



**THE STATES assembled on Wednesday
16th July 2014, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

**His Excellency the Lieutenant Governor,
General Sir John McColl, K.C.B., C.B.E., D.S.O.
was present.**

All members were present at roll call with the exception of –

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.58 a.m.)
Senator Sarah Craig Ferguson – en défaut (défaut raised at 10.08 a.m.)
Deputy Edward James Noel of St. Lawrence – en défaut (défaut raised at 9.58 a.m.)
Deputy Patrick John Dennis Ryan of St. John – en défaut (défaut raised at 10.08 a.m.)
Deputy Kristina Louise Moore of St. Peter – ill
Deputy Samuel Yves Mézec of St. Helier – en défaut (défaut raised at 10.40 a.m.)

Prayers

Documents presented or laid

Jersey Overseas Aid Commission: Annual Report for 2013. R.97/2014.
Presented: 16th July 2014.
Jersey Overseas Aid Commission.

Strategic Plan Progress Update, May 2012 – June 2014 – Inspiring Confidence in R.98/2014.
Jersey's Future.
Presented: 16th July 2014.
Council of Ministers.

Notification of lodged propositions

Bedrocan BV: possession for treatment purposes – petition. P.126/2014.
Lodged: 16th July 2014.
Deputy M. Tadier of St. Brelade.

Sativex: possession for treatment purposes – petition. P.127/2014.
Lodged: 16th July 2014.
Deputy M. Tadier of St. Brelade.

Cannabis: possession of cannabis for treatment purposes – petition. P.128/2014.
Lodged: 16th July 2014.
Deputy M. Tadier of St. Brelade.

Access to cannabis-based medication – petitions P.126/2014, P.127/2014 and P.128/2014

Deputy Montfort Tadier of St. Brelade presented to the States 3 petitions on behalf of 3 individuals praying that the Minister for Health and Social Services allow them to be professionally prescribed and supplied with specific products in accordance with her discretionary powers under the Misuse of Drugs (General Provisions) (Jersey) Order 2009.

THE STATES referred the petitions to the Minister for Health and Social Services, and Deputy Montfort Tadier of St. Brelade lodged “au Greffe” 3 propositions to the effect that the prayer of the petitions be granted.

Island Plan 2011: revised draft revision – approval P.37/2014

THE STATES resumed consideration of the revised draft revision of the Island Plan 2011 (P.37/2014) as amended, and commenced consideration of an amendment of the Minister for Economic Development (P.37/2014 Amd.(11)) that, after the words “the revised draft revision to the Island Plan 2011”, there should be inserted the words “except that the amendments to Proposal 4a and Policies NE6 and NE7 (pages 73 to 102 of the draft Revision) shall be deleted”.

THE STATES commenced consideration of an amendment of Deputy John Hilary Young of St. Brelade to the amendment of the Minister for Economic Development and, adopting an amendment of the Minister for Planning and Environment to that amendment, agreed that for the words “amendments to Policy NE7 (pages 88 to 102” there should be substituted the words –

“amendments to:

Policy NE7 (1)(a) and (c);

Policy NE7 (3)(a);

at Policy NE7 (5)(b) the words “remains subservient”;

Policy NE7 (7)(a); and

Policy NE7 (10)(b)

(pages 98 to 101”;

and consequential changes made as necessary to the preamble of the policy to reflect these deletions.

Members present voted as follows –

POUR: 39

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache

CONTRE: 3

Connétable of St. Helier
 Connétable of St. Lawrence
 Deputy M. Tadier (B)

ABSTAIN: 0

Connétable of Trinity
Connétable of St. Clement
Connétable of St. John
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (S)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré (L)
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy R.J. Rondel (H)

THE STATES, adopting an amendment of Deputy John Hilary Young of St. Brelade, as amended, to the amendment of the Minister for Economic Development, agreed that for the words “amendments to Proposal 4a and Policies NE6 and NE7 (pages 73 to 102)” there should be substituted the words “amendments to –

Policy NE7 (1)(a) and (c);

Policy NE7 (3)(a);

at Policy NE7 (5)(b) the words “remains subservient”;

Policy NE7 (7)(a); and

Policy NE7 (10)(b)

(pages 98 to 101”.

THE STATES, adopting an amendment of the Minister for Economic Development, as amended, agreed that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words “except that the amendments to –

Policy NE7 (1)(a) and (c);

Policy NE7 (3)(a);

at Policy NE7 (5)(b) the words “remains subservient”;

Policy NE7 (7)(a); and

Policy NE7 (10)(b)

(pages 98 to 101 of the draft Revision) shall be deleted”.

Members present voted as follows –

POUR: 41

CONTRE: 2

ABSTAIN: 0

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin

Connétable of St. Lawrence
 Deputy J.M. Maçon (S)

Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)

In accordance with Standing Order 106(1)(b), Senator Philip Francis Ozouf declared an interest but remained in the Chamber for the duration of the debate of Amendment 11.

THE STATES commenced consideration of part (c) of an amendment of Deputy John Hilary Young of St. Brelade (P.37/2014 Amd.(10)) and, adopting an amendment of the Minister for Planning and Environment, agreed that, in Proposal 8 after the words “designation of” there should be inserted the words “a minimum of three”.

THE STATES, adopting part (c) of an amendment of Deputy John Hilary Young of St. Brelade, as amended, agreed that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that the following additional revisions shall be made to the Island Plan 2011 in addition to the Minister’s draft Revision –

- (c) for Proposal 8 on page 96 of the Island Plan 2011 there should be substituted the following revised Proposal –

‘Proposal 8

Conservation Area designation

The Minister will complete the identification and designation of a minimum of three Conservation Areas throughout the Island during the Plan period relative to their assessment against published criteria and will adopt these through the publication of supplementary planning guidance, following consultation with stakeholders.’ ”.

THE STATES commenced consideration of parts (a) and (b) of an amendment of Deputy John Hilary Young of St. Brelade (P.37/2014 Amd.(6)) and, adopting an amendment of the Minister for Planning and Environment, agreed that, in the inserted paragraph 4.100, the words “; and/or the extension of existing buildings” should be deleted; and for the words “The design and scale of any extension in this part of the bay should remain subservient to the existing building and should not disproportionately increase its size. The cumulative enlargement of buildings over time will be also be a material consideration”, there should be substituted the words –

“4.101 Following the development and adoption of supplementary planning guidance for St. Brelade’s Bay, proposed under Proposal 14 of the Plan, this particular policy provision will be reviewed when the Plan is next revised.”;

and subsequent paragraphs renumbered accordingly, and that the following words should be deleted –

- “5. the extension of a dwelling, where the proposal:
- a. is not subservient to the existing building in terms of design and scale;
 - b. is not designed appropriately relative to existing buildings and its context;
 - c. having regard to its planning history, disproportionately increases the size of the building in terms of any of its gross floorspace, building footprint or visual impact.”.

Members present voted as follows –

POUR: 34**CONTRE: 2****ABSTAIN: 0**

Senator P.F. Routier
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)

Senator S.C. Ferguson
 Connétable of St. Saviour

THE STATES, adopting a proposition of Deputy John Hilary Young of St. Brelade, as amended, agreed that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that the following additional revisions shall be made to the Island Plan 2011 in addition to the Minister’s draft Revision –

- (a) in the preamble to the Shoreline Policy (page 139), after paragraph 4.98, there should be inserted the following additional paragraphs (and subsequent paragraphs renumbered as required) –

‘4.99 St. Brelade’s Bay is generally regarded as one of the most beautiful natural bays in the Island. Successive development plans have sought to retain and protect its natural beauty and character whilst recognising its role as an attractive place for tourists and Islanders to visit and as a place to stay and live. Development affecting the coastal strip of this bay, as defined by the Shoreline Zone, has the potential to affect the special character of the whole bay.

4.100 Particular care is, therefore, required to ensure that the redevelopment of existing buildings, involving their demolition and replacement, does not seriously harm the character of St. Brelade’s Bay. Accordingly, replacement buildings here should generally not be larger than that being replaced: in the case of tourism accommodation coming out of this use there is the possibility of reducing the visual impact of these often large buildings by some or all of: a reduced visual scale, mass and volume of a building, particularly where existing buildings are large; more sensitive and sympathetic siting and design; materials, colours and finishes more sensitive to the character area. Following the development and adoption of supplementary planning guidance for St Brelade’s Bay, proposed under Proposal 14 of the Plan, this particular policy provision will be reviewed when the Plan is next revised.’;

- (b) in Policy BE4 (Shoreline Zone) (page 140) after the words ‘3. development which adversely affects public access to and along the coastline and seafront.’ there should be inserted the words –

‘Within the Shoreline Zone for St. Brelade’s Bay, the following forms of development will not normally be approved:

4. the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced.’.

Members present voted as follows –

POUR: 36

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)

Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy S.Y. Mézec (H)

THE STATES rejected part (1) of an amendment of the Connétable of St. Clement (P.37/2014 Amd.) that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that –

- (a) the following be removed from the list of sites to be zoned for Category A housing at Policy H1: Category A affordable housing sites (on page 245):

‘5. Samares Nursery, La Grande Route de St. Clement, St. Clement, (10 acres/ 22 vergées);’.

Members present voted as follows –

POUR: 15

Senator L.J. Farnham
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. John
 Connétable of St. Saviour
 Deputy J.A. Martin (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy S.Y. Mézec (H)

CONTRE: 30

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy R.G. Le Hérisser (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity

ABSTAIN: 3

Senator A. Breckon
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)

Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy N.B. Le Cornu (H)

THE STATES, adopting part (2) of an amendment of the Connétable of St. Clement, agreed that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that –

- (a) the following be removed from the list of sites to be zoned for Category A housing at Policy H1: Category A affordable housing sites (on page 245):
 - 6. Le Quesne Nurseries, La Rue de Jambart, St. Clement (4 acres/9 vergées)’;
- (b) the revised draft revision to the Island Plan 2011 be further amended in such respects as may be necessary consequent upon the adoption of (a);”.

Members present voted as follows –

POUR: 29

Senator A.J.H. Maclean
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérisier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)

CONTRE: 17

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy A.K.F. Green (H)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)
 Deputy N.B. Le Cornu (H)

ABSTAIN: 2

Senator A. Breckon
 Deputy R.C. Duhamel (S)

Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy S.Y. Mézec (H)

THE STATES commenced consideration of an amendment of Deputy Roy George Le Hérisier of St. Saviour (P.37/2014 Amd.(2)) that after the words “the revised draft revision to the Island Plan 2011” there should be inserted the words –

“except that –

- (a) the following site be removed from the list of sites to be zoned for Category A housing at Policy H1: Category A affordable housing sites (on page 245):

‘7. Longueville Nurseries, New York Lane, St. Saviour (1.5 acres/3 vergées)’;
- (b) the revised draft revision to the Island Plan 2011 and the Proposals Map be further amended in such respects as may be necessary consequent upon the adoption of (a);”.

In accordance with Standing Order 106(1)(b), Senator Philip Francis Ozouf declared an interest but remained in the Chamber for the duration of the debate of this amendment.

Changes in Presidency

The Bailiff retired from the Chamber during consideration of the amendment of Deputy John Hilary Young of St. Brelade to the revised draft revision of the Island Plan 2011 (P.37/2014 Amd.(6)) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, O.B.E., Greffier of the States, until his return shortly before the lunchtime adjournment.

THE STATES re-assembled after the lunch adjournment under the Presidency of Mr. Michael Nelson de la Haye, O.B.E., Greffier of the States. The Greffier of the States retired from the Chamber during consideration of the amendment of the Connétable of St. Clement to the revised draft revision of the Island Plan 2011 (P.37/2014) and the meeting continued under the presidency of the Bailiff.

Adjournment

THE STATES adjourned, having agreed to reconvene on Thursday 17th July 2014 to continue consideration of the proposition entitled ‘Island Plan 2011: revised draft revision – approval’ (P.37/2014) and the outstanding items of public business.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE, O.B.E.

Greffier of the States