the proposition until July. Eight months ago the Assembly made the clear decision and supported me on the proposition about Rouge Bouillon, that no other site in States ownership suitable for a modern standard primary school at St. Helier and St. Saviour should be allocated for another purpose until the strategic review of the education estate of St. Helier and St. Saviour is completed. I was grateful to this Assembly and yet unless we have this review it is irrelevant because none of us have seen anything coming from the Education Department. The Minister himself is not in the Chamber but we had several conversations. He was hoping that the report on primary school estates in St. Helier would be published before this debate. Nothing has been presented. What I am presenting in front of you today is absolutely different. It is actually a strategic policy to address not just current but all future needs. I have done a very quick search and I know that we are all very tired Members, I know there have been long days, but please bear with me for the numbers. New developments in St. Helier that are already underway: Summerland at Rouge Bouillon, 82 units; Horizon 218 units; La Collette low-rise, 147 units; Ann Court, 168 units. Since we adopted the proposition back in July we had the Mayfair site passed for 201 units; Rivera Hotel, 106 units; the Limes 147; former Rondel site 94; and we all know about the South Hill 150; and submitted waterfront 1,000 units. So, we have another 1,500 units in St. Helier under consideration since we debated my proposition back in July. As you can see it is a mix between Andium, private and S.o.J.D.C. What is this amendment asking for? Where additional needs for primary school estate within the Parishes have been identified by the responsible Minister, the development of States-owned company’s land for the purposes of meeting education needs will be given a high priority. So, if the Minister for Children and Education says we need schools in this area States-owned land should be given higher priority because we cannot continue to build housing instead of children going to school. The second one is a proposal for redevelopment of States-owned company’s land within the vicinity of existing primary schools in the Parishes of St. Helier and St. Saviour must be able to demonstrate that they will not compromise the ability to address identified educational needs. What does that mean? If you want to build a big development you need to go to

Education, ask what their needs are, what their projections are for the next 5 years and present it to Planning. There are only 3 policies: education estate, which we need to consider seriously; development in town, which is a very clear policy about development within in town; and local centres. One of the considerations on which I had discussions with the Minister and officers is to think about what is happening in the U.K. There is a formula commonly used in the U.K. to help calculate numbers when building new homes. Generally, the formula is for every 100 new homes we need 3 extra school places for each year of the group and 2 in secondary. Obviously, it depends if it is 2 bedrooms, one bedroom, 3 bedrooms. In total for every 100 homes approximately we need 21 extra primary school places in all groups. If we are building 1,000 at the waterfront, we have 210 places at primary school that we need to address. We have to address it in advance, we cannot continue to develop. In the U.K. they are charging the developer for educational needs for new places. Again, we do not want to charge the developer, it is not what is proposed here, because we want to keep house prices low, but what this amendment is asking is to secure the places. In reality the number of serious contenders for alternative sites of primary schools are not high, we will not find new sites. If you are thinking about First Tower school, I am not sure if Members have had an opportunity to read my report, there is a policy BB103 which calculates the modern standard for outdoor space. The First Tower school has 120 square metres, according to the modern standard for outdoor space they need 907 square metres - 120, the standard 907. The gap is substantial. We are welcoming new families to St. Helier. We want to build in St. Helier. St. Helier has lots of accommodation but we need to have appropriate facilities for St. Helier children to be secure. If we do not secure this ... we can build a new school on green fields but I do not want to build a new school on green fields. We can build in the countryside and have a bus to the countryside but it is a poor solution. I am trying to highlight the dangers of not thinking strategically. Because there are more residential developments on the way and in the pipeline we need to ensure there is a sufficient educational infrastructure to serve future residents in St. Helier, otherwise we will need to find other less suitable options. I move the amendment.

The Deputy Bailiff:

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

9.1.1 Deputy J.H. Young:

Obviously, all of us in the Assembly very much hoped - and I certainly have been arguing for it ever since we started the Island Plan process - that, by the time we got to this point and have to make decision, we would have the review of the education estate. I have to put on record my extreme disappointment that is the situation but we have to address what it is. I had hoped we would be in a position to make a very confident decision relating to this amendment. Obviously, Deputy Gardiner lodged this way back last July, perhaps anticipating we would not have this, who knows. But of course, it is not the first time we have had this debate. We had this debate in relation to a specific proposition - I cannot remember the scope of it, I am sure Members do - P.43/2021 where I think at the moment, as we speak, there is an extant States decision.

[16:45]

I will come to that in a minute. Of course, there is no question that education needs have to be factored into the bridging Island Plan. The information that I have been given by my officers - and I have not heard information to the contrary from the Minister for Children and Education, I do not know if the Minister is online but I have not heard anything to the contrary - is I have been advised that our own infrastructure capacity study says that across the Island we have enough education capacity to meet our needs overall. I stress the words "across the Island". I do know, and we all know anecdotally, that many children are having to travel to schools in areas away from their homes. That is the reality. My own grandchildren moved into an urban area of St. Saviour and then found

they could not go to school there, they had to wait for a couple of years to get a place so they were bused out. That is not unusual. I think that education study was very important. The issue in particular, I think, concerns town primary. I do not think any of us want to see our very young children having to take part in commuting and so on. I remember when I was brought up in London, Richard Cobden Junior mixed school was immediately opposite our road with a Victorian edifice, next to the Workingmen's Institute where I do not think people went to learn, but it was that part of London. It was across the way and this is what happened. I walked to school when I was 6 or 7. There we are. Maybe that is a different world. I think it is something we should aspire to where children have that more local contact. There are 3 underlying strategic issues on that. First of all, do we have the capacity to handle or to provide for ... sorry, I beg your pardon, bad choice of words, to provide for the children that are there already, those that arise from new families and new births, and from those who come to join our community. Do we have enough capacity for them? I suppose on the capacity issue, unless my common-sense view is off the ball, one does not generally get a need for school replacement until young children born need a nursery space. So, one gets a bit of a breathing space in terms of that need being generated for several years. There should be time to plan but also, as I have said, the location relative to where we are planning to build our homes and a very key thing for me is the adequacy of outdoor and play space. I think frankly we have been absolutely remiss for probably if not one decade but several decades. It is not acceptable, absolutely not acceptable. Every single study that has ever been done of open spaces for children in Jersey, primary children, shows how short of space we are by whatever standards you want to use. Of course, the counter comes, and I have heard it many times, well we have the beaches. People can go to the beach. That is wonderful we have. I am not making that, I am just saying that counterargument will be put. Days of young children being able to wander freely from their home have all gone. I used to do that as a young child but not now, they cannot do that. What does the plan provide for us in education? The policies we have in the plan are very capable, in my view, and the recommendation of the officers, allowing for the development of new schools and changes or extensions to existing schools in the town area and more broadly across the Island with or without a specific designation in the draft plan. The policies are there. I think just now you passed my amendment on the standing vote, that is designed to do that because if these needs arise around the country schools I have no hesitation and I am sure the policies are there to be able to do that. We do have more of an issue in St. Helier. I agree with the intention behind this amendment, but this is where we get the difficulty. As I constantly keep on saying in this Island Plan's policies, the words matter. They are binding. The words that are adopted in the plan are in existence and control all planning decisions from the moment we sign up to the plan until we get a new one. I would ask Members to look at the restrictions or the rules that are being applied by the Deputy's amendment here, that they recognise that they will be in place for the whole duration of the plan period; 3 to 5 years. I think I heard the Deputy say she thought that was a good thing. I think what we have to ask ourselves is does that have an impact on what other community needs we may need to do on sites elsewhere. I think it does. Whereas the previous proposition the Deputy brought, which I think is extant, made a specific requirement that would release it but this one does not. Amendment 6 introduces a subjective requirement for all publicly-owned sites within the vicinity of existing primary schools to demonstrate that the development - that is whatever else you want to do, whether it is housing, town park, whatever it is, every community need and the waterfront - will not compromise the ability to address identified education needs. The way I read that is if Andium wanted to develop a site over here for housing they have to prove that the school case has been made and this can go ahead. That is an onerous requirement and it will be there for the 3 years, or for the duration of the plan. What is the reality? When education needs arise ... the choices, the planning system is about choices and that might be public ownership land or nearby land or there might even be privately owned land that is open to the States to buy, who knows. Of course, there will need to be separate processes to resolve that. So I ask: "Should the planning process have to mediate these site-specific decisions in the way being proposed in in the amendment or should we have an overall strategy to ensure that the right

development is happening at the right time in the right place?" I think this amendment would effectively mean that we would get decision-making on education needs in a very ad hoc way, and I think that there are other ways that the Assembly can drive the question of site-specific decisions. We have spoken earlier today about the Government Plan and so on and Members know that I feel that in the future Government needs to get its act together and sharpen up how it allocates sites for uses through the government process, which we have not had before. That is being negative. The issue for me now is whether or not the case has been made of including these specific restrictions which cover (a) all within the Parishes of St. Helier and St. Saviour and also, (b) the primary school estate anywhere. So, I think at the moment I am not persuaded with this amendment and I am looking forward to hearing the views of other Members. It is regrettable that we do not have that clarity. I am assured that the needs are there being met and I should say later on I know very well we are going on ... Members may think this is perhaps inconsistent but I will own up to it, we will go on and talk about an amendment that Deputy Ward has put in about potential use, earmarking or protection of the gasworks site, which I have indicated that I am minded to accept. But, of course, the Constable of St. Helier rightfully has a valid case for something else. I would like to think that when we get to those decisions we can make decisions that are up to date and not made in an Island Plan which puts fixed policies in place for 3 years and become inflexible, and make real restrictive arrangements. I would like to feel that as a Government we can do better in how we make those site-specific property decisions. There we are, at the moment I am not persuaded to go with Deputy Gardiner's amendment but the intention is right, we have to provide for our youngsters.

9.1.2 Deputy R.J. Ward:

I want to support Deputy Gardiner but simply it is the words here. The words here talk about giving the highest priority to education sites and for years and years and years the highest priority has not been given to children in the centre of St. Helier and education sites. The schools in St. Helier are, in too many cases, not fit for purpose and miracles are being worked by the staff in those schools, the children in those schools and the parents in those schools to keep them going and to keep them working. We are in a desperate situation. We need to act in order to prioritise, given the development that is happening in St. Helier. We know that development is going to happen in St. Helier, it is already going on and hopefully on my amendment I will give you some numbers on that. It is quite staggering around one area of St. Helier alone. It is happening at the waterfront. I mention the waterfront because there is absolutely no plan for schools for people at the waterfront. How on earth that was agreed with no consideration of where those children would go to school, I do not know. The schools around are full. In one school, and I will not pick them out in particular, when it rains a lot they are putting things under leaks in the roof to collect water. This cannot be allowed to continue. I absolutely applaud this proposition because, in a very wordy way I must say, I know what Deputy Gardiner has done here, she has tried to cover all angles. I understand why she had tried to do that. I get it. If we are going to develop States-owned land in the area there must be a consideration and a priority given to schooling in that area because that schooling is going to last for a long time. The Minister is right, there is a delay if you put young families in there pre-school, however there is a need for nursery school and we know the importance of early years education. That has been proved. Those early years facilities, for every pound you invest in those, it comes back hundred-fold later on. That is what you do need to recognise. We are talking about the cost of this. Again, let us look at the long-term investment in our young people and how much that will be worth in the long term. I would urge Members to consider supporting this because what it does is it gives that priority when we are developing. Yes, it does carve out St. Helier and St. Saviour, let us be honest, they are the areas that are facing the brunt of development at the moment, that do not have the green space for their schools, they do not have the schools that are needed. The area around Rouge Bouillon, let us be honest, is probably going to become the fire and ambulance station.

[17:00]

This Assembly has already named it. We can see the writing on the wall there but we do not have the school estate review. I will finish off by saying I share the Minister's concern and disappointment that we do not have the school estates review and I do not know how officers have done this without that. I see this amendment as a protection. Until that school estates review comes and we have clarity, this gives some protection about the drivers behind development in that area and the need for education sites, so I would urge Members to support it.

9.1.3 Deputy L.B.E. Ash:

I am pleased to follow Deputy Ward. What I would say is I agree very much with the amendment, to be honest, having seen St. Clement, which had a lot of new buildings put up and insufficient amenities around it, school places, youth facilities and various other things that should have happened; I can see why this is an important thing that we should put in place. I 100 per cent agree. I would like to see when we develop the St. Saviour Hospital site, which hopefully will not be long in coming because we do not want it sitting there as the Jersey College for Girls did for years and years with no one doing anything. Hopefully we will look at it and hopefully as a part of that we will put a primary school in there. I certainly am a big supporter of that. I want to make that into a village and, as part of that village, we should have a primary school to make it into a community. Having said all that, if this adopted, which it may well be, while I will not be heartbroken in many ways make no mistake it will delay the building of affordable housing by Andium. It probably has already because they cannot move on certain sites because of the restrictions. Please be aware of that if you vote for this amendment.

9.1.4 The Connétable of St. Saviour:

A very interesting speaker there who has said that if we vote for this it is going to hold up the development. What is the good of having a development if you have nowhere for the children to go? There is no thought in this at all. The primary schools in St. Saviour are full. A long time ago I had a word with the primary schools in my Parish and they said they were full to capacity. When I mentioned this to Education themselves, they did not agree and they said that children would move on and go to secondary schools, which would open up a gap for the nursery school and the primary school. Ridiculous but anyway I went along with it. Deputy Ward is correct, the schools are full. In the Island Plan there has been no mention at all of schools. Nothing whatsoever. I find that such a shame. When the St. Saviour Hospital section came online, which the previous speaker was speaking to before, I had already had a word with Senator Mézec. He came to see me and he said: "How do you feel about the development?" I said: "It is very good but you are going to have to put a school there and some shops to stop people gravitating down to Five Oaks." Then Deputy Labey came to talk to me, now he is the Minister, and I said the same thing and he said to me: "Well, I have to talk to St. Martin and I have to talk to Grouville." Why I do not know because St. Saviour has the St. Saviour Hospital site and that is what they are going to develop, but in fairness and in politeness Deputy Labey did come and talk to me, and for that I was very grateful. We have a meadow in front of our Parish Hall here in St. Saviour where children are bused in from primary schools in St. Helier and other places, and it is absolutely wonderful. My Deputy and gentlemen have tidied it up and it has a lot of space and you hear them laughing and screaming, they are jumping in mud puddles, doing all sorts they should be doing if they were in their own environment and around their own school. I often wonder what the parents must think, or the grown-ups that they live with, when they go home because they are just filthy dirty but they have had a wonderful time. St. Luke's School has been mentioned. It is a fabulous school, very Victorian and it does not have anywhere where they can extend. We closed off a road for them last year so that children could play. We have advised them that we are prepared ... when I say "we", St. Saviour, his Parish is prepared to do that again, for them to have an area to play. That should not have to happen. We have far too many people and the children must be considered. I say that as one of the few people who did not sign "putting children first". Because, as a Constable, I put everybody first. But the children must have something, must

have an area where they can play. I am going to stay and I am going to support this because the Deputy has brought this with every good faith and it needs to be supported. They mention Springfield School and Rouge Bouillon is in St. Helier, but Springfield School is on the border with St. Saviour. This is a primary school, we were asked if we could provide a bench so that the children could sit on it, talk to other pupils, or just sit alone. So, we did. We provided a bench. I have never been asked to provide a bench. When I was at school, and I went to St. Saviour School, I was not asked if I wanted to sit quietly on a bench. There was far too much to do and far too much excitement. So, I am sorry, we really do have to support the children in this Parish, and I thank the Deputy for bringing this forward and please, please, support it. Think of the children and think of the Island Plan, which has no mention whatsoever of schools.

The Connétable of St. Helier:

I really have a point of order. I am unclear what the relationship is between this amendment and amendment 8, which is Deputy Ward's amendment in respect of the Jersey Gas site. My specific question is that, if this amendment succeeds, will his amendment in respect of the Jersey Gas site fall away?

The Deputy Bailiff:

I will consider the point of order overnight and give a ruling tomorrow morning. But my first instinct is that amendment 8 will not fall away. But I will consider the point overnight.

The Connétable of St. Helier:

Thank you. While you are considering it, could you please also consider whether my proposition P.67, which is in relation to the extension of the Millennium Town Park, would also be affected by the success or otherwise of this amendment?

The Deputy Bailiff:

Is that being debated this week as well?

The Connétable of St. Helier:

No, it is not.

The Deputy Bailiff:

In that case I do not think I will be considering that point at this stage because I am focusing on the Island Plan. But I am sure that will be considered well before that debate.

The Connétable of St. Helier:

Thank you. In that case, I will reserve my right to speak later in the debate if I may?

The Deputy Bailiff:

Yes.

Deputy R.J. Ward:

Can I just raise a point on that? These are talking about 2 completely different parts of the Island Plan and when we are raising this as an issue it is just delaying this debate and it is just confusing an issue unnecessarily. I cannot help thinking it is just a tactic to put confusion where it does not need to be. I understand you will be ruling on it, but I would like you to rule on whether that question is relevant to this, because I do not think it is.

The Deputy Bailiff:

Certainly, the Connétable is entitled to a ruling in relation to whether or not his 8th amendment in this debate will be affected by the Assembly discussing this particular amendment, which I will give a ruling upon.

9.1.5 Deputy R. Labey:

What I said was that no plans will be drawn up for the St. Saviour Hospital site by Andium until there has been full consultation with the community around the area; St. Saviour community. But also we are at the apex here of 3 Parishes - St. Martin, Grouville and St. Saviour - and so the whole community around that area needs to be consulted and will be consulted fully about what goes on that site before the plans are drawn up. That is what I said. Is the Constable of St. Saviour suggesting that, if a primary school were to go there on that site that the children of Grouville and St. Martin would not be welcome there? Of course, we should consult the whole community, and that is the assurance I have given. I do not know why she is attacking me for that. I like Deputy Gardiner an awful lot and she is a real fighter and a worker and she has great energy and, as I say, she is a real worker and I do not like opposing anything she brings. But this will prioritise, over everything else, the education. Children do need homes before they can go to a school. I just do not think in the middle of the housing crisis, which we are trying to solve, it is a good idea to prioritise anything over housing. I have always said we should give equal priority to housing, to education, and to amenity, green space, et cetera. But this will be more trouble for Property Holdings, trying to fit this jigsaw puzzle together. It will not be helpful. It has not been helpful with her last proposition. I am sorry to say this. This schools review, and I need to correct something that has been allowed to continue and is not correct, Andium Homes have not been consulted throughout the course of this primary school provision review, which is crazy given that Ian Gallichan, the C.E.O. (chief executive officer) of Andium Homes, is probably the most in the know about what private sites that are going up for sale, is probably the most in the know about that of anybody else in the Island. I can think of maybe one other person, the C.E.O. of Dandara, probably is equally in the know. Because most people selling sizable sites anywhere in the Island will go to either Ian Gallichan or Mr. Clancy of ...

The Deputy Bailiff:

I do not think it is appropriate to name these individuals. It is not relevant to the debate.

Deputy R. Labey:

I am sorry about that. I withdraw that. So, they are the 2 companies that are consulted during that and I think I heard the Minister for the Environment saying the States should be buying sites. We are buying sites through Andium Homes. There are some really exciting propositions, which I hope will come through, but I cannot talk about them because at the moment they are not signed and they are commercially sensitive. But of course we are looking at sites to buy. That is the best thing we can do to solve this housing shortage that we have currently got. The best use of our money at the moment is to buy sites to build affordable assisted-purchase homes. To build homes for the Homebuy Gateway. That is what we are engaged in doing. I am convinced, if we were working together with Andium on this, they would help us very definitely sort out the issue because there are different options available around the north of town. But we should be looking at the north of town holistically across the board with education and with the youth service, et cetera. That is what Andium is trying to do and trying to lift this area and sacrificing a site for the park because it is to the benefit of all the residents, young and old. How many times do we say that we want to avoid town cramming? A gesture, a fantastic gesture like doubling the size of that park, is to the benefit of the entire community and the entire area and a once-in-a-lifetime opportunity.

[17:15]

So I do not say that Deputy Gardiner's priorities for a primary school are secondary; I say they are of equal priority, absolutely. I do commend her. But I cannot vote for something that prioritises one above the other because it will be unhelpful in trying also to provide the homes we need to reduce to zero that waiting list on the Gateway.

The Deputy Bailiff:

There may be a point of clarification from the Connétable of St. Saviour. Will you accept that?

Deputy R. Labey:

Yes, of course.

The Deputy Bailiff:

Yes, Connétable of St. Saviour, you say you want to speak on Deputy Labey's speech. You can ask for clarification on something that he said or you can clarify something that you said that he referred to in his speech.

The Connétable of St. Saviour:

I would like to clarify what I said, because there has been a misunderstanding. Would that be acceptable?

The Deputy Bailiff:

Yes.

The Connétable of St. Saviour:

It was about the school on St. Saviour. He did say about the other Parishes. I apologise if it came across bad. But I did not mean that the school that has to be put on St. Saviour village, in the St. Saviour Hospital site, is just primarily for St. Saviour children. If I offended the Deputy I apologise from the bottom of my heart because that would be the last thing I would do. But we have to have the school in that area if they are going to have it and other people can use it certainly. We would never stop that.

Deputy R. Labey:

I am grateful to the Constable and I appreciate that, and thank you.

9.1.6 Senator S.Y. Mézec:

The Minister for Housing and Communities in particular, but also the Minister for the Environment to an extent, are suggesting that we are being forced into some sort of chicken-and-egg scenario with this; that we cannot possibly build school sites because that would deprive children of a home to live in and we cannot possibly consider not having schools or building schools somewhere because they will not have a school to go to. When the reality is this amendment is trying to make sure we get both of those right and that we plan properly. It is simply no good to pile more and more homes in confined spaces without adequate consideration of where the children who will end up living there will go to school. Will there be places for them to go to? Will they be nearby? Will they be safe to get to and all of the considerations that go with that? I am really surprised at the Minister for the Environment's position and, if this debate goes on until tomorrow morning, I would ask him to spend some time this evening reconsidering his position on this. Because what Deputy Gardiner has come up with is absolutely harmless. It is simply about saying that all of these issues have to be considered to make sure that we get the best possible for the people who will end up living in whatever homes are built so we know that those children will have school places nearby. It may be the case that the Minister has had assurances to make him feel comfortable, but he must understand that the rest of us have not, we know nothing about the school estates review. I am really disappointed that we are even debating the Island Plan without knowing more about that. The only thing I have heard is

rumours and I will say the one rumour that I have heard, if it is true, it is a really good rumour. I would like to find out more about it. I have heard a rumour about where there are intentions for a school. If it is the case it will make things a lot simpler. But I have had no confirmation of that and I do not know if any other Members of the Assembly have had that either. It has a real impact on those of us who represent some of the more densely populated parts of the Island, the town, the west of St. Clement and south of St. Saviour, in particular. Of course, the Constable of St. Saviour is right to draw attention to the old St. Saviour Hospital site as well where that will need to be a consideration. If we do not get this right we will be putting a negative impact on these households, not just children, although I am to this day proud to have signed up to the “putting children first” pledge, but it has an impact on their families as well. I know of people who live in the catchment areas for the town schools who could not get places for their children in those schools, for which catchment they live in, and so they have to spend 45 minutes in their cars in the morning to drive their children out of town to an out-of-town school, stuck in traffic, pouring out toxic fumes from their exhaust pipes as well for any other children that might be walking to school past them. I think to what I had as I grew up. I grew up in an estate next to St. Saviour Primary School and I was able to walk to and from school every day from an early age, and I completely took it for granted. Meanwhile, I know children who are spending that time in a car in the morning, the parents are stressed out because if there is extra traffic on a particular morning they may be late for work afterwards. Many of these people in town will drive out of town and then drive back into town to park at work so that they can then walk on to work. What a spectacular waste of time it is for them when we could be providing safe walking routes through town to some great facilities there for those children. What a difference it would make. Also, it has a knock-on impact on all of the other schools as you get further and further out as well, putting pressure on schools like Plat Douet on St. Luke, Samarès, and even St. Clement School as well I know have pressure. Le Squez having been built there, I know people who have moved there and have not been able to get their children into those school places. So they drive from Le Squez to First Tower, cars going straight through the middle, again more congestion, more pollution, and all the rest of it. What this amendment is clearly seeking to do is to make sure these issues are considered in all of this. I would like the Minister or another Member of Government to try to justify to those of us who are not in the know about the education estates review, why this is such a bad thing. Because I am reading this thinking this is the sort of thing that, if you were going to produce the Island Plan before the school estate review, this would be the sort of safeguard you would want in it to, not quite apologise to the rest of us, but to try to assure us: “We are sorry that we could not get that piece of work done before the Island Plan. But do not worry, we have this catchall in it to try to safeguard that for when the school estates review does come out and we do see the light and find out what the plans are. I would ask Members to support this amendment from Deputy Gardiner, who is clearly trying to do the right thing and provide some sort of safeguards here. I would also like, if we are to go over until tomorrow morning, to ask the Minister for the Environment to think about this overnight and reconsider his position.

Deputy J.H. Young:

Clarification there if I may please?

The Deputy Bailiff:

Will you give way for a point of clarification? Yes.

Deputy J.H. Young:

The Senator in his speech, a very good speech I might say, did suggest that I, as Minister, may be in the know about this. Would the Senator accept that I know just as much as he does and anybody else in this, despite having asked for it so many times I have run out of breath?

Senator S.Y. Mézec:

If that is what the Minister tells me, I am more than happy to accept that. It makes his position on this amendment though even more bizarre.

9.1.7 The Deputy of St. Mary:

When I first read the amendment I was concerned that, if it was accepted, it would hold up development in other parts of the Island - St. Helier and St. Saviour in particular - and lead to an area of uncertainty. But on further consideration there are 2 aspects, which lead me to suppose otherwise. I take in each paragraph the 2 Senators together. First of all, additional needs for primary school, et cetera, have been identified by the responsible Minister. That puts an ongoing onus on the responsible Minister, who I assume is the Minister for Education, to keep a running check as to what it requires. That should be the top of his list in any event. So, I do not see that creates any additional burden to him. The other aspect is that it is for redevelopment of land within the vicinity of existing primary schools. Again, easily identifiable. It is not as if we are looking at a blank piece of paper of St. Helier, for instance, and deciding where might we have development, where might we have schools. These are areas already identified. It is fairly specific. On that basis, I see no reason why I should not support Deputy Gardiner. I certainly understand why we would not want to build houses without there being a sufficient guarantee that school places are going to be available for the children that live in them. That seems to be absolutely nonsensical. So, I shall be supporting the Deputy.

The Deputy Bailiff:

The adjournment has been proposed in the chat by the Connétable of St. Helier. Is that seconded? **[Seconded]** Does any Member wish to speak on the adjournment?

Deputy R.J. Ward:

I was just going to ask if you are going to make a ruling overnight, because it is quite significant to me as I am going to be the next amendment coming along, as to what I would do.

The Deputy Bailiff:

Would you prefer a written ruling overnight then as opposed to a ruling in the Chamber tomorrow morning?

Deputy R.J. Ward:

If that is possible, because then I will know where I am. It has been a long week for all of us.

The Deputy Bailiff:

Whatever I rule by email, I will repeat, so that the public have heard the ruling first thing tomorrow morning. I will try to give a ruling this evening then. Adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:26]