

STATES OF JERSEY

OFFICIAL REPORT

FRIDAY, 24th JUNE 2011

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[9:00]

The Roll was called and the Deputy Greffier led the Assembly in Prayer.

PUBLIC BUSINESS – resumption

1. Island Plan 2011: approval (P.48/2011): fifty-fifth amendment (P.48/2011 Amd.(55))

The Greffier of the States (in the Chair):

Now the Assembly will be aware that at the conclusion of yesterday's meeting Members were concerned particularly by the matter raised by the Deputy of St. Ouen about the definition and extent of the area of Longueville Nurseries that would be rezoned by this amendment from Senator Perchard ...

Connétable S.A. Yates of St. Martin:

Sorry, Sir, may I beg leave at this moment to present my 7th amendment?

The Greffier of the States (in the Chair):

Well, not at the moment, Constable, we are right in the middle of something else. We will come to you, we are right in the middle of Longueville Nurseries.

The Connétable of St. Martin:

I am really anxious to get my 7th amendment heard, Sir.

The Greffier of the States (in the Chair):

Well, we cannot do it right in the middle of Longueville Nurseries, Constable ...

The Connétable of St. Martin:

This is a new amendment, Sir.

The Greffier of the States (in the Chair):

Well, we will come to it. We are in the middle of Senator Perchard's debate. We cannot take another amendment in the middle of another amendment.

Deputy P.J. Rondel of St. John:

On that point, given that we have been given this amendment ...

The Greffier of the States (in the Chair):

Well, I am coming to it, Deputy, if you would listen to the Chair we will perhaps get to it.

The Deputy of St. John:

All right, then Sir, I will listen but I am not happy.

The Greffier of the States (in the Chair):

You may not be happy, Deputy, but you will have the opportunity to express your discontent in the votes that need to follow. Now, as I was saying, Members were concerned about the definition and extent of the area at Longueville Nurseries that would be rezoned by this amendment and the Bailiff invited the Minister, Senator Perchard and the Deputy Greffier to meet after sitting with him to look into this matter. Now it seemed to be clear that the Assembly did not want yesterday to be in a position where voting on the substantive issue of rezoning at Longueville Nurseries and what Senator Perchard was trying to achieve was simply confused by a technicality on area and, in fairness to Senator Perchard, it appears that the areas he was given by the Department of the Environment were incorrect, although I would stress most strongly that I imply no criticism of the sterling work the officers there were doing, as Members know under great pressure, and clearly these misunderstandings could inadvertently arise. Now, as Members and the Deputy of St. John is

already on his feet, we clearly need to respect procedures, we cannot simply bend rules for expediency but there is a way forward if Members are willing to accept it and it will be a matter for Members to decide. If Members do agree, the proposed way forward would therefore be as follows; on Members' desks, as you will have found, there is a proposed 55th amendment from the Minister for Planning and Environment which refers to the correct areas on the map that Senator Perchard was trying to capture. The area finishing halfway up the site which is apparently one acre or 2.5 vergées. Now the map is not physically attached, due to timings of printing, et cetera, due to the early start, on the sheet of paper you have, but it is the map that is on the board and that is on Senator Perchard's own amendment with the red line. Now the Minister would need to ask the States this morning to vote to agree under Article 4(a) which we referred to earlier to take the amendment today. He is entitled to do that under the Planning and Building (Jersey) Law and if Members were to agree to debate the amendment, Senator Perchard would then seek leave to withdraw his amendment. The debate would then take place on Amendment 55 if Members were to agree to those 2 matters and I express most strongly it is clearly a matter for Members to decide. Now, if the new amendment were to be taken this morning, I would of course from the Chair urge Members, in the strongest possible terms, to regard this effectively as a continuation of yesterday's debate although I would stress I cannot of course under Standing Orders stop anyone who has spoken on Senator Perchard's amendment, I could not stop them speaking again but I would urge Members to exercise self restraint. Now if this course of action were to be followed in the interests of fairness I have discussed with Senator Perchard this morning that what I would do is he would not exercise his right to speak during the debate on Amendment 55 until the very end when other Members had spoken and he would speak at that stage, which would effectively be a de facto summing up speech from him and he is content to proceed in that way and then the Minister would formally close the debate and we would vote on Amendment 55. Now, if that is clear to Members there are therefore 2 courses of action as a preliminary matter and Members can express their views on them if they wish and vote accordingly. Minister, the first thing is would you wish to invite Members to debate your Amendment 55 this morning?

Senator P.F.C. Ozouf:

I declared an interest as an owner of a parcel of land at the northwest side. I am wishing to re-declare that and I do not think I will take part in any of the subsequent amendments.

The Greffier of the States (in the Chair):

Very well. Thank you. So you wish to ask the Assembly, Minister, to take your amendments?

Senator F.E. Cohen:

Yes, and I have some comments to make. Would it be appropriate to make those now?

The Greffier of the States (in the Chair):

Yes, if you wish to.

1.1 Senator F.E. Cohen (The Minister for Planning and Environment):

Thank you. I will be reasonably brief. It became apparent through the eagle eye of the Deputy of St. Ouen that Senator Perchard had made a fundamental error in the drafting of his amendment. Senator Perchard should not be criticised for this error, this is an enormously long document. It is quite technical and it is very understandable that anyone would make an error. Also I would like to make the point that I do not accept that this was an error of my department, the matter was taken from an early draft and it is entirely appropriate that there would have been careful checking of the draft prior to bringing it to the States had we maintained our original position. Regrettably, only the Minister for Environment and Planning may lodge an amendment at this stage. Consequently, despite the fact that I strongly disagree with the amendment, I am lodging it as an amendment to enable the democratic process to continue and allow the States to debate the principle at issue. I would add that I will not be voting for my own amendment. It delivers little other than an

increased land value and let me be clear, despite earlier protestations, it is largely rezoning that delivers the uplift in land value. I therefore urge Members to vote against my amendment. Thank you.

[9:15]

The Greffier of the States (in the Chair):

But you are asking Members under the Planning and Building (Jersey) Law to debate it this morning, to grant you leave for it to be debated?

Senator F.E. Cohen:

That is the case.

The Greffier of the States (in the Chair):

Is that seconded? **[Seconded]** Are Members content to take Amendment 55 this morning? We can have a few brief comments. Deputy of St. Mary?

1.1.1 Deputy D.J.A. Wimberley of St. Mary:

Yes, very briefly. We have, in the past, heard certain people in this Assembly say you cannot bring an amendment which you do not agree with, you cannot bring a proposition you do not agree with. I have always thought that slightly odd because there are times when this happens and this is one of them and I think the Minister is to be applauded, in a sense, for bringing an amendment that he does not agree with, because it allows a debate on an important amendment to continue. But I think we must remember that because on other occasions I have heard people in this House jump up and say: "We cannot do this, this is an abuse of process."

The Greffier of the States (in the Chair):

Well, I think the circumstances are quite unique here. Deputy Southern, would you ...

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

I just want to say what a good sport the Minister is.

Senator F.E. Cohen:

Always happy to be a sport.

The Greffier of the States (in the Chair):

Are Members therefore - Deputy Tadier?

1.1.3 Deputy M. Tadier of St. Brelade:

I second that and I would hope that in other circumstances the same privilege would be afforded to other Members whoever that Member was.

The Greffier of the States (in the Chair):

Well, are Members content therefore ... those in favour of taking Amendment 55 this morning kindly show? The appel is called for, if Members are in their seat, the Greffier will open the voting.

POUR: 38		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy of St. John		
Senator T.J. Le Main		Deputy J.M. Maçon (S)		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				

Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				

The Greffier of the States (in the Chair):

Very well, Senator Perchard, do you now wish to seek leave to withdraw the fourth amendment which has been debated therefore you need leave of the Assembly to withdraw it?

Senator J.L. Perchard:

Yes, I thank you for that and I do seek leave to withdraw Amendment 4 which I submitted. I would like to thank the Deputy of St. Ouen for spotting this administrative error. It is something that I checked with the department some 6 weeks ago about the land area that was given to me and they confirmed. They confirmed and I have an email exchange that there is a ... there was a confirmation from the department that the acreage was right. Anyway we are where we are. I thank the Minister, I thank the officers from the department for their work overnight and the Deputy Greffier and Members for their understanding. I urge Members to continue this morning as though this is a continuation of the debate on Amendment 4.

The Greffier of the States (in the Chair):

Will you grant leave to the Senator to withdraw the fourth Amendment? The appel is called for. The Greffier will open the voting. All Members have voted, the Greffier will close the voting, leave to withdraw is granted: 34 votes in favour and one vote against.

POUR: 34		CONTRE: 1		ABSTAIN: 0
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Senator T.J. Le Main		Deputy of St. John		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Grouville				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Deputy Greffier of the States:

The Member voting for the Deputy of St. John.

The Greffier of the States (in the Chair):

Very well, I think, Minister, you have probably effectively already made your proposal speech. Would you formally propose the 55th amendment for the record.

Senator F.E. Cohen:

I formally propose the amendment and I have little else to add, thank you.

The Greffier of the States (in the Chair):

That is seconded? **[Seconded]** Is there any Member who wishes to speak - a lot of Members had spoken yesterday but some of us had not spoken. Deputy of Grouville?

1.1.4 Deputy C.F. Labey of Grouville:

Thank you. Now, a lot of people might think that my instinct is to vote against any form of building anywhere, which is incorrect. I appreciate that sites ought to be taken on their own merits and especially redundant glasshouse sites ought to be taken on its own merits. I am completely against redundant glasshouse sites situated in the middle of the countryside where there is no

immediate amenities being built upon, but where they are, as this one is, on a main bus route it has all the facilities alongside of it, accessible and all the rest of it, there are buildings around, I think it ought to be taken on its own merits. I am not completely convinced by this argument because there is a tendency, as we have seen over the years, to allow glasshouses to become unsightly and the owners of them will do nothing with them deliberately in an attempt to wait for housing permission and rezoning permission. I mean that goes on all the time. I believe the Minister for Planning and Environment is in a very difficult situation here though, but I have asked over the years for a firmer ruling on this so that everybody knows where they stand. Glasshouses are put up as temporary structures and therefore if they have expired their life in the form that they were meant to be, then they ought to be taken down. However, as I say, there are exceptions, for example the site in Grouville, the De la Mare Florist site, I think, is a good site for category A housing and in my opinion it should have also accommodated sheltered housing. But I made those points yesterday. But what I fear is when I see and hear Senator Perchard coming forward and saying: "There is only going to be 15 houses built and they are going to cost £300,000." If this site gets passed, I will be following this very, very closely and I think States Members ought to follow it very, very closely, because we have seen it in the past, 15 houses the end result is 30 or 45. So I want Senator Perchard to justify these 15 houses at £300,000. I would also make the point that at the next States sitting, 15th July, we are going to be debating on the Deputy of St. Mary's proposition, P90, Uplifts In Land Values. Now, I know many Members have had this on their manifestos, land value taxes, every time they have stood for election and nothing has ever been brought forward. Treasury ...

Senator F.E. Cohen:

If the Deputy would give way just for a moment?

The Deputy of Grouville:

Yes.

Senator F.E. Cohen:

I would like to add for information that that is precisely the purpose of the Affordable Housing Policy that we will be debating later in the Island Plan debate. It does it a different way, but it extracts value.

The Deputy of Grouville:

Yes, I appreciate that, but what I would like to know is all the sites, and I think what the Minister has just alluded to is that the sites that we are rezoning during the Island Plan debate they will have some form of land development tax. No, he is indicating no, but they will have another mechanism that has the same effect perhaps. But this mechanism should surely have come forward months ago, before we are debating an Island Plan debate so that when we are or have the potential of rezoning swathes of land, albeit on redundant glasshouse sites, we can, in these times, hard times where G.S.T. (Goods and Services Tax) is going up to 5 per cent, extract something from, and I have used the phrase before, people hitting the jackpot when their land value increases overnight by tens of thousands of pounds. So I would like those 2 issues addressed before I am convinced that I would be doing the right thing in agreeing for 15 houses and how can we be assured it is going to be 15 houses will end up here. Thank you.

1.1.5 Deputy S. Power of St. Brelade:

Again briefly, my interest in this whole debate, and I will make a much more substantive speech as we get to the end of the amendments, is in social housing, first-time buyer housing, deferred payment housing, over-55 housing, anything that is in the hierarchical land values the lowest value that is there. Deputy Le Claire spoke at some length yesterday but I think, to give credit to Deputy Le Claire, he does get very emotional about certain things and he does make some good points. His interest is the same as mine. There was an exchange of emails this morning, I will be supporting this site because I do think it ticks all the boxes and I think it is acceptable, there was an exchange

of emails briefly this morning started by Deputy Le Claire and he asked about fields 190 and 192 at La Moye, and they were approved for first-time buyer housing and a 55/45 split to home buy on 2 greenfields between La Moye garage and a newish development, which is right adjacent to the Railway Walk. Now they were approved 4 years ago. They were zoned in 2002 and they were approved in 2007. Now they have not been built on but there are 13 or 14 houses which will be first-time buyer and 13 houses which will be Homebuy to be mark 2 or mark whatever the Assembly decides what the final configuration of Homebuy will be. The point is that those were 2 greenfields that were approved by this Assembly, and we are not talking about a greenfield this morning, we are talking about a site that has had a retail presence and a retail development on it for a long, long time, certainly long before I came to this Island. So, I think Members should bear that in mind. I was aghast yesterday when I heard Deputy Duhamel, an Assistant Minister in the department, say that this site is unacceptable. I simply do not know how, in this case, the Assistant Minister or the Minister in the department can say this site is unsuitable. If you cannot accept this site, if this Assembly cannot accept this site for first-time buyers then we really, really, really are in trouble. Now, I cannot remember what Member said about this yesterday, but some Member, in part of a debate yesterday, I lost the will to live part of the afternoon, but one Member made a good point and that is that if this site were to be zoned for first-time buyer housing, how do we make sure that first-time buyer housing goes on this site? Well, I can say with a little bit of experience, 3 years of it in fact, on the sometimes poison chalice that is the Planning Applications Panel, that you can condition it so that it does not get changed to category B housing or large opulent houses or blocks of flats or whatever, and I have seen that work. So you can condition it specifically to be first-time buyer housing and home buy, similar to the example I gave on La Moye. I think we need to realise that we, in this Assembly, have the decision to provide housing or not provide housing and as we get further down the debate there were going to be some incredibly heated debates on the provision of affordable housing. That is my simple interest in this whole thing. Affordable housing and that will be provided for those families that are here now and that do not want to go away. Thank you.

1.1.6 The Deputy of St. John:

I said it in an earlier debate on Thistle Grove and I will say it again here. We have a nursery that is up and running, a full blown business. Why are we wanting to demolish premises that were designed for the horticultural industry and now put it into the first-time buyer category? That is where it will go at some time, but I sincerely hope not for a very long time, because it is a working business. All right, the owner himself may not be working it, but there are people working it at the moment and it is serving the community. I have real concerns with this and I have to ask is this being developer-led?

[9:30]

Because we have the same advisers who have drawn up the plans, I believe, as the Thistle Grove one. It all seems to me as if we have got developers going around the Island drawing on certain areas to make these things happen and making promises to the owners of this land, this property or these properties and putting false hope in their way and I have got real concerns that once again we are cutting short the horticultural/agricultural industry by taking this land out of productive business as we know it is working at the moment. Let me explain something. Some years ago, our last village development at Sion in the Parish of St. John, the land was a working greenhouse site. The owner of the site was coming to retirement age and he decided that on the 2002 Island Plan, and it has been mentioned in the one prior to that in 1994, I think it was, that at some time in the future there would be a windfall profit that could be made. I do not think that is the exact words, but it had been indicated by somebody. So a developer came along and put down a large sum of money to secure, that if the land ever became viable for building then he would have first option on it. In the following Island Plan, sure enough, that was re-designated. But by the time that our young

people in St. John - not only in St. John; they came from across the Island, because it was shared with other young people from the housing list for first-time buyers - by the time the first sod had been dug out of that site for building, the land had been sold 3 times, and 3 millionaires were made on that site before a single sod was turned - all to the cost of the young people of this Island. We had anticipated that those youngsters would buy those houses at somewhere in the region of £170,000 to £180,000, and they finished up going for well over the £205,000, £215,000 mark. So the young people had had to pick up that bill, so 3 greedy developers or speculators could put £1 million each in their pockets. This is what happens when we identify things early and indications are made by others, as happened yesterday or the day before - been here so long, I forget - with the Thistlegrove debate: an indication had been given, and this is by the proposer's words to the 3 owners of the land that that land would be ideal for, in that case, an industrial site. It is of real concern to me that, yes, I would be happy to support a brownfields site for first-time buyers once the Minister himself, or this House, controls the price of the land; because I do not want to see our young people from across this Island being fleeced. We need these controls being put in place. I cannot support this and will not support it until such time as we have proper controls. But I will not support it as this time because there is a viable business running there. We do not close down businesses in the horticultural industry just so that we can build on more greenfields. The whole thing is crazy. I have said sufficient, but I hope you know where I am coming from.

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

I will not repeat many points made by previous speakers. I would like to commend the speeches of Deputy Duhamel and also the Constable of St. Clement. I thought they put across very good points. But as I represent not Grande Longueville, for which this development does take place, but the other side of the road, Petite Longueville, I do have to reiterate the points made by Deputy Duhamel that the increased traffic flow will have an effect on the already bad junction at Rue des Pres Road, and there has been comment made about it being close to the facilities at Miladi Farm Parade. Although there is no statutory reason why we cannot have a crossing there, there is the ongoing problem of the crossing at Miladi Farm, which of course has an impact on this development, because it is all good and well saying the facilities are there, but if people find difficulty in safely getting to those facilities, then we still have a problem. As has been said, although this has been marketed in a way that these homes will be provided at £300,000, of course there is absolutely no way we can guarantee that that is how it will be. The Deputy of St. John did make the point that we cannot restrict the sale of this land, who owns this land, and if it is sold on then there will be margins that will have to be made, which is what happens when land is rezoned.

1.1.8 Connétable J. Gallichan of St. Mary:

Very briefly, I am following on from what the Deputy of St. John said, of course. I have got concerns on the phrase that we see in the notes: "The lease holder accepted it was a good site for housing, but was concerned about the difficulty of finding an alternative site for his business." Time and time again on the Planning Panel I have seen a business moved, and obviously the lease holder has not got any say in what the landlord will do eventually; but where we have a viable business we try to keep these businesses thriving for the economic diversity that so many Members are concerned about, and we find that we have to rezone or re-categorise an area of agricultural land to allow retail to allow that business somewhere to go. It is a creep that we really need to put a marker down for. So for that reason, unless I hear something very, very interesting from the de facto proposer, I will not be supporting this.

The Greffier of the States (in the Chair):

The Connétable of St. Clement. You did of course speak yesterday; I am sure you will be brief this morning.

1.1.9 Connétable L. Norman of St. Clement:

I will be extremely brief. Are you calling me now? Just very briefly, because Deputy Power gave the impression that the Planning Panel can condition a site at the application process as to what type of category A housing would go on the site. I do not believe that is the case. Perhaps when he sums up the Minister for Planning and Environment could confirm that. If a site is zoned for category A housing and the developer or the owner is prepared to put category housing on the site, it is up to the owner, the developer, to decide what type of category housing that would be. Clearly, as first-time buyer houses can be sold for £400,000 or £450,000, they are going to choose the most profitable. I would be grateful if the Minister would confirm when he sums up that it is the choice of the developer what type of category of housing goes on the site, and not the choice of the Planning Panel.

1.1.10 Connétable P.F.M. Hanning of St. Saviour:

Nobody will be surprised to hear that I oppose this, because I have opposed it before with the Minister and his inspectors and I intend to continue to oppose it. The proposer of the original proposition has run through an awful lot of the reasons why it should be opposed. Basically he has put them down to me, and I am very grateful for that because he has done it so well the Minister is opposing it, and I think quite rightly so. He has mentioned that there is a suggested developer and I have to say the developer that they are talking about has a good reputation for building houses at a reasonable price. I do not have a problem with him. The problem I have is that the parishioners do not want any houses there, regardless of how cheap they are. Traffic is an issue. We know that there will be less traffic in total, but the problem is - and the inspectors agree when it was discussed with them - that the traffic will be at peak time. It will be coming out and having to turn through approximately 125, 145 degrees against the traffic, and that traffic is nearly all going into Rue des Pres Trading Estate. It is very heavy at peak times, and that is when there will be a problem. Deputy Maçon has highlighted the problem with people trying to cross the road. It is not a safe area for people to walk. At other times of the day you have got very large lorries going in and out of the trading estate. You have got hundreds and hundreds of people working in that estate and they nearly all turn up by car, and it is a very busy area. We are just going to be making it worse. The issue about the quality of the land at the site has been raised. It is quite true a lot of the topsoil has been removed, and this was done genuinely by the owner when he was running his nursery to make it easier to stand pots and so on there. That is understandable. But the fact remains, as Deputy Duhamel has said, topsoil can be returned. It can be reinstated. We have got to be very careful that we do not consider the fact that topsoil has been removed from the site to be a reason why it should be taken as a brownfield site and taken out of use for agriculture. The problem we have got is that although in planning technically we say there are no precedents, lawyers and everyone else will raise the subject of precedent every time we get applications for housing. If we make use or allow to be made use the argument that the soil is unusable for working because it has been removed, we will end up with lots of sites where owners, perhaps unscrupulous, will remove soil and then they will say: "Oh, well, look, there is no good quality soil here. It cannot be used. We will be creating a precedent. That must not be allowed to happen." Another reason for opposing this, and again it has been mentioned, is the creep - the increasing development. If you look at the aerial photo there, alongside the designated area, just to the west of it, is another field. It has already been suggested that that field should be used as an infill and more should be built. Now we can say we are only zoning at the moment what is surrounded by that red line. Unfortunately there is nothing in the law to stop anybody applying for another site. So we know we will be getting applications to infill. This is just another stage. The Parish has had it relentlessly. I think it was Deputy Higgins in Amendment 10 said that everything goes to St. Helier, St. Saviour and St. Clement. He is not far wrong. It is a slight exaggeration, but he is not far wrong. The parishioners of St. Saviour believe we have done our share in providing housing. We really have got a lot of housing on our Parish. We have got a new estate at Les Serres, we have got a new estate up opposite St. Saviour's Hospital, we are having just over 80 houses built up on the old dairy site, we are going to have just over two-thirds of the lifelong homes built just above our Parish Hall. This is

a tremendous amount of development in the Parish. I do not know if Members are aware, something like 20 per cent of all of the housing in St. Saviour - and it is the second most populated parish in the Island - something like 20 per cent are social rented housing. It is an incredibly high figure when you think about it. I think this Parish does enough for social rent in the Island. We are still having development there and I think we ought to bear that in mind. The parishioners really feel that we do not want continual development simply because we are close to town. They want to stop this creeping urbanisation. I think yesterday Deputy Southern in the Amendment 10 said: "Do not put housing close to industrial areas." I would like to remind Members that although we do have housing close there, this is the biggest trading and industrial estate in the Island, and we are talking about putting more housing there.

[9:45]

It does not make sense. It really does not make sense. I think, if I can just shuffle through my notes, the site has been mentioned that it is working as a nursery now. It could be used for retail because there is retail sale on it. I have to say, being in an area close to a trading estate, I would rather see a retail area there than extra housing, because it would be easier for the people that are living there. It may stop further development of housing. What we want is for the nursery that is running as a nursery there, to continue to run as a nursery. They do not want housing. I think, finally, I would say Senator Le Main raised the subject of our field office at St. Saviour where we had our very large meeting about it. The Parish spoke very clearly that evening. They do not want further development, and they do not want it not just on that field, they do not want it in the Parish. They want to stop the creeping development that we have had, year after year. I undertook at that meeting that I would fight any further development on that field and anywhere else in the Parish, and I think there is support throughout the Parish for stopping us being taken advantage I think is probably the politest way of putting it, because of our position close to town. We have done our share. Parishioners really do not think that we should be extending the town ever further outwards to the north and to the east. I would ask Members, please consider the situation. We have done our share. This is not a site that is ideal for development. It will cause further problems, and I ask Members to oppose it.

1.1.11 Deputy J.A. Hilton of St. Helier:

Just briefly, I just wanted to pick up on the point that the Connétable of St. Clement mentioned again this morning about category A homes. I follow the housing market very closely and it has become very obvious to me in recent months, it would be the prices of first homebuyer homes are more expensive than open market homes at the moment. You can pick up 3-bedroomed open market homes from about £320,000. It would seem to me also from listening to the speech of Deputy Le Claire and the figures that have been produced by the Housing Department, that the great need at the current time is social housing and affordable housing, whether it is Homebuy Mark 1, 2 or whatever. So again I would request that the Minister for Planning and Environment ... I think we are being told that he cannot condition permits on category A sites, but if that is correct, what I would ask him is that he investigates very, very closely the condition of those permits, because we need social housing or Homebuy homes. I do not believe that the need for first Homebuyer homes is as strong as it has been in recent years. So I would implore that he tries as far as he possibly can, obviously with the advice of the law officers that those permits ... any of these sites that are zoned for category housing are zoned for social housing and Homebuy.

1.1.12 Senator B.E. Shenton:

I still do not know which way I am going to vote on this one, to be honest with you. I wonder if Senator Perchard could give the House an indicator of how many people will be made redundant every year if we pass this vote today.

1.1.13 The Deputy of St. Mary:

The Deputy of Trinity had her light on first, so I am a bit surprised. Just a few points. Deputy Hilton asked: "Can these sites be conditioned?" I think that is a very important question and we are a little bit in the dark, because some people are saying they can be conditioned and other people are saying they cannot be.

Senator T.J. Le Main:

Can I try and assist? I would like to try and assist on that point. The Minister for Housing can put conditions on property.

Senator F.E. Cohen:

The former Minister for Housing is not giving the full picture which I will detail in my response.

The Deputy of St. Mary:

Having not given way twice ...

Senator F.E. Cohen:

Points of information.

The Deputy of St. Mary:

Well, it is useful, but it is very odd now that the Minister for Housing can condition planning applications, or that is what the ex-Minister for Housing is telling us, and I find that very hard to believe. But I was hoping that if this is a germane point, if it is serious, then we should have proper legal advice on it. Anyway, that is the first question; I do not know what the answer is. The second one is, the Constable of St. Saviour made the speech that he has to make, and he has to tell us: "Please, not this site," and he is right. Please, not this site. So, please, which site? We are just faced constantly with the problem of which is the least worst, to quote someone a year or 2 ago: "Which is the least worst?" That problem of course goes back to population and the pressure that puts us under constantly to make these bad choices, and I just say that briefly and leave it with Members. I think we should not forget, because it was yesterday and it was a long day, we should not forget field 1219 when we vote on this because, as the Minister said a long time ago, but basically all of these sites are in conflict with each other, and we have to decide which is the least worst, given what is happening in terms of migration and all the rest of it. The proposer should remember that he has to reply to us on concerns that Members have expressed about the underlying land value. The Minister said that: "Oh, no. We put conditions on sites and under the affordable housing debate that will sort of solve that issue by imposing the 12.5 per cent rising to 20 per cent condition that developers must provide X per cent of affordable housing." Well, that will have an impact on the underlying land value, because sale price has come down and so the total property comes down, and so that will impact on the land value underneath. But it will not abolish the land value. There will still be a substantial uplift in value, and if the Minister is telling us that he does not support that and if the proposer of this is saying he does not support that, I have real problems. The fact is that even under this proposal for category A there is a substantial uplift, and I believe that the public should have a share of that, and I want to hear from the proposer what his view is, because there are millions and millions there that could offset the public's need to pay other taxes, and this is a totally unearned windfall and we should have a share of that.

1.1.14 Deputy A.E. Pryke of Trinity:

I shall be very brief. It is just a question really. Much has been said, especially from Deputy Rondel about the viable business and still thriving, and I think that is a very important point, a point that we should bear in mind. The question I have really is about the traffic implications. In the external report it does say that the junction will need to be improved. Looking at the map, if I remember rightly, on the main road there there are 2 or 3 little houses. To improve that junction will that mean that any of those houses will have to go? Also the little green area - will that involve needing to go too to improve that junction? It is a very busy area, as the Constable has said, but

especially one of those little houses has always had a wonderful vegetable garden there on the main road, and I just wonder whether that would need to go?

1.1.15 Deputy F.J. Hill of St. Martin:

This is the first time I have spoken and I have listened to Deputy Le Claire yesterday and he said he was angry. Well, I was pretty angry too. I think we have had some very, very long speeches and I am now confused as well. Members will probably have received an email from the owner of the property, and on page 3 of a 4-page email he sent he said: "This is a true brownfield commercial site with a retail permit for any type of retail activity." We are also told in the email that this has been a brownfield site since the 1800s and has been a garden centre for the last 30 years. Now the owner goes on that the centre is currently in a poor state of repair and needs major investment to meet modern days' expectations. "However my late wife and myself decided not to go down this path because the site had been identified as a possible category A housing." One of the reasons I get confused and also a bit angry is the fact that we spent well over a day on debating Senator Perchard's Thistlegrove proposition and there we were told of the need for having sites for light industry because we have all these young people out of work, et cetera, and I fully endorse that; I think it is quite right. This is where I get confused, because here we have a little business going on at the moment and so we are going to put this person out of work and no doubt the people whom he is employing as well out of work, and where are they going to find another site? You will have to go to greenfields site. This is why I get a bit confused, because it seems we are playing dominoes because if we take away this site, if we want light industry which Senator Perchard said is vital to keep going, where are these people going to go to? So there are a couple of questions I would like to ask Senator Perchard when he sums up is what is happening to planning? Has provision been made for him and his business, et cetera, to be carried on successfully on another brownfield site? No doubt he will help me making my mind up, and also

Senator F.E. Cohen:

Would the Deputy give way? Just to clarify, Senator Perchard will not be summing up. This is my amendment.

The Deputy of St. Martin:

Yes. I forgot; sorry. Have any inquiries been made by the owner maybe to find other possible persons who may be interested in utilising those premises as a site for light industry which is badly needed, as Senator Perchard said during the course of that debate? If he can persuade me that all these things have been covered I might be tempted to vote, but I will really need persuading.

The Greffier of the States (in the Chair):

Deputy De Sousa. You did of course speak yesterday; I am sure you will be brief.

1.1.16 Deputy D.J. De Sousa:

Absolutely, as always. I always come into a debate with an open mind and yesterday I stated that I would be supporting this rezoning. But due to issues that have been raised this morning I will await certain answers before finalising my decision on how I will vote on this.

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

Yesterday I was prepared to support this proposition, until we discovered through the administrative error that we would have been rezoning twice the area that the proposer than most of us thought we were dealing with. The Minister's amendment has now made it possible for me to support it again. However, I think the Constable of St. Mary's point is a valid one. Rezoning will result in the lessee having to cease business and possibly start somewhere else in the Island, or other land being rezoned elsewhere in the Island for this purpose. So we end up having a choice. It is between affordable housing, whether it be Homebuyer social housing or job losses and less diversification, and I must admit I do not know which way I am going to go at the moment.

Unfortunately we cannot have it every way, but every Member of this House seems to want it every way. For example, the Constable of St. Saviour - I have got to repeat it again and others - has voted for increased population in this Island. Increased population means more people, which mean more housing. Where do we put these people? Well, unfortunately, some of them are going to be in our Parishes, and yet we all want greenfields, we have all voted to keep the countryside free; that means pushing into town. We are just going round in a big circle. We have got to deal with the root cause of all this at some point in time, in exactly the same way that we have got to deal with this whole idea of the instant millionaires who are made from rezoning. There will be constant pressure to change every brownfield site or to put horticulture in, and you know within 10 years it will then be put in for something else, because there are a lot of people in this scheme; and to be perfectly honest we have got, at some point, to sit down - I know it is not going to happen now, and we are all left with the devil of choices here - but we have got to sit down shortly to come to grasp with the main issue. All I can say is, after hearing those population figures how over the last 2007, 2009, 350 households a year coming in, as opposed to the 150 in the policy, this is ridiculous, and if the Ministers are going to keep on coming forward with this population policy I will continue to oppose it. But on this one I wait to listen to the rest of the debate because I do not know which way I am going.

[10:00]

1.1.18 Connétable K.P. Vibert of St. Ouen:

Like many Members I am finding this particularly difficult. Certainly, having read the paperwork before coming, I was intending to vote against this, but speeches have somewhat swayed me. Certainly Senator Le Gresley yesterday made a very good point in that if, during the course of this debate we are going to take other sites out of the Island Plan, then we are going to be short of sites, and that to me was a fairly compelling argument. On the other hand, this morning Deputy Power had already pointed out one site in St. Brelade which is already passed for housing and which has not been built, so I do not think that we are getting told all the answers. I think that this is not a derelict site. This is not a site which is no longer in use. It is not growing weeds; it is growing pretty flowers which people can go and buy. When you look at it from the aerial picture that we have supplied, it is an isolated site surrounded by greenfields. If you build on that particular site, the fields immediately to the west and the east then become potential building sites. I know we can resist them but once you have built on that one, your ability to resist them is somewhat diminished. This is a bit of a problem and I think that until the House knows what is available for building sites as a whole, the decision is quite an impossible one to make. I still have not quite made up my mind which way I am going to go.

1.1.19 Senator T.J. Le Main:

I would like to ask a couple of questions of the Minister for Planning, really. First of all, I would like just to say that the Minister for Housing can place occupation controls on property. I would like the advice of the Attorney General if he was around but the Minister is shaking his head and I understand that the housing occupation controls placed upon a property are binding, and they have certainly been binding in my time as a Minister. I would like the Minister for Planning to answer whether it would be correct that a large luxury house, if plans were submitted on the existing buildings, which I am advised by officers that the Planning Department could not resist a large house on that commercial site. I am asking the Minister whether it is correct and also, is it correct that, because of its very strong retail use, a supermarket making an application for use could reasonably expect permission?

1.1.20 Senator A.J.H. Maclean:

I think if anybody had ever wondered what a 53-person planning committee was going to look like, today and yesterday would give a very clear indication. I am just going to make a few

observations. The problem with this particular site is that it is a private site and despite what some Members have said, we cannot, as I understand it - I have spoken to some of the officers from Planning at the back outside - we cannot control the mix of what goes on the site between first-time buyer, social rented home buyer and so on. What we can do is that we can control the mix on sites that are owned by the States of Jersey. It was a point I made yesterday and I think it is equally relevant here but it seems to me sensible - the Minister for Planning has stated that there is enough capacity on our own site - to develop those sites first to ensure that we can control the mix and to deal with the vitally important area of social rented. That is where the biggest pressure is at the moment. I accept it will ebb and flow as time goes by but at the moment social rental is the area where there is the most pressure. If we want to meet that and if we want to control the mix on the site then I am afraid we reject propositions like this and we allow the Minister for Planning and the Planning Department to move ahead with developing the sites that they have already identified. What I would say is that if success is not delivered, in a 2-year period review the process and sites like this could indeed well be brought forward; it is within the gift of the Minister for Planning to do so, or the future Minister for Planning as it will be at that stage. I also believe that it is important that we review what the exact definition of category A housing is. To me it seems to be unclear and I think we need to get a clear definition and we can work on that over the course of the next 2 years, and when the review is undertaken in a couple of years' time that is something that I think it is important to undertake. To be absolutely clear, and I am sure the Minister for Planning will clarify this as well, we cannot control what goes on private sites when we purchase them, and consequently I will not be supporting this particular proposition. I would make one other observation and it makes it somewhat curious in a sense, that for the second day in a row I am sure I am disappointing Senator Perchard behind me with the comments that I am making, I will also be surprising the Deputy of St. John's insofar as I am agreeing with him for 2 days in a row. He talked about the viability of the business that is existing on the site at the moment. Yes, I have no doubt that it is a productive business and I am sure it is a successful business but the bottom line is it is not nearly as successful as it would be if it was turned to housing. There is a lot more money in housing than there is in that type of business and it is pure economics at the end of the day, I am afraid. For me, that site rezoned now is not the right thing to do. I think we need to wait; we need to allow the Minister for Planning and Planning Department to deliver on what they say they can deliver on in terms of the capacity that is available.

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

Can I ask for a point of clarification from the speaker? He has implied very strongly that the States can deliver within 2 years when the whole history has been that it has not delivered. How have things changed in order to ensure that that delivery will now occur that has not previously occurred?

Senator A.J.H. Maclean:

The Minister for Planning and the department are confident that they can do it and of course we have passed the S.o.J.D.C. (States of Jersey Development Company). I think with an organisation like that, with the leadership that has been put in place in order to drive it forward, it absolutely must deliver. I do not think failure is an option that we, as an Assembly, should allow to happen. I think the organisation, the skills and so on are there and I expect it to happen.

The Deputy of St. Mary:

Can I also ask for a point of clarification, possibly not from the speaker? What I want to request is that the A.G. (Attorney General) gives us some ...

The Greffier of the States (in the Chair):

The Attorney General has been requested to come and is on his way hopefully.

The Deputy of St. Mary:

Sorry, I did not know.

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

Very briefly, I fully endorse everything that has just been said by the Minister for Economic Development. It is a very well-used site and as the Constable has stated, we have Rue de Pres Trading Estate directly opposite. It is very, very heavily used. Anyone that questions that can just walk along and look at the wall opposite Rue de Pres Trading Estate which has been knocked down by heavy trucks more times than I can count. As Assistant Minister for T.T.S., I have been working on road crossings for some time. It is coming to fruition but there are quite a few land issues. It is a very, very heavily used area and I will not be supporting rezoning.

Deputy G.P. Southern:

Can I just remind Members that until the final draft this site was the choice of the Minister for Planning and Environment and rated good, good, high and good on its suitability for housing?

1.1.22 Deputy R.C. Duhamel of St. Saviour:

Just a quick point; the Island Plan on page 172 sets out a case of protection of employment land and Members, before they vote, should perhaps read 2 of the paragraphs: “5.21 Proposals to redevelop or convert employment sites for housing will normally be unacceptable because they are likely to raise the price of such sites beyond the means of businesses and also because the plan makes adequate provision of land for residential development elsewhere ...” and: “5.22 All proposals to redevelop or convert employment sites will need to demonstrate that they are no longer viable for the existing use before they are considered for alternative uses by the Minister for Planning and Environment.”

The Greffier of the States (in the Chair):

Does any other Member wish to speak on this amendment? If not, I will invite Senator Perchard to speak.

1.1.23 Senator J.L. Perchard:

Once again I thank Members for facilitating the completion of this debate, albeit we have used an unusual method to get here. Members will be pleased to know that I will not be referring to everybody’s individual speech but there are some themes that were highlighted yesterday during my original proposition and today under the Minister’s amendment. I will do my best to cover them briefly. A few Members spoke of the traffic implications and the consequences of a change of rezoning as far as traffic is concerned. The T.T.S. highway authority has undertaken an appraisal and I will just quote briefly: “A transport appraisal was carried out which concludes that there are no transport reasons why a proposed residential development at Longueville Nursery should not be included. A proposal to vastly improve the junction to New York Lane has now been passed by Planning. The site has the support of the highway authority, therefore, the view expressed by the Connétable regarding highway structure is not supported.”

The Connétable of St. Saviour:

Sorry, can I just correct that? That is on a Parish road. There is as yet no decision to improve that and any improvement that can be done there is very minor.

Senator J.L. Perchard:

I can only read the text I am given and I would prefer if I was allowed to complete it before it was challenged. “A proposal to vastly improve the junction to New York Lane has now been passed by Planning. The site has the support of the highway authority therefore the view expressed by the Connétable regarding highway structure is not supported. There can be no argument against the fact that the relatively small number of houses would have a lesser impact than the existing or other commercial activity.”

The Deputy of St. John:

On a point of order, the highway authority ...

Senator J.L. Perchard:

The Deputy has spoken 2 or 3 times during this debate ...

The Deputy of St. John:

It is a point of order, Sir.

The Greffier of the States (in the Chair):

A point of order requires a ruling from the Chair. If the Deputy is misusing that, we will ...

The Deputy of St. John:

I hope I am not. The highway authority, if it is a Parish road, would be the Parish of St. Saviour, not the T.T.S. Can you please clarify if that is a point of order?

The Greffier of the States (in the Chair):

The highway authority if it is a main road would be T.T.S. and if it is a Parish road would be the Parish, yes.

The Deputy of St. John:

Correct. So, are we being misled?

The Greffier of the States (in the Chair):

It may be a junction at 2 roads, is it?

Senator J.L. Perchard:

I can confirm it is the junction of New York Lane on to Longueville Road, the Rue de Pres main road. Can the Minister assist?

Connétable M.K. Jackson of St. Brelade:

All I would suggest is that the discussions with the Senator have been purely preliminary. I have made no ministerial decisions on the matter whatsoever and they will take their course in the fullness of time.

Senator J.L. Perchard:

I can just repeat: "A proposal to vastly improve the junction to New York Lane has now been passed by Planning." I know there is some resistance but I can only give the facts and they should not be disputed.

The Greffier of the States (in the Chair):

I do not think we want to get bogged down here, Senator, it may be the case that planning approval has been given; it does not mean it will happen. You can have planning permission and you do not have to build a house.

Deputy A.E. Jeune:

It might be helpful if the Senator would be kind enough to tell us whose text he is reading from.

The Greffier of the States (in the Chair):

Yes, could you just clarify that?

Senator J.L. Perchard:

The transport appraisal was carried out and I quote from the appraisal that there are no transport reasons why a proposed residential development at Longueville Nursery should not be included.

They go on to say that the implications would be - and I have not got the exact quote - lesser than that of the existing commercial activity. Members will know that there is an existing retail permit on that site and it is an active site, so there are a lot of traffic movements; articulated lorries arrive and leave - probably 3 or 4 a week, I understand - and there are traffic movements and Members can only decide for themselves whether they would be increased or decreased as a result of 15 units of houses being built there. Permission has been granted to improve the junction and I understand that there are no concerns as far as the highway authority is concerned.

[10:15]

Other Members spoke about a viable business being closed down, possible redundancies and possibly another business popping up in the countryside elsewhere and that the consequences of approving this may speed that up. As has been mentioned, there is a tenant on the site, I understand. There is a lease and the owner and the tenant have a commercial relationship and whatever the owner and tenant agree will be agreed between them and there is no doubt the owner has the rights at any time not to renew a lease, to diversify or rebuild the property, apply for another retail option. We, the States, cannot interfere in that commercial relationship between the owner and the leaseholder. Members are suggesting that we may fast track the demise of that small business by zoning this site; again, that is for Members to decide but the owner has the ability to apply to Planning to use the 30 year established retail permit for other retail activities and probably will do so if this is not zoned for planning. This has real retail value; it is an acre site, it can facilitate car parking, a retail outlet, and it will never be returned to agriculture; it has a valid established retail permit. To consider taking away the hard standings and importing topsoil as the Assistant Minister for Planning suggested is quite frankly - and Members will know - ludicrous. This is an established retail outlet. So Members will decide whether they believe that we may be fast tracking the demise of a small business. The commercial relationship between the owner and the leaseholder I have no idea what is, I hope there is a good lease and whatever happens today the owner will be looking to develop what is becoming a site that needs attention. We all know it needs some investment. Another Member spoke about if this was zoned how can we guarantee that it would not be 20 houses or 30 houses. I do know the S.P.G.s (Supplementary Planning Guidance) stipulate that we can go between 10 and 15 houses per acre; no more, no less. Well, it says between 10 and 15. There is only one acre here and I do not see that there is any way that it could be more than 15 houses because the site just simply is not big enough to accommodate more; it would reach the maximum 15 per acre. The guidelines are 10 to 15 houses per acre. The thing about this site ... and in fact I have never met the owner of the site, I did not know who owned the site and I had never met the owner until after I submitted the amendment; and a bit like yesterday's amendment, I felt that this site was worthy of being in the Island Plan. When I saw that it had been removed from the Island Plan, along with Samarès, I was concerned that some of the Council of Ministers were employing this new practice of delivering what the Island needs in the way of commercial and housing sites on its own property and not being prepared to zone any property to allow private investment. That concerned me and that is why I submitted an amendment and subsequently I have met the owner, but I did not know who the owner was before the amendment went in. The price of houses and housing - and I would talk generally about category A housing - is extraordinarily high for particularly first-time buyers and the potential is there. I say to Members the potential is there, it is because the supply is so limited. If we do not approve this site and we do not approve Samarès we are limiting the supply, we are choking the supply and States-owned houses may be put on the market at subsidised prices but the supply in the private sector - and that is the engine room of our economy - is simply not coming through and the prices will reflect the shortage in the market. I absolutely believe that if we had rezoned commercial units yesterday and we do rezone sites for housing today more supply into the market reduces the price. It reduces not only the price of the actual house, it reduces the price of the site and by restricting supply into the market place we simply are pump-priming opportunities for these massive profits that the Deputy of St. John spoke

about. More supply into the market will reduce the price. Choke it off and we will see extortionate prices in those houses that are being built now. The Deputy of St. Mary spoke about sharing in the uplift of profits and I agree that this needs investigation. When a site gets rezoned - particularly currently with the very limited amount of sites being rezoned - there are huge profits and this does need investigation. This windfall profit and windfall tax is something that this House needs to consider and it is a debate for another occasion, I am afraid, I cannot assist the Deputy now; but it is a reasonable debate that we must have. I, like Members, received a letter from the owners who have a developer ready to go and this developer has the funding, it is an established local developer with a good reputation for delivery; and has the funding available and has advised me that from the commencement of ground works could have 15 homes up and built ready for tenants within one year of the first sod being turned. Members have said: "How can we hold him to account on this promise?" He has said to me that he would build 15 homes at £300,000 per house or less, category A. Now, I know people are concerned that he may get rich and for first-time buyers it is not the particular category we want to be delivering at this stage; but it is houses into the marketplace, it will relieve tension and pressure. It just takes the lid off the pressure cooker a little, just a little; this is a very modest proposal on a brownfield site that has a retail permit on it and the ability and expectation that it could close its little garden centre in favour of something much more substantial but not housing. I thank Members again for allowing me to speak at the end and I do know the Minister is not going to say much now, he did confirm to me. [Laughter] He did confirm to me that he was facilitating the conclusion of this rezoning proposal.

The Connétable of St. Clement:

I wonder if I could seek a little clarification, 2 very quick points: the Senator mentioned a letter from the developer to Members; I have not seen such a letter. But also he said that he had not met the owner of the site before he lodged his amendment; could he tell us if he met the potential developer or the developer's agent before he lodged the amendment?

Senator J.L. Perchard:

No, I have never met the developer over this subject. If I saw him in the street I would not know who the developer was. I know him by name, I know his reputation, I do not know what he looks like so I have had no meetings, I have no connections. I have never done business with the developer. I did not know the owner and with regards to the agents I have not been advised by the agents one word, not one bit of advice over this particular amendment. I was assisted over the Thistlegrove amendment by some industry professionals; this amendment I have not received one ... the Thistlegrove agent had not advised me at all on this amendment.

The Deputy of St. John:

I have just mentioned about this amendment, what about the previous amendment that this amendment has been brought to, Senator?

Senator J.L. Perchard:

I am not trying to be clever. I have not received advice from the agents that advised me on Thistlegrove over the proposal to rezone Longueville Nurseries.

Deputy J.B. Fox of St. Helier:

I have got a clarification. The last speaker was referring to 10 to 15 on one acre, but on amendment (b) it refers the adoption of (a) which is 2.1 acres, that is what is confusing me.

The Greffier of the States (In the Chair):

No, we are on the 55th amendment which refers to one acre, 2.25 vergées. Now, there was a question to Her Majesty's Attorney General, if you wish to repeat the points, Senator Le Main, just to assist the Attorney on the housing conditions.

Senator T.J. Le Main:

Mr. Attorney, I wonder if you could advise the Assembly whether a housing occupation control permit put upon a property or any properties built on this site, if they were built, is binding as per - as I say - the occupation control permit by Housing? Secondly, I would like to ask the Attorney General, there are large existing buildings on this commercial brownfield site with retail use, if an application was put in for a large house, luxury house, on the existing curtilage of the buildings would Planning be obliged to consider that and allow that? The third one I would like to know, with a 30 year very strong retail use as currently, if an application came in for an alternative retail use such as a supermarket or otherwise, where there was adequate parking arrangements and met all the criteria, would it be likely that would be allowed?

Senator F.E. Cohen:

Sir, could I give some additional that the Attorney General may wish to know before he gives the advice; and I am going to read from a BlackBerry, it is probably the first time I have done this so I hope it does not pack up half way through: "The 1992 permit for the Longville site states that should the glass garden centre building fall into disuse or disrepair it shall be removed from the site and the land restored to the satisfaction of the Island Development Committee."

Senator T.J. Le Main:

Really, there is some glass but there are also some fixed buildings, I am talking about the fixed buildings not the glass.

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

I am not sure that I can assist in response to the third question posed because obviously that is asking me, in a sense, to give guidance as to what the relevant Minister at the time might or might not decide in the face of an application; which of course he will then have all the facts, which I cannot possibly have. In terms of the first 2 questions; can a housing occupation control be put on a permit, to what extent would it be binding: a development consent can have any conditions attached to it that are reasonable. The statute gives the power to the Minister to put conditions on a development consent. They will be binding to the extent that they cannot be set aside by the courts as being unnecessary or disproportionate and, therefore, in contravention of human rights.

[10:30]

If they are necessary and proportionate conditions then they will be upheld by the court and they can last. In principle there does not seem to me to be anything wrong with housing occupation control conditions in appropriate circumstances; but it is very difficult without knowing all the facts to give a definitive statement as to whether any particular site it would be appropriate to put those kinds of conditions on.

Senator T.J. Le Main:

To follow that up, just to clarify for my own information; if an application was put in for the site for 15 homes as first-time buyers and the Population Office placed upon them first-time buyer only and onward sales, would that be seen as proportionate and would be reasonable and would be binding?

The Attorney General:

I cannot say, I am afraid. I wish I could give definitive advice but of course every single application has to be looked in its entire factual matrix and it really is impossible to say that a particular condition will survive a particular application when all the factors that may be relevant have to be taken into account. It might, but I cannot be definitive I am afraid. The second question I think was if there was an application for a large house on the current footprint of the developed area of the land, would that have to be either considered or permitted. In my view, if land is rezoned specifically for a particular type of housing then that is something that the Minister, in

making a decision, takes into account. He would obviously have to consider any application, no matter how far outside it falls, but it would be unlikely to be granted if it did not fall within the parameters of the current Island Plan.

Deputy C.H. Egré of St. Peter:

Just to reinforce what the Minister has already said, not off BlackBerry but off paper because it is exactly what that condition was. Furthermore, Senator Perchard seemed to indicate that there was a planning approval for improved road junctions. There is no such approval that we can find within the Planning Department.

The Greffier of the States (In the Chair):

I call on the Minister to reply.

1.1.24 Senator F.E. Cohen:

I seem to have upset Senator Perchard, he seems to think that my recent intervention was a bit below the belt and I apologise to him; it was not intended to be below the belt or a silver bullet in any way, it was simply that I was sent the information a few moments ago by the department and I thought that it was of such relevance that I had an absolute obligation to disclose it to the Assembly. In fact, had I not done so it would have been improper conduct on my part. So, Senator Perchard, please accept my apologies if I have offended you, that certainly was not the intention, it was merely to inform the House as has been my sporting policy in bringing forward this amendment. I am not going to respond to all the points made because I think that there are some key issues that need to be dealt with and Members can keep in their mind for this and in a number of forthcoming debates on amendments in relation to rezoning. Rezoning generally is about the H1 policy. The H1 policy includes a number of categories of housing, as each being suited to H1 policy. They are first-time buyer; they are social rented housing; they are Homebuy - whether you want to call it shared equity type, I do not want Senator Shenton to jump down my throat - shared equity type or deferred payment type; and they are lifelong homes of 2 types: social lifelong homes and open market lifelong homes. So those are the categories: first-time buyer, social rented, Homebuy and lifelong. They have a variety of different values when they are sold on the market and these are approximate and I am sure Members will have an example of where it was £25,000 less, I know about one down the road. So these are approximate values only. A first-time buyer house would have a value of between £425,000 and £450,000. A social rented home would have a value to the developer when they sell it to a housing association or to a Parish or to the Housing Department of around £200,000, maybe slightly less, maybe slightly more. A Homebuy house, as delivered on La Providence, would have a value of £250,000 or £260,000. A lifelong social home would have a value of around £200,000, maybe slightly less, maybe slightly more. An open market lifelong home would have a value of between £400,000 and £450,000. I have seen some evidence a little bit less than this just a few moments ago of £380,000, so let us amend that to between £380,000 and £450,000. So one can see it does not necessarily apply to this site but any developer or land owner minded to maximise the value of the site - and I am not saying this landowner would - is likely to choose a direction that is tuned or directed towards a first-time buyer and open market lifelong home; because those have values of £400,000 approximately plus. It is up to the department to set through Supplementary Planning Guidance what we consider are the mix of houses that we want to see delivered on H1 sites based on demand. The important thing is we must be able to demonstrate demand through statistical evidence. We cannot randomly say: "Today we want to have social rented and tomorrow we want to have lifelong homes." It does not work like that. So we will set a policy and it will then be up to a developer, a landowner, an applicant, to make an application for what they want on their site. Should they want to make an application for something that is different from the mix that we have specified, it will be up to that applicant to demonstrate demand. If they are able to demonstrate adequately and unequivocally that there is demand for a particular type of housing then they are likely - and I say only likely bearing in mind

all the caveats around the planning process - to succeed in an application. But I stress there are caveats in many, many areas that would not mean that they would certainly get a consent. But basically if they are able to prove demand; so if an applicant made an application for all first-time buyer or 50 per cent first-time buyer and 50 per cent lifelong home, and they could demonstrate demand for those units, they would have a reasonable likelihood of success in their application. So that is what we should bear in mind. But I stress that they have to prove demand. The issue of the affordable housing policy - and this gets back to the points raised by the Deputy of Grouville and the Deputy of St. Mary - is that I have devised in the plan, supported by officers and supported now by the inspectors, a mechanism of delivering affordable housing that provides 12.5 per cent to 20 per cent - ratcheting upwards - of the notional gross development value to the delivery of affordable houses. Most of that will be through commuted sums, i.e. the developer will be required to provide a cash sum to the States in its variety of forms, Treasury and Housing, and that money will be used to deliver affordable housing. But it may also mean that housing will be delivered onsite as well, there will be a mix of the 2. But that does not apply to the H1 rezoned sites. The affordable housing policy that requires the 12.5 per cent to 20 per cent does not apply to the rezoned sites, the category H1s. That is where the Deputy of St. Mary's proposition - if I understand it correctly - will come in because he will be endeavouring to take out value at the point of rezoning. I think that is how he has drafted it. So my policy strips out value from non-affordable housing sites and delivers money into an affordable housing pool; but on the rezoned sites that we are presently debating the 12.5 per cent to 20 per cent affordable housing policy does not apply. So I hope Members understand that. A number of Members have suggested that I sort of randomly changed my position throughout the consultation and that I suddenly woke up one morning and said: "Forget everything I have said before, I have got a completely new policy, is it not jolly lovely?" That is not what I did at all. I engaged through my department and with the advice of my officers in a very extensive consultation process. It lasted years and we started with one position because you have got to start somewhere, and we ended in another place and that was because of consultation and understanding the market and also the huge changes that have taken place in the market during that time. Remember, when we started the Island Plan there was an economic boom worldwide; there was a huge demand for housing in the Island, prices were going through the roof. If a developer got consent there was money in the pocket straight away. Life has changed, and changed hugely. In local context there are very few developers who can get funding. Deputy Power this morning has sent an email - I think it was to all States Members, it certainly was to me - in which he explained that the reason that field 192 or 192A, I cannot remember the number, in St. Brelade has not progressed is due to lack of access of development funding. It is worse than that. There is not only lack of access for most developers to development funding, there is also lack of access from the end buyers to mortgage funding. So we have got a double squeeze and that is why I chose to shift delivery in part to the States-owned sites. Now we all, as Members of this House, know the frustrations; it drives us all crazy that if we owned the site we would get on with it tomorrow and for some reason or other the States does not seem to be able to do that. The bureaucracy of the States system is explanation. But we are in a position now, through the approval of S.o.J.D.C. - whether we like it or not - that we have empowered a commercially minded organisation to deliver; and if they do not deliver quickly we should be holding them to account quickly. It is my belief that they will deliver quickly and they are certainly competent to deliver. The senior people within S.o.J.D.C. are highly experienced property developers, they have done it elsewhere and there is no reason why they cannot deliver it now and they have a competent internationally recognised chairman who will make sure that they deliver. As belt and braces I have also proposed a trigger mechanism at the suggestion of the inspectors and that means that if I am wrong, if I am living in a dreamland and S.o.J.D.C. are incompetent and they cannot deliver anything and they do not get into work in the morning and they do not make any planning applications; if I am wrong, within 2 years we will bring back to the House the privately owned sites. There is no risk in waiting that time and giving S.o.J.D.C. the chance and giving us the chance of making the market work, which is what we need to do in the current extraordinarily

difficult credit conditions. We do not need to worry because we have got 475 affordable housing units in the bag with consents already; and those relate to the 2008 lifelong homes propositions and unbuilt houses on H2 sites. So we have got some flex, we do not need to panic and we do have a new S.o.J.D.C. and, in my view, I think that we should give them the chance. But whatever we approve and whatever we grant to landowners, we have no certainty of delivery. Members should not imagine that just because we give consent for a scheme, either at rezoning stage or at the planning stage, that it is going to be built. It is very, very hard for developers to get funding at the moment. I know of 2 schemes in the Island - not affordable housing schemes - 2 schemes where the developers were literally going on site one day and the day before they discovered that their bankers would not be prepared to provide the financing. It is an extraordinarily difficult market. Added to that is the fact that I have in my terms - and the Planning Applications Panel with me - have approved 1,500 unbuilt homes in the Island. There is a huge quantum of supply available tomorrow morning when the market picks up.

[10:45]

So we do not need to panic, there is lack of demand, we all know that house prices have not done terribly well recently; we all know that the process of selling a home at the moment is more protracted than we are used to in Jersey and we have got plenty of flexibility in the market. Senator Le Main yesterday made an extraordinary speech in which he was extremely discourteous and rather rude to me. I was most upset with his speech. No, Sir, I will not give way. I will not give way.

Senator T.J. Le Main:

I would like to apologise if that is correct ...

Senator F.E. Cohen:

I am not giving way. The Senator was extremely rude yesterday, he made connections with me that are grossly disingenuous and I strongly reject the suggestions that he made in his speech yesterday. This was from someone who I regarded as a friend. He has made claims today that are similarly extraordinary. He has said that the Planning Department could not resist an application for a large house on the site. The Planning Department considers every site on its merit, as every member of the Planning Applications Panel past and present will be able to attest with certainty. Similarly, he has suggested that a supermarket would suddenly materialise, that somehow or other tomorrow morning we would all wake up and there would be a supermarket approved on the site. It is utter nonsense. The Planning Applications Panel I can assure Members would give that very careful consideration, would weigh up whether it was in the best interests of the Island, would weigh up the planning policies and would make a balanced decision on whether or not that was the most appropriate use for the site. There is certainly no certainty. So, in conclusion, I hope I have laid out the issues. I made it clear when I started the Island Plan debate that the Island Plan that I put forward was my best shot, supported by my department. It was not just random ideas as has been suggested politely and mischievously by my friend Deputy Southern. It was not putting my finger in the air. It was very much balanced on the advice that I was given by my highly qualified and highly competent officers, who have worked extraordinarily hard for 4 years. Some of my officers in the last few weeks have been working and sending emails at 3.00 a.m. and turning up at the office 7.30 a.m. the following morning. That is the dedication in my department to deliver this Island Plan. **[Approbation]** Yes, it has changed throughout the process. It should change and we should be criticised if it had not changed. It was a process of consultation. We are always criticised as States Members for not listening to consultation. In this case, we have listened, we have changed, we have listened again, we have changed, we have listened, we have changed, we have listened, we have changed, and it has been a long, long policy. But we have a balanced policy that I hope Members will now understand and will understand the changes that have been made due

to additional information and the changes in market conditions. I conclude by saying I urge Members most strongly not to support my amendment. **[Laughter]**

Senator T.J. Le Main:

Could I just respond?

The Greffier of the States (in the Chair):

Well, you cannot ...

Senator T.J. Le Main:

No, I would like to respond, please, that I certainly did not intend at any time to have any personal attacks on the Minister.

The Greffier of the States (in the Chair):

Thank you for that.

Senator T.J. Le Main:

If he feels that way, then I would like to apologise to him. I certainly did not feel that way, but the Minister will know I feel very strongly about social housing on this Island.

Senator F.E. Cohen:

I accept the apology and we will be friends again. **[Laughter]**

Senator J.L. Perchard:

Just a point of clarification, if I may. The Minister spoke about the extensive consultation and that the department has consulted and changed and consulted and changed. Could he confirm it was the Examination in Public really that he is making reference to with regards to the consultation and that this plan does not reflect the conclusions made by the E.i.P. (Examination in Public)?

Senator F.E. Cohen:

The Senator, having been courteous and sporting earlier, is now seeking to manipulate. He knows perfectly well the position of the E.i.P. The E.i.P. is a piece of non-binding advice to the Minister. It is fed into the process. I take officer advice as well. I have my own views as well. I balance the whole lot together. I go back with my suggestions to my officers and my officers either endorse them or not. If my officers endorse them, then that is what comes forward. It is a plan that has the full support of the senior officers, and I hope the junior officers, in the whole of the Planning and Environment Department.

The Greffier of the States (in the Chair):

Very well, the vote is now for or against the 55th amendment relating to Longueville Nurseries, which clarifies one acre 2.25 vergées of rezoning for category A housing. If Members are in their seats, the Greffier will open the voting.

POUR: 12		CONTRE: 31		ABSTAIN: 0
Senator T.J. Le Main		Senator P.F. Routier		
Senator J.L. Perchard		Senator B.E. Shenton		
Senator A. Breckon		Senator F.E. Cohen		
Senator F. du H. Le Gresley		Senator S.C. Ferguson		
Connétable of Grouville		Senator A.J.H. Maclean		
Deputy G.P. Southern (H)		Senator B.I. Le Marquand		
Deputy S.S.P.A. Power (B)		Connétable of St. Ouen		
Deputy S. Pitman (H)		Connétable of St. Helier		
Deputy of St. Mary		Connétable of St. Brelade		
Deputy T.M. Pitman (H)		Connétable of St. Martin		

Deputy M.R. Higgins (H)		Connétable of St. Saviour		
Deputy A.K.F. Green (H)		Connétable of St. Clement		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy of Grouville		

The Greffier of the States (in the Chair):

Very well. Now, the Constable of St. Martin, I had to cut you off brutally earlier but I understand you wish to throw yourself at the mercy of the Assembly with a request.

The Connétable of St. Martin:

I am rather desperate to present my 5th amendment. I will not be in the Island next week and with your permission, Sir ...

The Greffier of the States (in the Chair):

It is a matter for the Assembly. I understand you have a prearranged trip away from the Island. You would like to ask Members to take on page 53 of the running order the 7th amendment, which I understand is accepted by the Minister.

The Deputy of St. Mary:

Can I just ask what it is concerning?

The Greffier of the States (in the Chair):

This one concerns the moving into the built-up area of the Proposals Map, Amendment 7, part of field 378, Clos des Raisies, St. Martin. Is the Assembly content to take this item?

Deputy A.T. Dupre of St. Clement:

Sorry, can I just ask, I too have to go to England. I have had a bereavement and I just wondered whether I could take Amendment 14, the Snow Hill car park, which is also something that the Minister has accepted.

The Connétable of St. Martin:

My amendment is probably 3 minutes maximum. **[Members: Oh!]**

The Deputy of St. Peter:

Just as a point, whether it is order or clarification, the actual amendment itself seems to be under the name of the Deputy of St. Martin.

1.2 Island Plan 2011: approval (P.48/2011): seventh amendment (P.48/2011 Amd.(7))

The Greffier of the States (in the Chair):

No, we are talking amendment number 7. I think the Constable said 5 but he meant 7. If Members are content to take that one, we will come to Deputy Dupre in a minute. I will ask the Greffier to read Amendment 7.

The Deputy Greffier of the States:

Page 2, after the words “the revised draft Island Plan 2011” insert the words “except that in the Proposals Map forming part of the plan, the southern part of Field 387A, Clos des Raisies, St. Martin, as shown on the attached map, be included within the Built-up Area.”

The Greffier of the States (in the Chair):

To clarify for Members, we are looking at amendment 7 on page 53 of the running order.

1.2.1 The Connétable of St. Martin:

This amendment is about community need. Currently, we do not have a rector in the Parish. We hope to have one appointed shortly. Unfortunately, we have a rectory which any rector would refuse to live in. It is important that we have accommodation for the rector because, if I just refer to the report: “It is incumbent upon the Parish of St. Martin to provide accommodation for the rector of the Parish that is fit for purpose and meets the requirements of the Church of England Pastoral Division and also current standards. Not only is this requirement one for the need of the community but is a legal requirement within Jersey law. The Parish currently owns an existing rectory which is listed as a B.L.I. (building of local interest) within the Historic Buildings Register. This building is dilapidated and much in need of renovation. Its layout does not meet current requirements of the Church in that it lacks meetings rooms and circulation in order to meet parishioners, together with a general lack of technology. If the existing rectory was to be refurbished and adapted to meet current standards, it would involve substantial investment by the Parish on behalf of the Church for which the Parish does not currently have funds.” The rectory is about 150 years old and it has been updated as and when over the last 150 years. Water was piped to the rectory. Electricity arrived, gas arrived. It is a hotchpotch of 1950s Crittall windows, early plastic windows, wooden windows of indeterminate age, and it is not fit for living. It is important that we are able to attract a rector to our Parish who will be an essential part of our community. I have presented this to the Examination in Public and the inspectors have recommended that the Minister accepts it. The Minister has accepted it, and I think on behalf of the actual needs of the community we cannot run a Parish efficiently or socially or spiritually without a rector. We need to have a rector. We need to have a rectory that the rector would wish to live in. I can back this up if Members wish to ask questions, but on the grounds that the Minister has accepted I would like to commend this amendment and ask the States for their support.

The Greffier of the States (in the Chair):

Very well. Is the amendment seconded? [**Seconded**]

1.2.2 Senator F.E. Cohen:

As Members will know, I hold the views of the Connétables and the views of Senator Le Main in the very highest regard, [**Laughter**] as my old friend again. My new old friend. I welcome and support the proposed amendment from the Connétable of St. Martin to rezone the southern part of field 387A. The department considers the Connétable has demonstrated unequivocally that there is an overriding community justification to permit this release of a small parcel of land adjacent to the existing built-up area of St. Martin’s Village. I would take issue with him on one point in his opening remarks. I am a great fan of Crittall windows and I have been doing my very best to deliver some modern Crittall windows in developments in Jersey without any success whatsoever.

1.2.3 Senator A. Breckon:

It was just a question of the Connétable. He did not say whether there had been - and I believe there was - a meeting in the Parish to discuss this, whether it was a meeting or whether it was an Assembly, and what the outcome was. I think if he had been able to do that it might have some influence on Members if this has been done in an appropriate way, whether there were any objections or whether it got the support and whether the finance was in place.

1.2.4 Senator T.J. Le Main:

I very much support this and I welcome this. Some years ago this Assembly approved a similar scheme in St. John, where the sell-by date of the old rectory had certainly gone by and it was totally uneconomical and impractical for the new rector and the way she receives constituents and church people. I very much welcome this, but I would also like to thank the Connétable and the people that have assisted him in producing what I see as a great village vision for St. Martin around the

church. I think that the Connétable and his parishioners and all those that have sat on working parties, and I am sure which includes the Deputy of St. Martin, I would like to thank them very much for the great vision they see in putting St. Martin back as a wonderful village development and a village where people will want to live and work.

1.2.5 Deputy T.M. Pitman of St. Helier:

Just to follow on from Senator Breckon, although I am a St. Helier Deputy I am pleased to say I have constituents in every Parish, apart from St. Mary for some reason where they do not like me at all. But I was approached by 2 people who were very unhappy about this, St. Martin residents, mainly because they were being asked, they felt, to pay for this rectory and obviously it did not fit in with their own beliefs, which I am not going to go into. So I would just ask if the Constable could outline, as Senator Breckon said, what the feeling is about it generally with his parishioners.

[11:00]

I have no problem with the development at all. I think St. Martin is a lovely Parish. I just would appreciate that answer.

1.2.6 The Deputy of St. John:

I must say I am very supportive of this given within our own Parish of St. John we have had no fewer than 3 rectories over probably this period of time or maybe a bit longer. That is to my knowledge and I sure there were some prior to that. Therefore, I am 100 per cent supportive. The only thing I would ask is what is happening to the old building. Is it to be demolished or is it to be sold on to help finance this particular rectory? Because I am aware that in our Parish the actual funds had to be earmarked for a new rectory and anything over stayed within a designated fund to look after the church in the future. So if the Connétable could give us those details, please?

1.2.7 Deputy A.E. Jeune:

Like the previous speaker, I would like to know what is going to happen to the current existing rectory site. Once the greenfield next door is gone, it is gone for good. Is the Parish intending to make the existing site another greenfield?

1.2.8 Deputy I.J. Gorst of St. Clement:

There are many things that I believe that make my adopted home unique and one of those prime attributes is the role of the Parish. The Parish is made up of a number of parts. One of its critical parts, in my opinion, is the role that the Church still plays within the Parish and the buildings that the Church has in trust on behalf of the Parish. Of course, we have the church buildings themselves, but I also believe that they have a very important ... and I view it as a public building, and that is the rectory. A number of Parishes over the years have for various reasons felt the need to sell off the historical rectory and build new ones. I understand why that might have been necessary for financial reasons, and I believe that this is why the Connétable of St. Martin is bringing this forward. I unfortunately cannot agree with that. I believe that these buildings are public buildings. They are there for the use of the parishioners. Yes, they do cost money to keep in good repair. Contrary, I would suggest, to what the Connétable suggested, they are one of the attributes and give us an ability to attract rectors to our Island. We are somewhat unique now across the United Kingdom where we are able to attract one individual to one Parish, and I know that while St. Martin at this current time does not have a rectory, it has a vicar almost in residence rather than a rector. I believe that their attack should be to maintain their existing historic rectory and have a rector, be that male or female, installed. I believe in the Parish system. I believe that this is a unique part of it and I really cannot support a piece of rezoning, which goes a small way to once again undermining what I believe is one of the crowning glories, as I say, of my adopted home. Therefore, I know it will not meet with what the Connétable is trying to achieve, but I cannot support this.

1.2.9 The Deputy of St. Martin:

I am glad to follow Deputy Gorst because maybe I can enlighten him in his adopted home. I think St. Martin is no different from other Parishes that have had to come to this crossroad where they have a very old building and they have to decide whether they can invest ratepayers' money in spending possibly ... I could be talking off the top of my head but we do not know the figure but we know it will be several hundreds of thousands of pounds to refurbish our new rectory. What we have to do is to say whether our rectory is an asset or a liability. It would happen whether you were in St. Clement or any other Parish. Other Parishes have been before us and I am sure other Parishes will follow St. Martin because we have that problem. We do have a very old building and, indeed, we have already had a Parish Assembly and to quote maybe a hymn that may be appropriate to describe the evening, we could say: "Through the night of doubt and sorrow" because it is a lot of doubt and it will be a lot of sorrow because there are a number of people within the Parish who think we should spend the money on the rectory. There is that option, but what we are looking at is options and that is what we are looking for. We have the option of refurbishing for which we do not have that money and will have to raise it. We also have the option of selling it and using that money then for the new build. I would ask Members to look at the back of the amendment. We will see that this particular piece of land is very close to the rectory and I think most of us in St. Martin are not very happy about building on green sites. I certainly am one of those. But we have to look at the options. This morning we are asking whether in fact this piece of land can be rezoned to allow us the option of, if we cannot get the money to refurbish the rectory, we can have the option of building down here. It is an option but we cannot get that option unless the States give us first approval. I think it has been mentioned about the Connétable and it was quite right the Connétable should have the praise for being the head of a team, but it is very important to say that it has been very much a team effort over the last 18 years, which has included 2 former Connétables who have been working on this. I am glad to see that St. John followed the lead of St. Martin, because you had a working party. I think what we have done in St. Martin is tremendous under former leaders, the late Constable de la Haye and, of course, Constable Germain, procureurs, church wardens, Deputy and, of course, I think other officers including the late Mike Lees, who did some sterling work. Here we have a problem in St. Martin. We are looking for the Assembly to assist us, to give us an option. We would like the option of possibly the new build and we cannot do that without Members' support. I would ask that we have that support from the Members.

1.2.10 The Connétable of St. Mary:

I think I have just been confused by the previous speaker and I would welcome your clarification. I had understood that the amendment was asking us to rezone this so that it could be developed to form a new rectory. I now understand that it may be developed to form a new rectory or the old rectory may instead be refurbished. If that is the actual case, is there any need to rezone it now when the draft Spatial Policy Strategy will allow that rezoning to take place if a suitable application comes at a later date with supporting need, which I know the Constable has already been able to demonstrate to the inspectors that that need exists. What I am concerned about now, is it a need that really does crystallise now, or is it a potential need should the Parish not decide to go ahead and refurbish the existing rectory? The previous speaker has thrown that into confusion for me. I would like to support this because I have other areas in my Parish where there is a need, a real community need, and that must be addressed. If the Constable can just assure me that this need exists now and is not a need that might arise later and could be better dealt with then, because if we rezone this land and then the existing rectory is refurbished, we are left with another piece of land which is effectively outside of its rightful zone.

1.2.11 Deputy R.G. Le Hérissier:

I want to be slightly heretical and slightly planning oriented. One of the joys of being in this debate is that although most of us are bored totally out of our heads, very occasionally we do stumble on to major policy issues, or they arise out of what appear to be fairly detailed issues. I am sorry that the

Constable of St. Martin ... I had a chat with him yesterday and I have to bore him again. I think the issue always has to be raised. It will never be answered, but it is worth raising it for the record. There are other churches who play a vital role in the Parishes. There is the Catholic Church, there is the Methodist Church and, of course, they do not gain from this particular largesse. That should be stated. I know it will be defined in terms of this is a particular tradition, but I think we have to be even-handed and that has never been an issue that has pleased all the people because they obviously have to make their own provision. The second point is that it is quite a large site and I thought the Constable of St. Mary was going to carry on with her domino theory that once you vacate a site you pinch another bit of field and it carries on and on and on. Of course, that is what is happening here. Why could it not be done so that the site itself was remodelled and that building could have continued on a portion of what is a very large existing site? Because I do remember years ago there was another controversy there and bits of land that were within the Church ownership all of a sudden became active and they appeared not to have been active as that particular argument proceeded, I noticed particularly on Rue des Raisies. The second thing is could it be confirmed that the proposed site, if it were to go ahead, will not be detrimental to the remainder of the field. I can see it is a fairly long field, but again we have heard time after time in this debate about creepage and when creepage becomes irrevocable or when it becomes terminal. In other words, the field becomes dead to other uses. I do not think that is the case here, but again I think we have used that argument. In terms of the benefits, obviously there will be considerable benefits from Mammon when this goes ahead in that there will be obviously the benefits from a sale of the rectory were it to go ahead. Again, I think it is worth in a general sense asking what happens to those proceeds. Are they ring-fenced? What happens to them? Because obviously this is a major Parish ... I know it is the Parish's business in a sense, but this will be argued to be an Island tradition and one very established. As I said, it is important to the other churches. If we believe they play a vital role, it is important that they should know what happened to the proceeds, obviously, as well as the parishioners.

1.2.12 The Deputy of Grouville:

Just briefly, like another speaker, I would like to know if this has gone through Parish Assembly and, if so, what the parishioners thought, but also if the Parish has ... when they last refurbished the rectory, or if we are being asked to do this because there has been a lack of investment in the rectory over the years, in which case the ratepayers have obviously gained in latter years. I am not convinced by this argument that we should rezone the land if it is a case that there has not been adequate investment in the rectory over the years, so I will look forward to the Constable's summing up.

1.2.13 The Deputy of St. Mary:

I shall be brief. I must say some of the contributions have really made me think about this - I thought it was a fairly easy one - particularly what Deputy Le Hérisier said: where will the money go? I think that is a very interesting point because you are looking at a million, I would think, maybe more, and that is an astonishing benefit. So the relationship then between the established church and the other churches and the churches in the Parish all comes into the spotlight. So, clarification on that, and then also I would like to amplify what Deputy Pitman and the Deputy of Grouville have said about the Parish Assemblies, if the Constable could tell us at which Parish Assemblies was this discussed, in what sense, and the numbers of people attending.

1.2.14 Deputy M. Tadier:

First of all, I have to declare an interest because, as Members may know, I am a staunch secularist. I had prepared a short tirade against all the ills of the Church for the last 2 millenniums but seeing as it is an election year and many of my parishioners in the district are either good Catholics, probably not so much Anglicans in my supporters, but I will save that for November if I am lucky enough to get re-elected. Brutal honesty, of course, is what I believe in. There are a couple of

underlying problems here which are completely unrelated to the fact of what I have just said. The first is there are 2 issues I think which this brings up, the first of which is how do we deal in general terms with listed buildings, perhaps which cannot afford to be regenerated or repaired? Is it simply a case that we sell them off, not knowing what is going to happen to them?

[11:15]

Part of the reason this building is listed, I imagine, is because it is a rectory and it is because of the way that the rectories are not common buildings. If it is no longer going to be a rectory we are essentially losing an asset to the community in the first place. Also, it is being sold to us very much as this is a really great plan because we would not be able to afford to do up the rectory in the first place; therefore, by selling this field, a little bit of jiggery-pokery ... it is a greenfield, remember, at the end of the day and I think many of us have very strong views about not rezoning greenfields if at all possible. I am concerned that we are doing it for the wrong reasons here. Now, if I am to be brutally honest, what should happen, I think, in an ideal world, of course, ratepayers should not have to foot the bill for the reparations of a rectory. First of all, I would ask who uses predominantly the church and, of course, it is a community facility. We know that people - anyone - can get married in an Anglican church. But predominantly it should be those who are willing, the congregation in the first stages should be involved in raising money to repair that rectory. But I would also suggest, because that is obviously not sufficient, there will not be sufficient numbers to do that, if it is such an important building and if it is so imperative that the rectory is maintained for the good housing of the good rector, then certainly one would ask why the diocese does not make funds available. The diocese could be paying towards this. There could be other fundraising mechanisms. I am sure there would be enough people. I would be willing to contribute to this, strangely enough, because I think it is an important building just purely from an architectural point of view. I think many individuals in the community, with funding from the diocese and which is led by the congregation, should be paying for this rather than rezoning fields with perhaps creeping development next door which we do not know the full consequences of. I think those are the 2 main points that I would like to make. I think this is a solution which does not address the underlying problems. There is a bigger debate to be had, I think, in the future about whether it is right for ratepayers as a whole who do not use buildings and who do not use church buildings or the rectory and who do not necessarily even support that particular denomination, and they may also be giving donations to another denomination, for example. Catholics in the Parish do support, they tithe in their own churches, yet they are being charged rates which are going towards the church. Now, I know exactly this is what the Constable is trying to avoid, the burden on ratepayers, but I am suggesting that we are not doing it in the right way. So I would ask Members to take those points on board.

1.2.15 Senator B.I. Le Marquand:

I first of all have to declare a sort of interest here inasmuch that I am still an Anglican lay reader, that is a lay preacher within the Church of England, but I have absolutely no mandate from anybody to speak today, nor have I been asked so to do. I want to reaffirm what Deputy Gorst said. It is well known that I am very supportive of the Parish system as being a very great pillar of our community life in the Island of Jersey, and that includes the role of the rector in relation to this. I also want to affirm the importance of there being proper appropriate buildings for clergy. It is not right to be asking clergy to come to the Island or move within the Island to homes which are wholly unsuitable. This is an issue which has been faced by the Church of England all over the place. There are large rectories at times which are wholly unsuitable. The heating costs are massive, et cetera. It is an important issue. But having said all those things, with some regret I have to say that I do not feel able to support this proposition at this particular time. That is because it has simply come too early. It is not a situation, and both the Connétable and the Deputy of St. Martin have been quite open about this, in which a final decision has been made by the Parish or a Parish

meeting or whatever. They are still considering the options, and unfortunately if we go ahead and rezone this area and then subsequently a decision is made to proceed with some refurbishing of the existing site or indeed ... although it is quite difficult to read the map, it does appear to be quite a large open space to the right-hand side of the rectory site. If I am wrong about that then I apologise, but there does appear to be. Then we will effectively have rezoned a site for a purpose which is not fulfilled and, therefore, with some considerable regret I am unable to support it. I am supportive of the proposition in principle once it is clear what the Parish want to do. I would then wish to support the rezoning but I do not feel able to do so at this time.

1.2.16 Deputy J.M. Maçon:

Very briefly, in this debate I did go back and I did re-read all my manifesto promises, everything that I said I would stand up for. I said in that debate that I would stand up for greenfield protection and, therefore, unfortunately I do not feel I am able to support this proposition.

1.2.17 Deputy A.T. Dupre:

Very briefly, looking at the plan here, it looks like it is a very large site. Is there any way that you could divide it in half, sell half off and build in the area?

1.2.18 Deputy E.J. Noel of St. Lawrence:

Just a quick couple of points. Some almost 3 years ago now I made an election promise that I would go against developing greenfield sites and that I believe that people should use greater imagination to use existing sites that are not greenfields to carry out development. I believe this is such a case. I have taken the opportunity of colouring in for Members to see the areas. The existing site is a very large area and the proposed rezoned site is substantially smaller. In my mind, with a little bit of imagination - I have coloured one green and one blue - you could easily get the blue site within the green site and you would not have to rezone a greenfield. So I do not think, unfortunately in this case, the Connétable has made a strong enough case to rezone this particular bit of green Jersey.

1.2.19 Deputy S. Power:

I think the Parish of St. Martin is to be congratulated for attempting to do a planning scheme like this to bring new families and new occupants to this village. We have a pattern of development on the Island where all of the development is on the south coast. It is all across St. Brelade, St. Helier, the bottom of St. Lawrence, St. Clement and St. Saviour and some of Grouville. I think it is to the credit of the supporters and those that are tasked in St. Martin with bringing this proposal forward that they do this. I see a point coming in the future where some of the northern Parishes will lose, could possibly lose, some of their facilities and social activities because of the lack of young families in the Parishes. We see this trend of some of the northern parts as being commuter Parishes where people sleep in them but work in town. I would like to see more development and I congratulate St. Martin on this and I hope some of the other northern Parishes follow their lead. I will be supporting this.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the ...

1.2.20 Senator A.J.H. Maclean:

Sorry, Sir, I think the light was reflecting; you perhaps did not see my light. I am going to be very brief. I just wondered if the Connétable could answer one question. He may have already covered this, but is the piece of land in question already owned by the Parish or have they agreed to purchase it and, if so, could he just explain the details surrounding the arrangements?

The Bailiff:

Very well, I now call upon the Connétable to reply.

1.2.21 The Connétable of St. Martin:

I think my biggest mistake was thinking this might be a 3-minute job. **[Laughter]**

The Bailiff:

I was going to say, Connétable, you estimated 3 minutes. So far it has taken over 30. If we multiply everyone's estimate by 10 in future, I am not sure how long we are going to be here.

The Connétable of St. Martin:

I would like to respond by probably elaborating a little bit further on my original introduction. I opened up by saying this is an amendment about community need and that St. Martin does not have a rector but we expect to have one appointed within the next 3 months and that the rector would absolutely not wish to live in the present rectory because it lacks facilities of a Presbyterian house. It has no meeting room or adequate workroom. It shows signs of structural problems. It shows signs of water ingress. It has very poor kitchen arrangements, generally dilapidated. We have an obligation to provide living accommodation for the rector, and this stems from the relationship between the secular municipal Parish caring for the practical wellbeing of the parishioners through the Crown to the ecclesiastical Parish that cares for the pastoral and spiritual wellbeing of the parishioners. The connection is between secular and spiritual. This is a responsibility that I gladly accept. It would be my intention to provide a rectory that we would be proud to own in which the rector would enjoy living and working, a traditional building to church commissioners' pastoral standards, a rectory up-to-date for the 21st century and adaptable for future years. I have placed on the desks the green sheet and it shows the centre of the village showing location of proposed site and relevant buildings. At the top left-hand side of the sheet you see the St. Martin public hall. Adjacent to the right of that you will see the existing rectory, which is the building labelled "rectory". There is an annexe and a barn. This rectory dates from when the rector had a pony and trap and kept a few animals, chickens, a pig. There is a pig sty there. It has a range of farm-type buildings, the carriage house and so on and so forth. The rectory is in a fairly dilapidated state at the present moment. The farm buildings are, in fact, 150 year-old farm buildings. They are almost derelict. Next to the rectory garden the proposed site is between the rectory and the church. This site is not very big at all; it is less than half a vergée. It is about 45 yards by 20 yards wide. It is quite a small site. To the right of the proposed site there is a church car park and to the right of that, bottom right-hand corner, there is St. Martin's Church, a beautiful church. Unfortunately, any potential rector is going to come along and say: "It is a beautiful church but I am not going to live in the rectory." Now, in answer to a few of the questions, I think I had better refer to the examiners' comments: "Draft policy SP, spatial strategy, recognises that planning permission may be given for the development of greenfield land in exceptional circumstances where it justifiably supports Parish communities or the rural economy and which meets an identified need where it is appropriate to do so. In this case, rezoning is sought to provide a new home for the Parish rector complying with the standards set by the Church of England with regard to such matters as accessibility, separation of ecclesiastical and domestic accommodation. It would release the nearby existing rectory, which is on the Historic Buildings Register but is dilapidated and would require substantial expense by the Parish. The site abuts a built-up area and is quite well contained by existing buildings. A well-designed house will, therefore, have little impact on the countryside and displace only a minimal area of agricultural land. It is crucial that any exception to normal policy for the Green Zone should be indeed exceptional. Accordingly, having regard to a written objection, we thought it right to press Connétable Yates regarding his justification for Amendment 7. We are satisfied that he was able to make that case." Referring to the Green Paper again, the land which is labelled "glebe land" is in Parish ownership. It is glebe land which is for the benefit of the church, the rectorate. Income from the glebe land goes to the church rectorate. The proposed site is within the 2002 built-up area. It is a little section of white. It is about 40 yards long by 20 yards wide. It is a very small site and it is ideally placed, being between the old rectory and the church, and it is not an overlooked site, ideal for the pastoral work of a rector. Referring to

some of the queries, if I can go back to Senator Breckon, we have had a public assembly in which I asked the parishioners to give me their views. It was not a public assembly where I was asking for a decision.

[11:30]

It was looking for views on the future provision of a rectory in St. Martin. The subject was extremely well aired and it came back probably about 50/50: let us build a new rectory or let us refurbish the old rectory. The dilemma as I see it ... because we did not spend a lot of time speaking about how much it was going to cost or where the money was going to come from. Referring to the green sheet again, the rectory itself is an old building. It does not have the correct circulation for pastoral care inasmuch as that in order to go and see your rector you would have to go into the rector's personal dwelling area. According to nowadays, you are encouraged to divide your accommodation so you can have your working area and your living area. This, I am afraid, will entail ... well, I will refer to a B.L.I. listing. A B.L.I. listing refers, as far as I remember, to the external appearance of the building is fairly well protected but you can do more or less what you need to do on the inside. This would entail substantial demolition and rebuilding on the inside of the rectory. We have had an estimate from a quantity surveyor. We are talking about £500,000 to £550,000. If we want to refurbish the outbuildings, probably extend into the annexe outbuilding, which is the one attached to the rectory, to improve the accommodation within the annexe, we could probably say another £100,000 each. That is £700,000. My intention would be to provide a quality rectory. Whether or not we decide to refurbish, it will have to be the £500,000 to £700,000. I can assure Members that 5 gallons of emulsion and a new B&Q kitchen will just not do. It has to be the proper job. I have had a quantity surveyor's estimate for the new rectory. We can have a new rectory to traditional Jersey standards, Jersey vernacular, 225 square metres, which is quite a large house, for about £500,000. If you want a granite building you can add £50,000. An external garage, the whole new rectory would cost £600,000. This decision is yet to be made and it may be correct that the Constable of St. Mary is saying I am bringing this too early. Senator Le Main asked about the state of the rectory; I think I have said that. Deputy Pitman asked about the Parish responsibility, that it is the Parish responsibility to provide living accommodation for the rector. It is and it is a responsibility that I am very glad to undertake. I should say that we have a very strong relationship, of course, with the Methodists and the Catholic Church and the other district church, and we will always support these churches by donations. The year before last we gave £10,000, I believe, to the Catholic Church to improve their building and this year we are considering a donation to the Methodist Church to improve their church hall. This is substantial money, so we do support Catholic, Methodist and other churches in the Parish. It is my honest desire to run a harmonious Parish and I think that basically we support all the churches. The Anglican Church we have a responsibility for. The Catholic Church and the Methodist Church we support, but it is my glad responsibility to accept responsibility for the Anglican Church as part of the overall Parish Constable's responsibility. In answer to Deputy Rondel, refurbish or rebuild, the question is not answered yet, Deputy. I think it will be dependent on the Parish Assembly that will tell me what to do. I hope that we will find a way to have a satisfactory resolution. I fear that if we have to find £700,000 quickly ... this is what I fear about opening rifts at the Parish because if you have: "Why are we paying for the Church of England church when I am Catholic? Do I have to pay?" I have always worked towards having complete harmony in the Parish and this is one way I would like to continue to do so. Deputy Jeune, loss of greenfields. I read the inspectors' report. It is a very small area. It is solely for a rectory. There will be never any other building on there. If we do not use it, it will go back to being a greenfield. This is not an opening to put other buildings on there. Deputy Gorst, the role of the church, I think I have answered that. Restore or not, I have mentioned that we want to keep a harmonious Parish and I think that the balance will be for the parishioners. The Deputy of St. Martin, asset or liability. It is an asset to have a rectory. It is a liability to have an old building to maintain. Unless you do it properly now it will be a money pit to keep on

throwing money in year after year. The Constable of St. Mary, is this a need now or a future need. It is a need that I will have to address in the next 2 to 3 weeks when I have to take this to a Parish Rates Assembly. Deputy Le Hérissier, other churches, I think I have answered that in the fact that we do support other churches. The site is only 40 by 20 yards. The site is for a rectory only. It is a small site. The Deputy of Grouville, lack of investment. Yes, there has been a lack of investment in the past. Sadly, it has been a patch-up job, patch-up job, patch-up job to try and put it right in the short term. We have got to the situation now where you cannot keep on patching it up. It has to be a complete refurbishment up to 21st century standards with 21st century plumbing, 21st century wiring, computer access, 21st century access for parishioners to visit their rector or a new rectory. That will be a building that we will be proud of and it will last until the 22nd century and further on. This is my feeling about it. It has to be a proper job. The Deputy of St. Mary, where will the money go. Oh, he is not here. If we sold the rectory for £1 million or £1.5 million and the new rectory would cost £600,000, that would tend to leave £900,000, which would be for the use of the rectorate. It would be for the use of the maintenance of the church or the interest on the money for the maintenance of the church. That money would be ring-fenced as a maintenance fund. The Parish Assembly: we had a Parish Assembly that was asking for parishioners' views. We had about 85 or 88 people at the Parish Assembly, fairly evenly balanced between one or the other. Deputy Tadier, B.L.I., yes, I have mentioned that. Building of listed interest, that is the category for this rectory. You have to be very careful about the outside. You cannot do much with the outside. In fact, I would say that the outside of the building at the present moment has been patched up over the last years. It does have inappropriate dormer windows been added, box-type dormers. It has Crittall metal windows from the 1950s. There are some pretty early plastics windows. If we were refurbishing, I would like to see the whole thing put back in wooden windows with proper lead roofs for the dormer window, new dormer windows, to put it back as it should be as an 1850s rectory. It is going to cost a lot of money. Parish responsibility, I have mentioned that. I think the Deputy of St. Brelade has my total take on my responsibility or the municipal Parish's responsibility towards the ecclesiastic Parish. The Minister for Home Affairs, I think I have answered all the questions of the Minister for Home Affairs. Deputy Dupre, I made a note but I do not know what she asked. Sorry about that.

Deputy A.T. Dupre:

It was only to say could you sell half the site and retain half. That way you could fund it.

The Connétable of St. Martin:

I beg your pardon?

Deputy A.T. Dupre:

Could you divide the site into 2, your present site, and sell half so you could afford to refurbish?

The Connétable of St. Martin:

We have tried that. We have tried looking at using the outbuildings as a possibility of refurbishing the main building. There is not enough money in refurbishing one of the outbuildings to refurbish the whole of the main building because it is just too expensive. I think I have explained myself fairly well. I would really like the Assembly to consider what I have said. I commend the amendment to the Assembly and I understand that I can still bring it back if the vote goes against me. This is an option. We are not going to build a rectory starting this year. We are going to make further consultation to the parishioners and I would like to commend my amendment to the Assembly and ask for their support.

The Bailiff:

Do you ask for the appel, Connétable?

The Connétable of St. Martin:

Yes.

The Connétable of St. Mary:

Could I just ask the proposer could he just address my question that I asked? I was just concerned - he partly addressed it - whether this was something for now or something for later. My question was does he not consider that the policy already in the draft Island Plan, SP1, would allow him to do exactly this should his Parish decide to go ahead?

The Connétable of St. Martin:

I do see this as a possibility, but when I made the application or the presentation to the inspectors at the Examination in Public it was their report that demonstrated this to me. I have a feeling that I shall be having to address this in 3 weeks' time before the Parish Rates Assembly because I must make provision in the Parish rates. If we have to set aside money for refurbishment we will have to discuss this at the Constable's Accounts Committee and decide on which way we should go and ask the parishioners to tell me which way to go. It is a need which I have to address within 3 weeks, but it could be that the need will be decided for me in 3 months' time.

Senator F. du H. Le Gresley:

I am sorry to ask for a point of clarification, but I think it might help the Assembly if I make this point and ask the Constable to confirm. The small site that he is talking about here under the 2002 plan is in the built-up area?

The Connétable of St. Martin:

Correct.

Senator F. du H. Le Gresley:

Therefore, you are merely requesting this House to retain it within the built-up area irrespective of whether you go ahead with building a new rectory?

The Connétable of St. Martin:

That is correct.

Senator F. du H. Le Gresley:

Thank you.

[11:45]

The Bailiff:

Very well, the appel is called for then in relation to the amendment lodged by the Connétable of St. Martin. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 23		CONTRE: 16		ABSTAIN: 1
Senator T.A. Le Sueur		Senator B.I. Le Marquand		Connétable of St. Mary
Senator P.F. Routier		Deputy R.C. Duhamel (S)		
Senator T.J. Le Main		Deputy R.G. Le Hérisier (S)		
Senator F.E. Cohen		Deputy G.P. Southern (H)		
Senator J.L. Perchard		Deputy of Grouville		
Senator A. Breckon		Deputy S. Pitman (H)		
Senator S.C. Ferguson		Deputy I.J. Gorst (C)		
Senator A.J.H. Maclean		Deputy M. Tadier (B)		
Senator F. du H. Le Gresley		Deputy A.E. Jeune (B)		
Connétable of St. Ouen		Deputy T.M. Pitman (H)		
Connétable of St. Helier		Deputy A.T. Dupré (C)		
Connétable of Grouville		Deputy E.J. Noel (L)		

Connétable of St. Martin		Deputy T.A. Vallois (S)		
Connétable of St. Saviour		Deputy A.K.F. Green (H)		
Connétable of St. Clement		Deputy D.J. De Sousa (H)		
Deputy of St. Martin		Deputy J.M. Maçon (S)		
Deputy J.B. Fox (H)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy of St. John				

The Bailiff:

Very well, then ...

The Deputy of Grouville:

Could I just test the mood of the House, please, because the Constable of St. Martin was allowed to bring his amendment forward because he is not here next week? My colleague on my right and I are going to be on a Jersey overseas aid trip in London and we, too, have amendments towards the end of the agenda and mine, I believe, is fairly uncontentious, famous last words. I was just wondering if I could take mine today so as I could present it rather than leave it for somebody else.

The Bailiff:

If I can just say this from the Chair, clearly, that one took very much longer than anyone thought and that it is not always easy to predict amendments. Secondly, the Connétable was not in a position to have asked anyone else to present his next week whereas you can, of course, under Standing Orders, ask someone else to present it on your behalf because you are away on States business.

Deputy I.J. Gorst:

Perhaps, while speaking against myself, I see that Deputy Le Claire has now joined us. I would be more than happy to pass my amendment on to another Member to present if Deputy Le Claire wishes to carry on now in the prescribed order with his next amendment.

1.3 Island Plan 2011: approval (P.48/2011): twelfth amendment (P.48/2011 Amd.(12))

The Bailiff:

I would like to suggest to Members we stick to the prescribed order and go on through, that is, what has been laid out, and Members, who are not here but are away on States business, can then ask somebody to present it on their behalf. Very well, so the next matter on the proposed order is the 12th amendment lodged by Deputy Le Claire and I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, after the words “the revised draft Island Plan 2011” insert the words “except that - (a) there be added to the list of sites to be zoned for category A housing at policy H1: category A housing sites (on page 246): (4) Samarès Nursery, Le Grande Route de St. Clément, St. Clement (9.8 acres/22 vergées); (b) the revised draft Island Plan 2011 be further amended in such respects as may be necessary consequent upon the adoption of (a); (c) the Proposals Map be amended to reflect the adoption of (a).”

The Bailiff:

Deputy, just before you do, let me ask the Minister what approach he will taking to this amendment?

Senator F.E. Cohen:

I reject this amendment.

The Bailiff:

You will be opposing this amendment. Very well, then I invite Deputy Le Claire to propose it.

1.3.1 Deputy P.V.F. Le Claire of St. Helier:

I thank Members for rescheduling the order in order to allow me to be ...

The Bailiff:

Deputy, I appreciate you have only just arrived, can I remind you of what I said last night.

Deputy P.V.F. Le Claire:

You do not need to, I know. There is no need for you to repeat what you said because that would just be ... I know it is not normal but I wonder if I might ask the States to adjourn for 10 minutes while I get myself ready. I do not think I feel quite prepared, I have only just arrived. I need, probably, 10 minutes just to gather my speech from these papers. I would ask if the States could adjourn for 10 minutes and I will just get ...

The Bailiff:

Well, I suspect Members will not be keen to adjourn; we have got a long agenda.

Senator F.E. Cohen:

Can I suggest that we do as much as possible to try and stick to the prescribed order. I think a lot of Members have given a great deal of thought to amendments and subsequent amendments and how they are going to approach them and if we start putting them out of order it will disrupt Members' thinking.

Deputy P.V.F. Le Claire:

I was not asking for anything to be out of order, I was just asking for 10 minutes to prepare myself. I have just literally arrived from the ...

The Bailiff:

I do understand the problem you have, Deputy. Well, do Members want to adjourn for 5 minutes?

Deputy J.M. Maçon:

Could we not defer to just the next amendment?

1.4 Island Plan 2011: approval (P.48/2011): fifteenth amendment (P.48/2011 Amd.(15))

The Bailiff:

Well, I suppose if Members want to take the one from the Minister for Education, Sport and Culture, which everyone was expecting to come on today in any event. He is not here but I have received a note that the Assistant Minister will be proposing it in his place. Would Members agree to take that one and then come back to Deputy Le Claire?

Deputy P.V.F. Le Claire:

Thank you, I do appreciate it.

The Bailiff:

Very well, so I will ask the Greffier, then, not to read the 15th amendment of the Minister because it is longer but Members have it in front of them. This is one, which I understand, Minister, you will be accepting, is that right?

Senator F.E. Cohen:

Correct.

The Bailiff:

There is an amendment to it, are you also accepting the amendment? No, well we come to that in due course.

Senator B.I. Le Marquand:

I think we are now inquorate; I count 26.

The Bailiff:

Very well, I hope we can summon back Members. Very well, I think we are now a quorate. I appreciate that this is, indeed, a lengthy debate but it is, on the other hand, one of the most important matters to come before the Assembly and I think it is very unfortunate if the Assembly goes inquorate. Very well, so I invite the Assistant Minister to propose the amendment.

1.4.1 Deputy T.A. Vallois of St. Saviour (Assistant Minister for Education, Sport and Culture - rapporteur):

As Members who have read the amendment will be aware, this is just a minor amendment to what is already in the Island Plan, it is just asking that if it is surplus to requirements so that the Minister has the involvement, going forward, if it is required to build on for category A housing. Understanding how Members are feeling I do not want to go into too much detail because I am sure the amendment to this particular amendment will be in more detail than this. So I will sit down and let Deputy Lewis take the reins for the amendment on this and then we will go into further detail during that debate.

The Bailiff:

Very well, the amendment is proposed; is it seconded? **[Seconded]**

1.5 Island Plan 2011: approval (P.48/2011): fifteenth amendment (P.48/2011 Amd.(15)) - amendment (P.48/2011 Amd.(15)Amd.)

The Bailiff:

Then, as the Assistant Minister has said, there is an amendment to this amendment lodged by Deputy Lewis. I will ask the Greffier to read that amendment.

The Greffier of the States:

Page 2, delete the words “former d’Hautree School sites, St. Saviour’s Hill.”

The Bailiff:

Deputy Lewis, just so we are clear, Assistant Minister, is this something that you will be accepting or not?

Deputy T.A. Vallois:

As far as I am aware, no.

1.5.1 Deputy K.C. Lewis:

Field 625 and the former d’Hautree School site. This site has been listed as a potential site for approximately 85 houses. That is a proposed States owned category A housing site, policy H1. But this area of St. Saviour is already saturated with the old dairy site under construction and a proposed St. Saviour retirement village, fields 516, 516A, 517 and 518 in planning. There is also the new estate opposite the St. Saviour’s Hospital. St. Saviour’s Hill also serves as a main traffic thoroughfare to the north of St. Saviour, Grouville and St. Martin and with most of the Island schools in this area the roads have already reached saturation point and this has already affected the quality of life of St. Saviour residents. If 85 category A houses are built on this site they will also

be overlooking Government House. Field 625 and the former d'Hautree site must remain as an educational facility. I understand that there are approximately 220 students from Highlands that also use the facilities there which could put a question mark over that. I make the amendment.

The Bailiff:

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

1.5.2 Senator F.E. Cohen:

I would like to thank Deputy Lewis for his amendment made to amendment 15 but would suggest that the department is unable to support it. The amendment seeks to remove the d'Hautree School site from the potential list of States-owned sites that may be developed for affordable housing even if it is no longer needed for education. We would respectfully suggest that the amendment is inconsequential. Whether the former d'Hautree School site is explicitly referred to in the policy or not, the policy seeks to ensure that those States-owned sites that are listed, together with others which may emerge during the plan period, will all be considered for the provision of affordable homes if they are surplus to requirements. I would, therefore, urge Members to reject the amendment to amendment 15.

1.5.3 Senator A. Breckon:

I do know this area quite well and Deputy Lewis will remember where there was formerly a bungalow up there on the site. I think there are about 10 houses up there and it is ideal, it is on St. Saviour's Hill. But the other thing, of course, is there is a gain here because, as Members may remember, there was a proposal, years ago, to build houses on another part of what is part of the same campus really in Highlands College, and that never happened. But there is potential here to make the best use of States land and, well, we certainly have not done that in the past, 85 houses there in what is a residential area, around about that, surrounded by Bon Air Lane and Wellington Park on that side, so there are other possible routes of getting in and out of that. I think it is wrong to take it out at this stage. All we are saying is that it is a possibility and that is what it is at this stage because as other Members may remember that d'Hautree School was falling down. That is why we had to build another one. It has not fallen down, the gymnasium was used by the Royal Court when this building was being refurbished and it is still useful, educationally, it links to Highlands quite readily. So if it does become surplus to requirements because of possible future development on the Highlands College campus then it should, certainly, be considered for housing because, for me, it is in the ideal place with all the services including connections. So I will not be supporting this amendment. I think it is wrong to take it out.

1.5.4 Deputy J.B. Fox:

Both amendments, really, concern me inasmuch as that this particular site is linked, very much, to the future and the current education of our Island for further education and, indeed, may be for higher education in far greater detail than it is at present used. Yes, the site is partly used at the moment for further education of Highlands College but, increasingly, courses in conjunction with U.K. (United Kingdom) universities are increasingly occurring to give the local based degrees, supported by universities and colleges in the United Kingdom, in order for us to have the appropriate criteria. It also enables us to allow people, through domestic circumstances or otherwise, to remain on the Island and get the necessary skills and qualifications that benefit the future workforce of the Island, so it is very important. Although this refers to: "If there is no longer a requirement for it to be retained as educational purposes", I still think that if there is a hope factor that this can be used for further development in relation to housing, category A housing, then other sites might be considered to be left for a future time in view that this site might come forward. I think that this site should not be looked as a site that could be considered, especially at this moment in time, with the uncertain world we live in and that is why I would support this amendment.

[12:00]

1.5.5 Deputy J.A. Hilton:

The majority of Members, this morning, when we voted on the Longueville Nursery site opposed development on that site this morning. I think it is fair to say that the majority of Members believe that we should use States-owned sites to produce social housing. I think, in accordance with what Senator Breckon said a few moments ago, I agree with all the comments and arguments he put forward. This site should not be removed from the potential of delivering 85 social rented homes. We desperately need to deliver these homes and we must use States-owned sites to do that. So I would oppose this amendment.

1.5.6 The Connétable of St. Saviour:

The Assistant Minister for Transport, Deputy Lewis, has spoken about the traffic difficulties there. We are looking to try and reorganise the whole of the entrance into the Highland site with entrances going in there but there is danger with the exit. So it is a major problem, it is not going to be made better by having housing there. Yes, some people will be able to walk to work but there will still be traffic problems. Quite apart from that, that really is a minor factor. What is important is that it is being used. I was talking to the head of Highlands a couple of days ago and he is quite happy for me to quote him as saying: "That if he has not got this they will have to close down 200 places at Highlands." Quite clear, they need it. Now, Highlands is growing. We know it has gone up 25 per cent in the last couple of years in the number of students there. I cannot, for the life of me, see it likely to be getting smaller. It is a major site for education in Jersey. It is linked into the schools. We are very lucky to have close to town and up; it is a downside for St. Saviour, but for the Island, in general, to have Highlands College linked, all in one site, with the Hautlieu and those schools is beneficial because they can feed off each other. It is useful to have them together. It makes sense for the whole of the site to be looked at. Unfortunately, the rate that things are going, I think it is premature to have it still subject to the pressure to provide housing. Deputy Hilton was just saying how desperately we need it. Well, that is fine but we should not be taking it at the expense of education. In the long term this could prove a very bad mistake if we take it out. I think it is better to accept the Deputy's amendment at this stage. It would be perfectly possible for the Minister for Planning and Environment to bring it back at a later stage should it be necessary but I think there should not be financial or housing pressure put on education at this stage just to give an extra site.

1.5.7 Deputy G.P. Southern:

Now it is time, I think, for this Assembly to be good sports because the Minister for Planning and Environment has come forward with his plan and this is an integral part of that plan. If we are to succeed in building affordable homes for any of our residents, we must allow the Minister, at least, to plan to do so. The Constable of St. Saviour's objection is covered already in the amendment where it says: "But may [not must] involve others should they be deemed to be surplus to requirements during the plan period including d'Hautree School sites, St. Saviour's Hill." It is already protected. Nobody is going to be going in there with a crowbar saying: "We want this site, give it to us, whether you need it or not." The reality is that the additional places at Highlands, and why Highlands is stuffed to gunnels at the moment, is, I remind the Constable, because of the recession and because of a number, an enormous number, of young people who cannot find jobs. Now, we are assured, time and time again, by the Minister for Economic Development and the Minister for Treasury and Resources and, in fact, the whole cohort of Ministers, that everything is rosy around the corner and the corner is coming closer by the day. So that, whatever it is, 200, extra places that are required at Highlands will undoubtedly, as time goes on, disappear. At which point we should have the option of saying: "Is this the best way to deliver affordable homes in the built up area?" because that is the policy. I am afraid I may not like it but that is the policy, if we tie the hands of the Minister over this then what we are saying is, I think: "We are giving up on the prospect of supplying enough affordable homes in this Island", and we should not be doing that.

So, come on, let us be good sports and, at least, let the Minister attempt to do what he is setting out to, no matter what we regard as to the overall plan.

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

In a sense it does not really matter because, as a couple of Members have pointed out, there is a caveat in here to protect the site for education. But what bothers me is that several people who have spoken against the amendment have emphasised the shortage of sites for housing and clearly would like to see this one come into that land bank. That poses a problem because it gives us a false sense of security. We think we have this site for the extra homes in our land bank when, in fact, we do not because I am assuming that education will make a very good case for this, particularly after what we have just heard from the Constable of the Parish, in terms of Highlands, that education will make a very good case for keeping this site in educational use. I know that several Members, like me, are impressed with the idea of Jersey using its education, its further education, as an export and that more and more people will come here at some point in the future to take advantage of our educational facilities. We only have one campus and I think if we start to introduce the hope of housing on this educational campus we are giving ourselves a false sense of security. I would much prefer to listen to the advice of the professional who is currently running Highlands, as reported to us by the Constable, and indeed to the Constable himself. It is a little surprising that the Minister for Planning and Environment is not supporting this amendment because he has said in the past that he would take on board the views of the Constables, I know it does not usually apply to St. Helier, but he has said he will take on board the views of the Parish Constable. The Parish Constable, in this case, is supporting the amendment and I think we should do as well.

1.5.9 Deputy M.R. Higgins:

I was a former lecturer at Highlands College and I can say that the space that Highlands has is quite restricted and, in fact, already, without the recession, the facilities are not adequate for some of the work that is being done. The library is absolutely minuscule considering the courses that are there. If we look at the construction and engineering workshops, highly restricted, there is not sufficient room for the courses that are going on at the present time. I cannot see, even in the 10 year life of the Island Plan, that this land would be given over to housing or any other use. I agree with the sentiments of the Constable of St. Helier, again, if we are going to develop the college, and I do believe we need to develop the college and the courses that we do, especially if this Island is going to be able to continue to compete within the world, then this land has to stay within the education area. Now, I have listened to the Constable of St. Saviour and, to be perfectly honest, I suspect that his real objections are the fact that he does not want any more housing in St. Saviour. I accept that there are problems with the road there; there is no doubt about it. There are some major problems with it and entrance and exits from Highlands. I will not support the amendment because, in fact, I can really see that this is a waste anyway because I just do not see, within the 10 years, that we will be calling upon the use of that land for anything other than education.

The Connétable of St. Saviour:

Could I just clarify that? It really is not a matter of saying no to housing there because we are going to have problems with education and housing; we have got people going in there. It is just the Island needs an education centre.

Deputy S. Power:

Before the Constable speaks, can I just say that you said 15 minutes ago that we were inquorate, we are barely quorate and I find in this debate on this Island Plan to have 27 Members consistently in this Chamber at this time is ...

1.5.10 The Connétable of St. Brelade:

I find this is a fairly finely balanced decision. It is really housing versus training, not only vocational but academic training for the youth of our Island, and one almost goes with the other. The difficulty is that clearly, at the moment, there is continual demand. I take issue with what Deputy Southern suggested just now that it was purely economy driven. I think as time goes on there will be a continued need for further training and that the world has moved on and, whatever the economy does, I think will probably only serve to increase the need for training and that, in turn, the need for support for the Highlands campus. I am inclined to go that way and I think that is probably more fundamental at this stage. I think the remark of Deputy Higgins just now where he suggested that probably nothing will happen for the next 10 years in terms of housing there anyway is probably quite valid, looking at the track record in the past. I think clearly traffic management is an issue there and that is being addressed by my department in conjunction with the Parish and I am very keen that we do that at Highlands because it is extremely difficult at times. I think, we all, all those of us certainly who have not only attended Highlands but also have had children attending schools in St. Saviour are well aware of the traffic difficulties which St. Saviour bears in the morning and evenings and some sort of directory system through the old d'Hautree site, I think, does warrant serious consideration. So I would repeat, this is a very finely balanced decision and I think will probably fall in favour of the amendment.

1.5.11 Senator F. du H. Le Gresley:

I have noticed that Deputy Lewis' amendment is dated 10th May and that the first amendment is dated 21st April from the Minister for Education, Sport and Culture. I am aware, because I also attended the Parish meeting, that there was a meeting, I think a couple of days before Deputy Lewis lodged his amendment, to discuss the proposal to build a new centre for Good Companions plus some other buildings on the field opposite the primary school, whose number I cannot remember. [Aside] Thank you. I think what Deputy Lewis is doing here is capturing the mood of that meeting where the parishioners were very angry about any further development in their Parish and the traffic problems. I think it was an emotional response to a very high mood at that Parish meeting. I do not think he has thought it through because the amendment from the Minister for Education, Sport and Culture is quite sufficient and to rule this out completely for housing is a mistake and I think, on reflection, he should not have brought this amendment.

1.5.12 Deputy T.A. Vallois:

I think it is only appropriate I do the majority of my summing up within this speech so people can make their minds up whether they vote for this amendment or the original amendment unamended. I will basically say that we fully understand and recognise the concerns of many Members that housing is of top priority for many Islanders and a solution needs to be found. But I would ask Members to seriously consider the policies that have been accepted by this Assembly over recent years and the demands which lays at Education Department's door with high expectations, fulfilment of appropriate up-skilling, natural growth and the fact that educational provision, no matter at what level, lays the foundations to aid economic growth and allow individuals to achieve their personal goals to move onwards and upwards in life is an extremely important component of social mobility in today's world. So I will state that a review of all properties currently under Education, Sport and Culture administration is presently being carried out by Jersey Property Holdings and is nearing completion. The site is recognised by the department as being of strategic value in the provision of vocational education. Education is of the view that this site should be safeguarded for educational purposes.

[12:15]

It currently houses Highlands College, Examination Centre, Professional Development Centre, Property Holdings maintenance officers and temporary classroom accommodation, which is in response to the upturn in pupil numbers in further education. We have to bear in mind, also, the

sums of money that we have put forward for things like Advance to Work recently and for the Skills Boards and the Skills Executive to carry on their superb work to help people back into jobs. I would just ask Members to bear that in mind when voting on the amendments.

1.5.13 Deputy A.K.F. Green of St. Helier:

I just want to get people to think about it. I know that is a very difficult decision because the whole of the Island Plan is about finding a balance between employment opportunities, between housing people who are employed and education. I think this amendment to the amendment is not required. It ties our hands. I agree entirely with what Senator Le Gresley said; it ties our hands. Education do need to make a decision as to what they want to put on the d'Hautree site. It is only common sense. The problem is that they have taken 2 and a half years so far to carry out that review and I am afraid that Property Holdings is not Education, Property Holdings may take another 2 and a half years - 10 years someone suggested - to carry out that review. Meanwhile, I have no doubt, some of that site will be available or could be available ... I do not think there will be 88 homes, but some of that site could be available for housing. I want to keep that option open. I am quite happy, when we get to the amendment, to say: "Education, look at what you need. Decide what you need. Then we will look at a plan for housing." But I am not happy to take it out of the list all together. So, I urge people to reject the amendment to this amendment.

1.5.14 Deputy A.T. Dupre:

Really again to reiterate what my colleague Assistant Minister said, Highlands is incredibly popular these days, but our vocational training is going from strength to strength. We desperately need to be able to have the space to expand if necessary. Thank you.

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

Only to shed - and my knowledge is a little bit out of date now - a degree of light on some of the history here. My understanding from my previous role was that when d'Hautree move to Haute Vallée, which I understand occurred more than 13 years ago, so my recollection is that this history goes back 17 years, is that the Finance and Economic Committee of the day put a condition on that in return for building a new school at Haute Vallée they would release the site down at d'Hautree. That is my recollection of the committee of the day. That was 17 years ago. Sorry? Apparently 20 years ago. There you go. So, this site has been bouncing around for that long. Now, I do recall something like 2 years ago a temporary use was requested, which I think was probably for exams. This is foot in the door: "Oh, we desperately need the site." Yes, when I departed there was a review going on at Education. That was agreed. I cannot remember when; within the last 12 to 18 months. I would assume that the results must be coming fairly soon. So, I can understand the points made there, but it has taken 20 years to get Education to agree to do that review. Now, policy SC01 refers to educational facilities. That reinforces the protection of the site, because it includes d'Hautree. The former d'Hautree school site is safeguarded for educational use. The alternative development of which will not be permitted unless it can be demonstrated that they are not longer required for educational purposes. So, as I think has already been said by Senator Breckon and a number of other Members, the amendment by the Minister for Education, Sport and Culture, proposed by the Assistant Minister, that the amendment to the amendment is a step too far and does significantly tie our hands. As I said, this has been going on for a very long time. I will not be supporting the amendment to the amendment.

1.5.16 The Deputy of St. Mary:

Just briefly. Firstly, mention has been made, I think by the Constable of the Traffic ... well there are 2 points on that, I am not sure which of the 2 uses would generate more traffic even with the expansive suggestion from the Constable of St. Helier that education could be an export part of our economy in the future. I think that is a very interesting suggestion. It has not been closely looked at, as far as I know, by the E.D. (Economic Development). It has not closely been looked at by

E.S.C. (Education, Sport and Culture) either, but there is potential there. The point is that either way we are really not sure what the traffic implications would be. So that is the first point. The second point is that I am tired of hearing - and I suspect I will be tired in future debates within this debate - traffic always raised as some kind of obstacle or problem. We have passed a sustainable transport policy, but it looks as if many Members here have very little faith that it will deliver further reduction in traffic that we are all looking for. So that is on traffic. I just find this amendment, as others do, surplus to requirements really. All the original amendment is saying is: "Should they be deemed to be surplus to requirement?" So, obviously that will be a battle and Education will have to prove that they need the site and that they have a super-duper use for it, in educational terms. I have remembered what I was going to say about that, which was that we need to put into that equation the cost of any doing up of or expansion of Highlands on the Highlands' site, because that is a crowded site. If Highlands has a demand for more space then that has to be factored in as an additional cost when we are thinking: "Ooh, this is a good site for housing." We then have to consider that if Highlands needs more space then there will be an additional cost, which will be more expensive to do on the Highlands site than probably it would be on this site. As I say, I am going to reject this amendment to the amendment.

1.5.17 Deputy P.V.F. Le Claire:

My concern with this is that what people are saying in the Assembly today is: "Do not worry. If it is needed for education it is going to be preserved for education and we need not support this amendment to the amendment, because Education will be able to battle on its own in the future." That gives me concern, because at the moment it is very difficult for Education to get the support of the Assembly of things it wants to do from a financial perspective. If we just look at the funding issues in relation to the private schools, we have just witnessed what happened in relation to what the Minister wants to do and what this Assembly decided it wanted to do. It did not stand by the Minister nor did the Council of Ministers. So there is the system we have and we are saying that is fine. Well, I am sorry, it is not fine at all. It is a system of elected representatives that come into this Assembly, that group themselves together into a grouping - if they have not already decided what the group is before they get into the Assembly - and they take things forwards in a way that seems to be for the better good of the Island. But it is questionable in many respects as to what is good for the Island and what is good for the political agendas of those that are leading this Assembly. Now, we have recently seen the transfer of all of our future property decisions into a board called the States of Jersey Development Company. This plan, coming a year and half late, as I have said before, is now going to take us forwards into the next 10 years. In the past we have been reliant upon W.E.B. (Waterfront Enterprise Board) for the waterfront to deliver whatever it delivered and we have been reliant upon Property Holdings and the rest ... I am trying to address the Assistant Minister for Education, Sport and Culture, so I would appreciate if she could possibly listen to what I am saying. Because I think it is of concern for her and her department, especially for the education of people into the future.

Deputy T.A. Vallois:

Just to confirm, I am listening.

Deputy P.V.F. Le Claire:

Thank you. The States of Jersey Development Company ... It is difficult to know if she is listening when she is talking to the person behind her.

The Bailiff:

Can we just press on?

Senator F.E. Cohen:

The Deputy is a lady and she is capable of multi-tasking. [Approbation]

Deputy P.V.F. Le Claire:

I am flabbergasted. I am trying to make a point which I think is going to support the Assistant Minister for Education, Sport and Culture. I am standing up to speak in support of education. All I am getting is jibes and approbation in relation to me trying to attract the attention of the Assistant Minister. This is the level that the debate has descended into; absolutely deplorable. Okay. It sounds good, let us get on with it. But what are we getting on with? Nobody knows. What are the needs into the future? Nobody knows. What we do know though is that when the States of Jersey Development Company was first put together, in the consultation documents it talked about the fact that they would then go ahead and bring about development throughout the Island. It also said that the overriding responsibility of those decisions would be done in the context of what was best for Jersey. In that consultation - and it would be interesting to see how it translates into practice - there was an overriding trump card that the Minister for Treasury and Resources could dispose of property in the consultation documents by the consultation company. It was mooted that it would be possible - and it is yet to be decided and yet to be seen - that the Minister for Treasury and Resources could dispose of property if he or she thought that that was more in keeping with the objectives of the States and the States' strategic aims. So, in the future, if the Minister for Treasury and Resources decides that it is more of a strategic interest to develop housing on that site, regardless of whatever, then in my view we need to be cognisant of the danger that that represents to an Education Department who has had in this most recent of times difficulty getting support for what it wants to do. Now, everybody may have faith in the Education Department and faith and trust in pixie dust and all the rest of it, but I am afraid to say as much as we can have faith with the Education Department I cannot have faith with going forwards into an Island Plan debate, which only saw as a last minute rush a reapplication for people to be directors of the States of Jersey Development Company so close to this debate and their first meeting was on Monday morning to bring them together at 8.00 a.m. I understand that was their constitutional arrangement or their combination when W.E.B. and the States of Development Company were brought together for the first time, constituted, at 8.00 a.m. I believe it is the end of this week, which is Friday, probably today, right now possibly, that is their first meeting. Yet we have yet to hear from them as to what their view is of disposing of States own land for affordable housing. It is absolutely pathetic. Now, I am going to support Deputy Lewis and I am going to support the Education Department. I am going to sit back, make relatively calm speeches, relatively succinct speeches in the future. **[Approbation]** I wonder if Members would care to show with loud stamping of feet if I said nothing ever again. **[Approbation]** All I do is I ask those Members of the Assembly who are laughing and stamping their feet to have cognisance of the fact that the people outside in this Island are listening to this being broadcast live through the radio. I want the people listening to this to take cognisance of these Members in this Assembly and look how they are voting, because these Members in this Assembly are not taking their responsibilities and their duties to the effect that they should be doing, in my opinion. They are absolutely ridiculous stamping their feet to such a comment. They are demonstrating the ludicrous descent that this Assembly has gone into in this debate. In my view they need voting out.

1.5.18 Deputy J.M. Maçon:

Very, very briefly, just to take us back to the amendment; it is withdrawing the d'Hautree site from housing development. However, if the current Education Review perhaps does deem d'Hautree as not being necessary we could find ourselves in 15 or 20 years time being in the opposite situation where we do need it. I do think that we do need to put down future views so that the provision of education is protected, because we do not know what technologies or industries are going to development. I will be voting for the amendment of the Deputy.

1.5.19 Senator T.J. Le Main:

I am going to oppose this amendment, because like Deputy Southern, I feel that this is a 10-year plan and we should do everything we can to achieve the aims of the Minister for Planning and

Environment and the Minister for Housing in providing homes for people. Quite honestly, over the next 10 years departments and Ministers will be able to collate all the facts on what is needed or required. I believe that for a site such as this in a built up area where people are opposing vigorously open greenfield sites it would be a wrong move to in fact take this out of the equation.

[12:30]

1.5.20 Deputy A.E. Jeune:

Just briefly. I think Deputy Maçon was quite correct to raise forward planning. I believe that once we have got all the data we need from the recent census that would certainly help. But, in fact, the main proposition is about forward planning. I do not see the necessity for this amendment to the amendment.

The Bailiff:

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

1.5.21 Deputy K.C. Lewis:

I would like to thank all Members who have spoken. Deputy Breckon and Deputy Fox, I would like to thank them for their comments. The Constable of St. Saviour and Constable of St. Helier, I would like to thank for their comments, as Deputy Higgins regarding the campus. I think Deputy Le Fondré may have let the cat out of the bag a little bit, saying it has always been on the back burner anyway. What did worry me with regards to Senator Le Gresley, why I jumped in at the last minute with this amendment, if you look at the plans for the d'Hautree site, the new planning plans, there is a big yellow splodge over the whole area, which says: "Category B. Proposed Category A housing." That did worry me. It has been mentioned that in excess of 220 students use the former d'Hautree site. Where would they go? I know the amendment by the Minister for Education, Sport and Culture, as put forward by Deputy Vallois, says the site will remain in education use for as long as it is required. But what does worry me is that I am aware of the pressure that the Minister for Education, Sport and Culture is under. Recently he got a good roasting regarding school fees, some of it from me. I know he is under a lot of pressure to save or make money. The d'Hautree site, as it is, I had proposed to the Minister for Education, Sport and Culture to be used for postcode parking. Whereas students coming from the west of the Island at present, if they are going to Hautlieu or the Highlands campus would come up Wellington Hill, they then filter off to the schools there or at the top to Highlands and Hautlieu campus. They will go down Bon Air Lane, they would turn left on to the campus and coming out all the traffic has to come up Highlands Lane back on to Wellington Hill again, causing complete and utter gridlock. During the summer months T.T.S. (Transport and Technical Services) are putting in, I think, 4 bus lay-bys at the bottom of Wellington Hill to alleviate the traffic somewhat. But what I had suggested to the Minister for Education, Sport and Culture, which is still under discussion, is something called postcode parking, where everyone coming from the west who will be attending the Highlands Hautlieu campus with a vehicle would have a permit to park on the d'Hautree site, which would mean the traffic would come up St. Saviour's Hill, turn in and park there. People coming from the east would come in the top end and down Bon Air Lane. It is belts and braces. I have brought this amendment in support of education, not to oppose anything. But we know the Minister for Education, Sport and Culture is going to be there for the next few months, we do not know who the next one is going to be, and we know the pressure he is under. It may be the same one. You never know. But I thank everyone who has spoken and I ask for the appel.

The Bailiff:

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

POUR: 12		CONTRE: 28		ABSTAIN: 0
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Connétable of St. Helier		Senator T.A. Le Sueur		
Connétable of St. Brelade		Senator P.F. Routier		
Connétable of St. Martin		Senator T.J. Le Main		
Connétable of St. John		Senator F.E. Cohen		
Connétable of St. Saviour		Senator J.L. Perchard		
Connétable of St. Mary		Senator A. Breckon		
Deputy of St. Martin		Senator S.C. Ferguson		
Deputy J.B. Fox (H)		Senator A.J.H. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		
Deputy K.C. Lewis (S)		Senator F. du H. Le Gresley		
Deputy T.A. Vallois (S)		Connétable of St. Ouen		
Deputy J.M. Maçon (S)		Connétable of Grouville		
		Connétable of St. Clement		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisier (S)		
		Deputy G.P. Southern (H)		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		

The Bailiff:

Very well. Then we return to the debate upon the amendment of the Minister. Members may feel that everything that has been said has been said. Does any other Member wish to speak? Very well. All those in favour of adopting the amendment of the Minister kindly show? Those against? The amendment is adopted.

Senator J.L. Perchard:

During my speech this morning on the Longueville Nursery's rezoning debate, I said that planning permission had been granted to improve the invisibility, access and sightlines on the junction of New York Lane and Longueville Road. My statement was later contradicted by the Assistant Minister for Planning and Environment, who informed the Assembly categorically that no such permission existed. I can confirm that with permit 1267 planning permission was granted to improve the junction on New York Lane and Longueville Road on 9 February this year. It was not I who misled the House.

The Bailiff:

Well, who inadvertently ...

Senator J.L. Perchard:

Apart from making a small error in the proposition. [Laughter]

The Bailiff:

Senator Perchard?

Senator J.L. Perchard:

Yes, Sir.

The Bailiff:

Inadvertently misled the House.

Senator J.L. Perchard:

Sir, it was not I who misled the House.

The Bailiff:

Inadvertently misled the House. Please withdraw any invitation of deliberately misleading.

Senator J.L. Perchard:

Sir, I have not accused anybody of misleading the House.

The Bailiff:

You said “misleading”. That can be taken to be deliberate.

Senator J.L. Perchard:

Sir, I am making no allegations against any other Member.

The Bailiff:

Very well, thank you.

Senator F.E. Cohen:

Sir, may I just comment that the comment made by Senator Perchard does reflect on my Assistant Minister in whom I have absolute confidence in. If he has made an error I am sure it was in the heat of the moment. He is a first class chap and he does a very thorough and diligent job. Thank you.

1.6 Island Plan 2011: approval (P.48/2011): twelfth amendment (P.48/2011 Amd.(12)) - resumption

The Bailiff:

Very well, thank you. We revert now to the proposed order which is the 12th amendment lodged by Deputy Le Claire. The Minister has already made it clear that he will be opposing this one. So I invite Deputy Le Claire to propose the 12th amendment.

1.6.1 Deputy P.V.F. Le Claire:

Samarès Nurseries; as is made clear by the planning inspectors there is a housing crisis in Jersey. There are not enough affordable homes available. This problem becomes more acute with every passing year, as evidenced by the unsurpassed numbers on the Housing Department’s waiting list. We must ensure that this crisis is resolved and that sufficient housing is made available. We have a duty to provide adequate housing for younger generations. Indeed that is an objective and a commitment and an aim in all of our strategic plans; to adequately house Jersey’s population. Yes, 80 people in St. Helier this week, as announced on the radio yesterday, are homeless. Every shelter that is built fills instantly. It is clear that the development of Samarès Nursery is crucial to meeting the objective of supplying affordable homes on the Island, especially as it can deliver these homes early on in the plan, unlike the States-owned sites that have been suggested at the eleventh hour. We all remember the shambles of the Sunshine Hotel purchased by the States in 1999 for social rented housing and then sold to a developer 10 years later with no restriction on the housing category. The Minister, in his own White Paper, the original draft Island Plan, indicated that there were no better or more suitable sites available in the Island. No better or more suitable sites in the Island. It is one of the largest and most important parcels of brownfield land available for category A housing. When the independent inspectors visited the Island last year to conduct their

assessment, they concluded with conviction that the merits of the site are considerable. The site is well located in relation to the built-up area. It has good services, buses, schools, a church, a shop and of course the magnificent facilities as Florence Boot playing fields. It has little damaging impact on the countryside and as previously developed land which is falling into dereliction. The independent inspectors, therefore, opposed the deletion of Samarès Nursery from the Island Plan. Again, it is worthwhile repeating their view. We conclude with conviction that its merits are considerable. All these factors taken together, especially its compatibility with the special strategy of the Island Plan suggest that this is a good site. We disagree with the Minister's proposed modification to remove the site. That was their view then, confirmed in their second report, when they stood by their previous recommendation. It is the independent inspectors' view that is driving forwards the belief, not only in this Assembly but in the minds no doubt of the Minister and his colleagues, that States own sites can deliver affordable housing. It is their opinion, from the addendum, that they issued the Minister for Planning and Environment and release to the public based upon a section of a speech that Senator Ozouf made without any reference to the people that would be developing these States-owned sites in the future. The independent inspectors' comments need to be taken into account, because if we think they are right in delivering housing on States owned sites then we must agree with them that they are right about not removing this site as the best site for affordable homes necessary to help alleviate this housing crisis. For the plan to state that 475 category A homes need to be built in the first 5 years of the plan and then removed the one site which could provide up to 150 of these affordable homes in one go is absolutely ludicrous. It is clearly a political decision based on parochial interests rather than Island-wide interests. Surely this housing crisis is a matter of Island-wide interest. It is therefore a duty of the States to address the shortfall of supply early on in the planning period. Because even the Minister concedes that the States owned sites will only deliver 50 of these in the first 5 years of the plan (at table 6.3 in the Island Plan); only 50 affordable homes in the first 5 years. At a time when the waiting list on housing are unsurpassed and the crisis is with us today. This site has been owned by the same local family for over 55 years. It became a disused glasshouse site in 2002 and a derelict one in 2006 when the States ordered the removal of the glass and left the frames to buckle, making them completely unusable. The Minister for Planning and Environment at the time, Senator Freddie Cohen, assured the owners in a letter from the Director of Planning in the following terms: "The Minister is aware that the site is a reserved housing site under policy H4 of the Island Plan 2002 and has asked me to state that removal of the glasshouses would not in any way affect that designation." Samarès Nursery was located on the eastern side of Le Squez. It is presently in the built up area; this fact has up until now been conveniently masked over. Therefore, it would be indeed helpful if the Minister could confirm setting aside the Samarès Nursery is presently an H4 site, which means that it is safeguarded for category A housing, that the site indeed falls within the boundary of the built-up area. The majority of the site is bordered by existing housing. The site cannot be seen from the St. Clement's inner road. Developing this site would have very limited visual impact on the environment because, if anything, the visual aspect of the site would be improved by the removal of the old glasshouse frames and overgrown vegetation. The site has been surveyed by architects, civil engineers and surveyors and a feasibility study was compiled and submitted to the planning department in February 2004. Further comprehensive reports by U.K. consultants paid for by the owners, not the developers - there are no developers, there is no scheme, there is no plan - was also compiled in 2010, which included a transport appraisal, an ecological assessment, a noise survey and a soil contamination report. All these documents see no reason why the site should not be developed for affordable housing. Indeed remediation of the soil contamination would be a significant environmental benefit. This draft Island Plan comes to us a year and a half late, with a Minister who has only 4 months left in office. It seems to me this plan is being supported because Members are more worried about the electors in the upcoming elections than the electorate themselves, especially those whose needs are not being met and who are currently desperate for affordable housing and for those who cannot afford housing.

[12:45]

I ask Members to please retain this site in the plan as originally recommended by the Minister himself in the White Paper and by the inspectors in their first and second reports. This site is ready for development now and could commence tomorrow. Work is currently undergoing completion in the Le Squez by Housing literally 50 feet away from where this could begin. I strongly advise Members to keep it in the Island Plan. Going on past records, when do we believe the States owned sites will be available? Look at the 2008 sites that I mentioned yesterday. We can go and look at one of them, Trinity, because that is the only one that is finished. I put it to Members the promise that these things will move forwards in the next 12 months and then in the following 12 months is just ridiculous. This was recently confirmed by the Minister for Housing, who now supports the site, having looked at the independent inspectors' reports carefully and having spoken to his officers. I congratulate him on this and reiterate my support for him and the outstanding team at Housing whose lives are faced with these issues day in and day out. They carry on quietly and calmly under great pressure with little positive media. They want this site and have told the Minister this in no uncertain terms. It is simply the best site on the Island and the need is becoming desperate. We have duty of care for these people also and they and their Minister and his able assistant, the Constable of St. John, need all the help and assistance we can give them. I ask Members to please support this site today.

The Bailiff:

The amendment is seconded? **[Seconded]**

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Yes, and the adjournment is proposed and the Assembly will reconvene at 2.15 p.m. and Members will recall we are sitting until 6.00 p.m.

LUNCHEON ADJOURNMENT

The Deputy of St. Peter:

I apologise to the Assembly for missing the last 15 minutes of the meeting this morning, but I was attending an update meeting for a development in town. But I was listening to the radio and was concerned that Senator Perchard would have appeared to have suggested that I had misled the House regarding my comment regarding a road improvement. I would just like to confirm that I did not believe I had misled the House. I did check twice, with my officers next door about the application for a work to improve that road junction that no such application did exist. There was an application on a totally different plan where a condition was required to improve the junction. That was not the improvement that I was referring to. I see that Senator Perchard is not here for the moment, but I would like to make sure that I did not mislead the House. Listening to the radio I was aware that you did ask twice that he should use the word "inadvertently". At best it was inadvertent, but I do not think I did.

Senator F.E. Cohen:

Can I raise an issue before we recommence? From talking to States Members it would seem that a very significant number of Members are, for a variety of reasons, unable to be in the Assembly next week. I just raise the issue that clearly for democracy to operate we need a goodly number of those elected by the electorate to represent them to be in attendance. I do not know quite how we are going to debate such an important matter as the Island Plan, which frames the future of the Island for the next 10 years with so many Members absent. I wonder if anyone had any ideas of an alternative.

The Bailiff:

Well, I do not know how many Members are going to be away, but the Assembly at the moment has agreed to sit at 2.30 p.m. on Monday and then to carry on sitting for the rest of that week. It is hard to see what else can be done, Senator, because the following week, the 5th July, already has an extremely full agenda.

Deputy T.M. Pitman:

We could sit through the night until we finish. I am happy to do so.

The Bailiff:

There is absolutely no prospect, in my opinion, of finishing today, even if we sit until 4.00 a.m., there are still a substantial number of amendments and unless Members show very much more restraint on speaking than they have so far it will go on. **[Approbation]**

Senator F.E. Cohen:

I wonder if we could maybe look at this later on in the day and see if Members are able to speed up, because most of the arguments, particularly in relation to rezoning, have already been put forward. It is only exceptional matters that need to be presented by Members to the States rather than running through the same points over and over again.

The Bailiff:

Well, can I suggest we see how we go? We are going on to 6.00 p.m. Then at 6.00 p.m. Members can take a decision at that stage. I must say, it does seem to me that Members do not need to speak on every amendment. They can vote without necessarily speaking and certainly points which have been made in relation to other amendments do not to be made again.

Deputy J.A.N. Le Fondré:

Not a speech, but I think I may have declared an interest on this particular debate, there is not a declaration of interest to make, so if I did, could I withdraw it, Sir. Thank you.

The Bailiff:

You withdraw it.

The Deputy of Grouville:

In relation to the arrangement for public business at our next sitting I have flagged an issue up with the P.P.C. (Privileges and Procedures Committee) chair. When would be the best time to discuss this? Bearing in mind I am Jersey Overseas Aid next week.

The Bailiff:

I see. Is it a very brief matter? Can we deal with it now, then?

The Deputy of Grouville:

I doubt it is brief. I would like my debate on the senatorial positions taken before Deputy Pitman's that asks for no further debates until the outcome of the Electoral Commission, because if that is accepted then my proposition will fall.

The Bailiff:

As was made clear to Deputy Pitman at the time it is only expression of opinion, it does not prevent debate on a further matter. It will be for you whether you continue with it or not. As was made clear when Deputy Pitman's was lodged, it does not prevent any further debate, because one Assembly cannot prevent another Assembly from debating something. It merely expressed an opinion of the Assembly. Now, if it has just been carried, I would have thought that would be a pretty good indication that yours was not going to succeed. But that is a political matter, not a procedural matter. It is up to you. Are you proposing that yours go first?

The Deputy of Grouville:

I am, Sir, yes.

The Bailiff:

Is that seconded? [Seconded] Deputy Pitman, do you have a view on this?

Deputy T.M. Pitman:

Absolutely, Sir. As we saw last week with the Deputy of St. Mary and yourself, he made the point that he was a gentleman and I would of course normally let a lady go first, but although I am a gentleman I am not going to let the Deputy go first if I can do anything to prevent it. My proposition was lodged 3 weeks before hers. If we are going to start throwing away Standing Orders then let us go the whole way. I am afraid, with due respect, because I have got a lot of respect for the Deputy of Grouville, but my proposition is about saving us from this type of navel gazing, so I will fight tooth and nail to have my debate first. Thank you.

The Bailiff:

Very well. Well, then it seems to me this is a simple matter of voting. Members must decide which one they want to take first. We cannot afford to spend a lot of time talking about it now. The Deputy of Grouville has made her proposition. So, do you ask for the appel, Deputy, in relation to your proposition?

The Deputy of Grouville:

I would, Sir, unless Members wish to discuss it at the beginning of the session on 8th July.

The Bailiff:

I suggest Members should vote now, because it has got to be listed. So, do you ask for the appel, Deputy?

The Deputy of Grouville:

Yes, I do, Sir.

The Bailiff:

Yes. The appel is asked for in relation to the proposition of the Deputy of Grouville that her proposition 99 be taken immediately before the proposition of Deputy Trevor Pitman. If you wish to do that you vote pour if you do not wish to you vote contre. The Greffier will open the voting.

The Connétable of Grouville:

Sir, I wonder if you could clear with us proposition 99. What does it entail? I am sorry I missed the exchanges earlier.

The Bailiff:

Very well. Proposition 99 is the one which wants to ask the Privy Council not to approve the matter reducing the number of senators.

The Connétable of Grouville:

Right, thank you.

The Bailiff:

Very well. Those in favour vote pour and those against vote contre. The Greffier will open the voting.

POUR: 12		CONTRE: 25		ABSTAIN: 0
Senator P.F. Routier		Senator T.J. Le Main		
Senator F.E. Cohen		Senator A. Breckon		

Senator S.C. Ferguson		Senator F. du H. Le Gresley		
Connétable of St. Ouen		Connétable of St. John		
Connétable of Grouville		Connétable of St. Saviour		
Connétable of St. Martin		Connétable of St. Clement		
Connétable of St. Peter		Connétable of St. Mary		
Deputy of Grouville		Deputy R.C. Duhamel (S)		
Deputy of Trinity		Deputy of St. Martin		
Deputy K.C. Lewis (S)		Deputy R.G. Le Hérisssier (S)		
Deputy I.J. Gorst (C)		Deputy J.B. Fox (H)		
Deputy of St. Mary		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (B)		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

The matter stays in the order which it is at present. Now, we return to the amendment lodged by Deputy Le Claire and I saw Deputy De Sousa.

1.6.2 Deputy D.J. De Sousa:

I will be, as usual, very, very brief. I just want Members to realise that the Deputy in his proposing of this amendment seems to get things a bit mixed up. The proposition is for category A housing. The Minister went to lengths telling us exactly what category A housing entails. Then the proposer went on to say about housing list for social housing. I do not understand how accepting this proposition will alter the housing list. So, I would be tempted, unless convinced otherwise, to vote against this. There was also an intimation that Housing could possibly purchase this site. We cannot vote on a proposition on a possible, it has to be a certainty. Thank you.

1.6.3 The Connétable of St. Clement:

I will be as short as I can, but this is an important amendment as far as I am concerned. An amendment which is probably well intentioned but it is so totally inappropriate on so many counts that it is almost difficult to know where to begin but one thing that Deputy Le Claire said, or at least implied in his comments just before lunch, is that this site is already surrounded by houses. Well, I am grateful to him for putting up the photograph on the board which shows clearly that it is not. It does have houses on 2 sides but on the other sides it is open, greenfields and if this amendment were adopted, this would be a major incursion into the countryside and it will be very difficult to resist, in future planning debates at whatever level, the fields alongside it. This cannot be considered infill; it is certainly a major incursion. I promised myself that I would remain calm and not get angry during this debate and I think I can stick to that promise providing nobody calls St. Clement N.I.M.B.Y.s (Not In My Back Yard). I will say why, because St. Clement is indeed the smallest Parish in the Island by a long chalk. It is 50 per cent smaller than, for example, St. Mary. It is the most densely populated Parish outside of St. Helier. It has made a tremendous and significant contribution to housing the population of this Island and it continues to do so. In the last 10 years, some 495 homes have been completed in St. Clement. That is 150 more than the nearest Parish outside of St. Clement, that being St. Saviour and approximately 500 more that were

completed in St. Mary. As I say, we continue to make provision and the Parish does not send out objections to the 40 units, for example, that are currently under construction in Plat Douet Road, the 11 homes that have just been approved in Georgetown Park Estate, the small estate which is being created on the Jersey recreation ground site, the 80 units being developed off School Road in St. Clement, the 40-odd homes which are being created on field 274 in St. Clement and, even recently, 9 new homes have been applied for in Samarès Lane. St. Clement is making a significant contribution and I will resist any claim that this is a N.I.M.B.Y.ism objection. The Samarès Nursery site has a proud history in agriculture and horticulture, a history which, with good husbandry, a will, some investment and encouragement from the States can be repeated. Demand for land for growing purposes is higher now than it has been for decades. Yes, mainly for potatoes but also for glass grown crops such as flowers, plants and indeed even potatoes. Demand is evidenced by the fact that Planning are being asked to approve the construction of new glasshouses because current, unused glasshouses are not available to rent or purchase. Now when we consider the value of the areas of horticultural land and then compare that with the potential housing value, I think we can understand why owners are not making their glasshouses available for sale or rent to growers who want to work them. It is ironic, it is worrying and it is frightening that in 10 years' time when we debate a new Island Plan, this new glass being built now in the countryside will probably be derelict and unused because the signal we are going to push out if we approve this amendment is that they will be 100 times more valuable as derelict sites rather than working, vibrant and profitable agricultural and horticultural units.

[14:30]

If this amendment is accepted, more of our countryside will become derelict and therefore more valuable. Less Land will become available for cropping and how can we justify that when we know - the United Nations has made it quite clear - that the world needs to increase food production by 50 per cent over the next 20 years. We need to play our part in that and pouring concrete over our fields will not assist us in making our contribution. This land is undoubtedly needed for growing but is the greater need for housing? The answer, as proven by the Minister, is a clear "No". As the Minister has said, the estimated need during the lifetime of this plan in Jersey is for 4,000 homes. The plan will create something like 4,600 new homes without this or the other amendments so that, in any event, there is going to be significant oversupply, flexibility and safety built into the plan as proposed and unamended. So what is the risk by creating more homes than we need? There are 2 problems. Firstly, if we do create more homes than is needed, prices will drop causing the misery of negative equity for thousands and, secondly, we will have significantly more homes lying empty than we do at present. So to fill them and, indeed, to build all these extra homes, we will need to import people and therefore increase immigration which is exactly what Deputy Le Claire and, indeed, most of us do not want to happen. Turning to the site of Samarès Nursery itself, despite the words of the planners and the inspectors, there could hardly be a worse site for a major development. You see, it is part of Le Marais, the marsh. Now God created the marsh and all marshes for a purpose. To dispose of water. The more concrete we pour over the marsh, the less area available for excess water, therefore the greater risk of flooding, but there can be engineering solutions to flooding problems, can there not? Well, can there? Let me tell you about engineering solutions to flooding problems. Just 2 or 3 years ago, a small estate of 12 to 14 houses was built on the marsh alongside the Samarès Nursery site; a relatively small addition to the homes already in the area but Planning recognised that an engineering solution was required to deal with the excess water that would be created. Such an engineering solution was accordingly installed. Since the estate was completed and occupied, the toilets back up every time it rains, and I say every time it rains. Not when we have a deluge; every time it rains. At the same time, the gardens at Le Clos De La Mare just across the road from this estate flood, never having done so before. Never having done so before this small estate of 12 to 14 houses was built. The road serving the estate, Rue de Maupertuis, has collapsed. It has collapsed twice in the last 18 months

because of excess water undermining the road causing great inconvenience to the residents, great expense to the ratepayers and no guarantee that it will not happen again. An engineering solution for 12 to 14 houses did not work. What confidence can we have that an engineering solution for 150 will? Deputy De Sousa raised the matter but I note in the report of Deputy Le Claire that it is intended that, if it is adopted, the States will purchase the site but the amendment is silent on what price is being asked or offered. Really, I think we need to know. I think we need to know where the money is to come from. I think we need to know if we are going to pay for the value of unused agricultural land of a few tens of thousands of pounds or are we going to adopt this amendment first and pay £8 million, £10 million, £12 million, £15 million, £20 million? I think, really, we need to know. I do not exaggerate this value because if we do rezone the site and the States want to buy it, the States will be in a bidding war with every developer in the Island because, as Senator Cohen mentioned during the earlier debate, if this amendment is adopted, it is being zoned for category A housing and category A housing includes first-time buyer homes that sell for £400,000 to £450,000 or it might be open market sheltered housing possibly, which is £400,000 plus. This is going to be an amazingly valuable site. That is what we are talking about. A massive financial bonus for the landowner more than most Pools wins and even the vast majority of Lottery first prizes. It is wrong that we should be asked to do this, to provide riches beyond the dreams of most to someone for doing nothing. Literally nothing but neglecting their land, neglecting their buildings and denying their responsibility as guardians of the countryside. This is a level of benefit we are handing to owners with not one penny coming back to the taxpayer and no one else likely to benefit as the housing need will be met by the Island Plan as proposed. In any event, this will not help one person on the rental waiting list because, as I say, they will be owner/occupier homes, if they are created, and certainly not the 80 homeless people that Deputy Le Claire spoke about this morning. If we really want this site in public ownership, then I say we buy it at current values and return it to agriculture where there is a real demand but in the contract with the owners, put in a clause that if it is ever developed, they can have a percentage of the increased value but do not give them the increased value now with no benefit to the taxpayer and no benefit to those who need the homes. At every level, this amendment is totally inappropriate and I ask the States to reject it.

1.6.4 Deputy J.A. Hilton:

Very, very briefly, I would have liked to have been able to support this amendment today but I will not be able to mainly because we have been told quite categorically today that category A includes the 4 different types of housing. As the Constable of St. Clement has stated quite clearly to everyone, this site will not deliver one single social rented house and it is really, really important that Members understand that. Again, I mentioned it this morning but, briefly, I went on to a couple of websites of estate agents today to look at the price of homes. I made the point this morning that you can buy open market homes for far less than you would pay for first-time buyer homes and found at least 12 priced from about £325,000 up to £400,000 which included 4-bedroom homes as well, so I would say that there is no requirement for first-time buyer homes. But what is important is that Members reject this amendment because if you agree it, all you will be doing is putting millions into the back pocket of the people who own it and not deliver one single unit of social rented housing. One other little thing that I would like to clear up is I think Deputy Le Claire referred to this site as being in the built-up area. The only reason it is in the built-up area was when it was rezoned in 2002, it was an H4 site and it was assumed that, at some point, it would come forward for consultation and it would be in the built-up area. Prior to that, it was in the sensitive landscape agricultural priority zone. It is important Members knew that. Thank you.

1.6.5 Senator T.J. Le Main:

I am totally depressed listening to the last 2 speakers. I live not 500 yards away on this so-called marsh and I am a resident of, as I say, St. Clement. I just cannot believe what I am listening to when I heard the last speaker and the Connétable say it will not deliver one rental home. Well, let me try and explain. This glasshouse site - which, some years ago, they were made to take out the

glass on the instructions of the Planning Department and subsequently the aluminium structures had deteriorated no end - is seen by the housing officers, by the planning officers, by everyone concerned with the provision of homes for people as the best site in Jersey. Let me try to explain that, over the years, I have been very much involved with the housing officers and planning officers and the owners of this particular site. This site is absolutely desperately needed for lifetime sheltered homes for people. We have got well over 300 elderly families waiting to be housed so this site, like others, went out to consultation and the public were not opposed to developing old glasshouse sites as long as they were in the built-up area or close by to existing developments. There was no opposition. The only opposition that has come along is the N.I.M.B.Y.ism of people that are living currently, I notice, from Manor Close and I can well remember Manor Close and I remember many of the people that live there. I remember Manor Close when they built that estate. It was built in an open greenfield and there was opposition at that time when Manor Close was built and Ernest Watson Close at that time when they were built. It is all very well that the Constable, on his election or seeking election as Connétable, knocked on every door and said: "I am opposed. Please sign my petition. I am opposed to any further greenfield large development in St. Clement." I am sorry. I live in a real world. I live in a real world where there are people in need and in desperate need; elderly people that have worked all their lives in Jersey and have brought up families and lived on miserable salaries and wages and towards the end of their lives, still living in awful, unsuitable, unaffordable accommodation. The ace card is in the States of Jersey Housing Department on this site because the exits is through Le Squez and if there was ever any development on the site, the Planning Department have said that the entry to the site would come off from the inner road and would exit so no development can take place because the States have got full control. It cannot be built by a developer; it cannot be developed by the owners. It could only be developed by the States of Jersey Housing Department. I see the Deputy of St. Clement ...

Deputy I.J. Gorst:

Sir, I wonder if the Senator would give way. He is bordering on inadvertently misleading the Assembly.

Senator T.J. Le Main:

No, Sir, he will have his say after. Have your say after.

The Bailiff:

You will be able to respond in due course.

Senator T.J. Le Main:

You will have your say after. You have moved out of St. Clement. You are in St. Ouen now. [Laughter] It is all very well for you. A nice new house on the sea down there.

The Bailiff:

Now, now, now, Minister. Senator, it is quite improper to refer to what people may or may not live in and what sort of house they may have. This is a debate about policy. Please confine yourself to it.

Senator T.J. Le Main:

Right, anyway, I have lost track of what I was going to say there. Anyway, the issue is that this site will not and cannot be developed privately because the Planning Department have the trump card. It can only be developed because they say it has to go through States property and the Housing Minister will say: "Yes" or "No" and if an application came through and this site was rezoned, the Housing Minister would say: "No" and all this talk about the Connétable saying: "Is it worth £10 million or £15 million?", what a load of rubbish.

[14:45]

The owners of the land realise and have been told that the States have got a trump card on this site. They have been told that there is no point in trying to develop or sell to a developer. They have tried in the past and I will not work because the States will carry the ace card and they are now willing to discuss with the Minister for Housing and the Housing Department and they have agreed to discuss a scheme that could bring forward up to 130 sheltered units, some for sale for lifetime homes and to include in the centre what we have all been trying to achieve; the relocation of the Eastern Good Companions Club. It is an aim that we should all try to achieve and it is quite clear this is well able to be done, so I do not want this red herring being thrown around that there is not going to be one rental unit on the site and they can do what they like and they can put what they like on the site. They cannot put what they like on the site because, as I say, the States hold the trump card. The flooding. Well, I do not blame the Constable. He is making the case but, yes, there has been some flooding but I have spoken to the residents as well and some of the residents have been complaining that the flooding was the cause of bad workmanship by the developer and, in fact, being unable to contact the developer at any time. They were having great difficulty in contacting the developer. Is that not true? As I say, this site meets all the criteria and passes everything. It will be the only site in this Island Plan that the States themselves will be able to develop. They will be able to buy the land off the owners, they will be able to develop it and they can wash their face financially with it. No question there. Our Housing Officers desperately need this to make a real hole in the waiting list for elderly people. You have only got to look at some of the developments that have taken place in the last few years at Les Hinguettes and around Le Marais, and what have you, and some of the new developments where the Housing Department have been refurbishing and building new. If you could see those people and how now they are living in warm, affordable flats and apartments. Go and see some of the other stuff that is around, not only some of the older stuff in the Housing Department that is reducing all the time but in the private sector. My wife, a little while ago, helped a lady out. She is a nurse. She went to help an agency. They were absolutely stuck for a staff nurse so she went out to do a couple of visits in the community and she said she was absolutely horrified at some of the places that she had to visit and that people in 2011 were still living in conditions like that. Only recently, I was taking out a group of elderly residents from Le Marais and from Convent Court and what have you in a minibus on an outing and I mentioned the fact of the Constable having had a petition. When I explained to them when we passed through Le Squez on the way back - this is a little while ago, this is, before the roads were closed up - that there was a nursery and what Housing would like to do to make a real hole in the 300-odd elderly retired people that need a home, and all of them, including some that had signed that petition, would have changed their minds if they were given the true facts. I am not a N.I.M.B.Y. I have had building around my home for the last few years. I have got a lovely home and it is all very well for some Members to be laughing but this is serious stuff. We are talking about real people and I am sure that the Minister for Housing and the previous Minister for Housing will be able to show people cases of where people are living and how they are living. I think this is an exception to all the others. Although I supported the others, I think this is an exceptional case. It is the only case that the States can go out and buy and hold the owners to ransom on price. They can. They can hold them on to price. I am not going to mention prices in the Chamber today but the prices that have been banded or discussed with the Housing Officers, I bet the Housing Officers were rubbing their hands in glee if they could have achieved it and we have got willing sellers. I do not care what anybody says, in 2 years' time, 3 years' time or 4 years' time, that list of 300-odd elderly people seeking homes will double and people will spend the last years of their lives living in abject misery in some of the accommodation that is currently in parts of St. Helier and out and about. I urge Members to seriously support this. This is the only one that I feel so passionate about. In fact, in discussions with Deputy Le Claire, I would have taken some of these amendments forward myself but, as you all know, I have been accused of corruption by a Member of this Assembly and I can tell you that I have kept well away from public meetings because of these malicious allegations. So that is why I have kept in the sidelines, that is why I have been

quiet for a while but I am starting to wake up now. **[Laughter]** I can assure you that I feel so passionate about ...

The Bailiff:

I think most of us feel you have been well awake for the last 20 minutes or so.

Senator T.J. Le Main:

But I feel very, very passionate that, at the end of the day, people must come first and what we are talking about is sheltered lifetime homes, Eastern Good Companions and that means the elderly people of Jersey that have contributed so much to putting Jersey where it is now and we have a right to support them in their hour of need. I totally do not support my Constable. I like him as a friend but we are totally opposed on this point and my previous Assistant Minister I think has been selfish.

The Bailiff:

No, Senator. You must not attribute motives like that. They are being misguided.

Senator T.J. Le Main:

Well, they might be misguided. I urge Members please if it was your parents or grandparents and they needed somewhere to live, we really have a duty of care to provide them that and there is absolutely no way that what the Minister is proposing is going to meet anywhere near the needs of people. May I say that I think - and I am going to repeat it again - in the 34 years I have been a Member of this esteemed Assembly, this is the worst Island Plan in regard to housing where, in my belief, it is all on: "We are going to build here; we are going to build there; we have land here." Well, when I look at some of these sites, it is quite unbelievable. The Ladies College. Put them up on the old planning offices up there, a site that people cannot even get from town up the steep hill there. There are loads of complaints. There are buses that are being required or Members are asking for buses to be able to take people around. Well, I am gobsmacked and I will continue and continue and continue while I am a Member of this Assembly to fight for the underdog and I am going to continue to fight for the elderly people which I hold so dear as a Jerseyman.

The Connétable of St. Clement:

Sir, during the Senator's comments, he stated that I had given untrue information to people who had signed the petition, which I lodged last year. Could I just ask him to confirm that was a slip of the tongue?

The Bailiff:

Can you repeat it?

The Connétable of St. Clement:

Sir, the Senator claimed that I had given untrue information or untrue facts to people who had signed the ...

Senator T.J. Le Main:

No, I did not. No, I did not.

The Connétable of St. Clement:

Was it therefore a slip of the tongue?

Senator T.J. Le Main:

I just said as part of your election campaign, you asked people to support your view on no more building in the what do you call ...

The Bailiff:

I did not hear him say that. Deputy Tadier.

1.6.6 Deputy M. Tadier:

Listening to that speech, I wonder whether the Senator in fact perhaps unwittingly is not so much fighting for the people of Jersey but fighting for the profits of the developers and fighting developers. Someone is going to have to build the houses and it is certainly not the States, is it? I do not think the States are building them because we are not in the business of building houses, so it is a private construction firm who will be developing the land. I do not think they just magic up overnight, Senator, so that is the point I am making. I will not be supporting this primarily for 3 reasons. The first one is I do not believe that if this is to be developed the houses on that site will be affordable because we have not solved the affordability problem of houses. That is the bottom line, we do not have a solution for that as a States Assembly and there is nothing to say that these houses are going to be affordable. As we heard in the previous debate, the houses on there will be expensive because houses in Jersey are expensive. The second point is that I completely agree with the Constable of the Parish, that in the future we will need greater areas of land for agricultural purposes because we know that markets are changing. It will become more expensive to get food to Jersey, partly because food will become more expensive to produce, and also because of the shipping costs in the future, which is a real problem. It is not something that we look at in this Assembly because we do not necessarily have the expertise or the ability of clairvoyants when it comes to those things, and I include myself in that category as well. But at the moment it may not be completely viable to produce our own food in a big way and sell it for profit, but in the future it will become increasingly viable to do that and we will need the agricultural land, and I agree with the Constable on that basis. Interestingly, that argument did not really come out in the population debate from that direction because as we will recall, and I am sure somebody else was there, I will not labour the point, and I think all 3 representatives from the Parish did decide to increase the population but of course we have been told that they are also housing their fair share in their Parish so I will probably let that go for the moment. Also, I do not agree that we need to increase the population, as I have said before. Now, I want to address some general comments but they are still germane to this amendment and by doing so now I hope I will not need to do that, or I can say I will not need to do that again. It is to do with the fact that we have not solved the problem of affordability. One of the comments I found quite interesting from the Constable of St. Clement was to do with negative equity. We have got this argument that by building houses here we are somehow going to be providing negative equity somewhere else, everywhere else in the market. This is not necessarily my opinion but there is an argument, which could say: "I did not force you to buy your house therefore if it so happens that because we need to provide affordable houses for other people, and just because your house price has gone down in value and you took the mortgage out that was high, that is not my problem." Of course, as a responsible States Member I cannot say that but that is what somebody might say and these are the contradictions that we have to deal with when we treat houses as assets because houses are not assets and they certainly cannot be assets from a governmental point of view. We have a duty I believe, as a Government to adequately house the Island's population and it is in the Strategic Plan. It says that, but we also have to be aware of the question of affordability but that is the contradiction we are dealing with. If we have a market, which deals on supply and demand and when there is a limited amount of supply because space is short and we are relying on the free market to dictate what should happen, then these are the vagaries of the free market. The interesting comments from the former Minister for Housing, Senator Le Main, was saying that he had looked around the Island and there is lots of substandard accommodation on the Island. I completely agree; there is far too much substandard accommodation still in this Island both in the A to H sector, predominantly in the non-qualified sector. The reason for that is not because we need to give more power to the private sector just to knock up houses and sell them.

[15:00]

The reason that we have substandard accommodation in the Island still is because for decades we have not introduced any regulation, including the former Minister for Housing, did nothing to introduce regulation for the housing industry, which is the second biggest industry in the Island, the homes industry. To say, people who rent our houses have to have a minimum standard of ... **[Interruption]** A Minister for Housing, Sir, I did not give way but of course a Minister for Housing has absolute sway when it comes to these matters. He can introduce a policy saying that I want to have regulation to make sure that all of the accommodation in Jersey is fit for purpose. I am sure that the good Minister for Housing, currently that is one of his priorities, and he is nodding his head so he clearly thinks that he has got the capability to bring about some changes there. So this whole idea that we just have to let the market solve everything, and that States development is bad, that we are interfering somehow with the free market and that we have to be sensitive to the effects it is going to have on the free market. Negative equity, which I have said, of course is a problem. I do not have an immediate answer but in the long term I do have an answer. We need radical solutions here and I do not hear anybody in the Assembly giving solutions. The bottom line is that, my opinion, because in the absence of any other options coming forward we need to have States-owned property, public ownership is simply not working. People should not be allowed to own their own homes, they should not be able to sell and trade their own homes on the market. Well certainly we need radical solutions, which would say, for example, that maybe people should not be allowed to own more than one home because we know that while there is a housing shortage, I am not naïve to that fact, even without increasing the population there is a housing shortage, but the trouble is we have too many people sitting on land and sitting on property, and we have a rentier class in Jersey who simply make their money by renting out property, by not contributing to the pot, while roughly 10,000 unqualified people are unable to buy, unable to rent in the open market, and that money is not being put back into housing development. So that is simply one option, I am not necessarily advocating it as the only option but we do need some radical solutions in Jersey because at the end of the day we are not here to serve the market, we are not here to serve the relatively few individuals who seem to do very well either as developers, property owners, rentiers. We are here, as Senator Le Main has said, and I will agree with him on that last point, to serve the best interests of the public of Jersey, and I do not think we are doing that at the moment. So on that basis, I do not think I can support any developments that are being proposed in this Island Plan, any new developments, on the basis that we need to get to grips with how we house the population, how we can produce affordable housing and how will we deal with the issue of land value increases and taking part of that portion back for the public good.

1.6.7 The Connétable of St. Martin:

I will try and collect my thoughts because I have been having a couple of flashes of déjà vu. When I was first elected Connétable in 2005, the issue of Parish housing was discussed and we had a few schemes based on the 2002 Island Plan, which showed 4 H3 sites as sites available for rezoning for category A. We were very interested in these sites, and the Minister for Planning and Environment may remember a small delegation from the Parish going to see him about these H3 sites. At that time we would have quite liked to develop some first-time buyer affordable and also a further small development of category A social rented in the form of retirement homes for the, in those days over-65s, it is now over-55s, but those were the sort of homes we were looking to develop. Unfortunately, by the time I got my experts around bringing up some schemes and the architect sort of drawing preliminary drawings it was around about the early part of 2008 and I remember missing the boat for P.75/2008, which was the debates on social housing sites. I have regretted basically that St. Martin at the present moment does not have any schemes for social housing. We are working on a Village Plan, which will eventually be delivered to the Minister for Planning and Environment as a supplementary planning document and it will be again suggesting these H3 sites, which are very close into the village, in the village envelope, but of course by this time they will

have reverted to the Green Zone, and we are going to be asking the Minister for Planning and Environment to consider these H3 sites for social housing.

The Greffier of the States (in the Chair):

You are getting to Samarès, are you not, Constable? We are debating Samarès; you are getting towards Samarès, are you not?

The Connétable of St. Martin:

I am getting to it, Sir. I was listening with great interest to the Constable of St. Clement because here he is not wanting any more houses in his Parish and here I am wanting some more houses in the Parish. I did a survey last year for a Parish meeting, about housing, and I did a survey of the cost of housing in the Parish from the beginning of August 2009 to the end of July 2010, one year. There were 44 property transactions and the average price of property in the Parish is £817,000. Now, I am seeing in the Parish a change in the social profile. The social profile is going out of balance because there is no way that an ordinary family can afford those sorts of prices. Those prices are bumped up by the high value properties. In that same year, 44 property transactions, there were 12 properties that were selling in excess of £1 million, the averaging of those 12 was £1.8 million. I still want to get some ordinary housing in the Parish. We will be delivering a Village Plan in the next month or 2 or 3 ...

The Greffier of the States (in the Chair):

I am sorry to interrupt you, Constable, but we must get to Samarès, we are not debating St. Martin.

The Connétable of St. Martin:

Sorry, Sir, I am bringing basically ... The fact is this morning I was seeing sites being taken out of the plan, 15 houses taken out. I am saying that I do not know whether St. John have got a number of houses in their plan, which they are going to present. We are going to be presenting ... The amount of sites being taken out in Samarès has now been a large amount, they will be replaced from other sources. We want to put social housing in the Parishes. I respect what the Constable of St. John is doing and I am not sure how I am going to support this but at present I am feeling that ...

1.6.8 Deputy S. Power:

Sorry, I am losing the will to live. God, where do I start on this one? I succeeded Deputy Hilton at the end of 2008 to become Senator Le Main's second Assistant Minister, for all the right reasons at that time, and I became quickly aware in the department through the monthly policy meetings at Housing that the Chief Officer, the Finance Officer and the Director of Strategy in housing had been in fairly advanced negotiations with the owners of this site over a fairly extended period of time, and that continued right through 2009 and 2010 until I left Housing early this year. At no time did I ever attend a meeting with Senator Le Main, myself, and the owners of the property; that was always done through the officers. For principle reasons alone we did not ever meet the owners but I do know that the discussions then were largely based on a social rented scheme for this site. Now, the problem the Housing Department had and have is they were not in a position under Treasury rules to come into a financial contract with the owners of this site, but my point is that this is an ideal social housing site. Much reference has been made this afternoon to the fact that the owners could get this site zoned, if this site was zoned this afternoon the owners could then be into a windfall profit, that they would walk away from housing, that they would gazump housing, that they would do this, do that, do the other you know, sort of Walt Disney stuff. My understanding from the officers is that the owners have had seriously long discussions with the housing officers that I am aware of, and that the status of that has not changed. Now, that brings me to where we are today. The Housing Department were disappointed when the Minister for Planning and Environment last year some time gave this special power of veto to the Constables. I think it was at a public meeting in St. Ouen's Parish Hall one night when he more or less indicated, I think, I do not know the exact words, that he would generally respect the views of the Constable of the Parish

in terms of planning matters, and as a result of that we are where we are today with the Samarès site. We know it ticks all the boxes, I am not going to repeat what the Examination in Public says, but it ticks every box on the spatial planning planet, and that is where I am on this. I think it is very unfortunate that some Members seem to think that on this site will go higher value houses or houses that will be unaffordable because my understanding up to February of this year is this was ultimately designed to be a housing site within the Housing Department portfolio. There was going to be no developer involved. It would be a situation where if the Housing Department acquired it, and I hope they do, depending on what this House decides to do this afternoon, that they will go out to tender, very much like the contract that went out on Clos Gossett or any of the other estates. The Housing Department puts an advert in the paper, the contractors apply for the work, they tender and that is what happens. I am not prepared to subscribe to the theory that this site is going to go for astronomical gazillions of pounds because I think if this is done properly that will not happen. I am going to support the amendment because I feel we need to do something. I agree with Senator Le Main in one aspect of what he said, and I was not around in 2002, but I do have serious reservations about the effectiveness of this housing section on the Island Plan. That is why I lodged my amendment. There have been major concessions since last week but we will see where we go. I do not want to delay the Assembly, I am going to support the amendment.

1.6.9 Senator J.L. Perchard:

I would like to give notice that I will be asking a question of the Attorney General if he is anywhere within earshot. I have not got a lot more to add but there are a couple of points I want to make. I think we are on the verge of introducing a control, through the Island Plan process, of population of the Island. We are planning, what the Council of Ministers is proposing here, a method to control the Island's population by limiting housing supply. The consequences of this will be to drive away young Jersey people with aspirations to live where their parents and their grandparents and their families have lived for generations, to be replaced by Porsche-owning finance workers. This will be the consequence of supporting this Island Plan and the Minister's policy. Our kids are going to have to leave Jersey because they will not be able to afford to stay here. Deputy Tadier, while I understand your point of view and your resistance to supporting this and the Longueville sites, and that you ...

The Greffier of the States (in the Chair):

Through the Chair please.

Senator J.L. Perchard:

That he wants to ensure a mechanism exists to stop fortunes being made by developers. I say to Deputy Tadier, support these rezoning sites and the fortunes will not be there, the market will take over. The prices of sites will drop as a result of the availability. What we need is a proper mechanism to control population. Do not control our population by limiting the accommodation available. This is what I am afraid the failure to support this amendment and other amendments, and supporting this Island Plan will do. Porsche-owning finance workers will take over Jersey.

[15:15]

This is a brownfield site, will stay a brownfield site for the entire 10-year lifetime of this plan unless we approve it today. It will be a dangerous playground for children for 10 years. It is not going to change. It is not going to grow tomatoes again. There is no opportunity for the Minister to ensure that the owners get out there and plant a tomato or a potato. No, it will become rundown and derelict. This site is going to stay like this for a decade. I just want to close because much has been said. The process of the Examination in Public was a thorough 2-year examination. A full consultation was undertaken with all interested parties; all stakeholders, whether it was the Constable of St. Clement or those in need of accommodation, were consulted. There was a full programme of consultation. The inspectors came down firmly in support that this site should be

retained in the Island Plan. The Minister and his colleagues on the Council of Ministers who have different aspirations for the States of Jersey Development Company's success have put a black line through this proposal. I say to Members, let us get our priorities right. We have people desperate for accommodation and we have got a Council of Ministers with a thick marker pen and aspirations to see a successful States of Jersey Development Company. Are we losing our way? Are we losing our way?

The Connétable of St. Ouen:

I was a bit slow at catching the Chair's eye but at lunchtime outside in the streets I was approached and questioned about my relationship with the owner of this site. I do have a relationship with him in that he is a cousin of mine and for that reason I will not take part in the debate.

Connétable G.F. Butcher of St. John:

I am not sure; I am going to ask your advice on this one, Sir. If a reference back was proposed, would that be the whole plan or could this amendment be referred back? Because I think we are blindly going as no man has gone before into unknown territory yet again without full information.

The Greffier of the States (in the Chair):

I think the answer, Constable, is that the reference back would only be in relation to this amendment but the practical consequence would be that the other amendments would then continue and the debate would conclude and it would then be too late to bring this amendment back in its ...

The Connétable of St. John:

But it could come back as another entity at a later date?

The Greffier of the States (in the Chair):

Well it would require the Minister to bring a further amendment to the Island Plan, to go through the whole process of that.

The Connétable of St. John:

But just on this site?

The Greffier of the States (in the Chair):

It is possible for him to bring an amendment to the plan.

The Connétable of St. John:

The reason I stand and raise the question; Senator Le Main stated that the Housing Department have a key to this site, i.e. they have ransom strips, they have control over it. I am not at all certain that they do because if you look at the plan there, on the top left there is a small little track that runs to the main road. I know the owners because I know the lady that sold the bungalow to them. The owners of that site purchased the bungalow next door so there would be an entrance to the site there. I just think we are here going round and round in circles. I do believe this site should be built on, that is without question, but it needs to be the right property and the right mix of property. I have great concerns and if I could refer this back and for it to come back at a later date, either by the Housing Department or whoever, that I would like to propose.

The Greffier of the States (in the Chair):

Well, Connétable, the only problem is that the Standing Order on reference back states that a reference back cannot be proposed if it would prevent implementation ...

The Connétable of St. John:

I do not wish to stop the Island Plan debate. I just want to stop this amendment if I can.

Senator F.E. Cohen:

I think I will be covering the points that the Connétable is concerned about in my speech because very clearly if the trigger mechanism is implemented the trigger mechanism will ensure that the site is brought back anyway.

The Greffier of the States (in the Chair):

I think, Connétable, despite my earlier reference to referring back the amendment, Standing Order 83(2) does say: “The Presiding Officer shall not allow a proposal for a proposition to be referred back if the effect would be to prevent the debate resuming at a future meeting.” I think in practice the reference back would prevent debate because the Island Plan would be concluded, so I do not think we can have a reference back.

The Connétable of St. John:

I do not wish to conclude the Island Plan, but I would just wish Members to take on board that we are going through vagaries again here and we do not know the full facts on this site. If a proper amendment could come forward with guarantees in place that this could be social housing I would support it but I am not sure that I can where we are going.

The Greffier of the States (in the Chair):

If I could say from the Chair, Connétable, it is a site that has been around for a long time. It would surprise me if nobody from the planning offices or somewhere has some answer to your question about the access. It must have been looked at I would have thought from that.

The Connétable of St. John:

Well, it was the inference that Senator Le Main made that Housing hold the key. Now I know we do have some interests on the edge of that site but the owners have bought a bungalow, they paid an awful lot of money for it to gain access to that site so I am not sure that is guaranteed, Sir.

The Greffier of the States (in the Chair):

It may well be that someone could look into that.

Deputy M. Tadier:

Can I ask for direction from the Chair? It seems to me that another option, which would have the same effect as a reference back, and if the proposer were willing to consider it, would be simply to withdraw this and then there is nothing to prevent him bringing that back, perhaps when more information has been circulated in a different form.

The Greffier of the States (in the Chair):

The only thing I would say from the Chair, Deputy, is that Deputy Le Claire himself could not bring this back because it requires an amendment to the Island Plan. Only the Minister for Planning and Environment can bring an Island Plan so it is not really an option.

Senator F.E. Cohen:

I will endeavour to hold back a little now and to provide an answer with regard to access.

The Greffier of the States (in the Chair):

Thank you. Now, I saw the Deputy of St. John.

Senator J.L. Perchard:

The Attorney General is now in the Chamber. I did have a question I ...

The Greffier of the States (in the Chair):

Yes, do you wish to ask your question?

Senator J.L. Perchard:

Yes, I would have asked it had I been able when I was speaking. Is there a Supplementary Planning Guide, and so is there any other mechanism available to the Minister for Planning and Environment to stipulate that on a site approved for Category A housing can only be developed with social housing? Can the Minister ensure that a development permit is given only if the development takes place accommodating social rental?

The Greffier of the States (in the Chair):

Do you wish to have any time to consider, Mr. Attorney, or are you happy to ...? A very similar sort of question was asked this morning in some ways.

The Attorney General:

Yes, I shall try and answer it and if I find that I cannot get there then perhaps I will take a little bit more time. Article 4(4) of the Planning and Building (Jersey) Law gives the possibility of designating within the Island Plan land for residential purposes, be it rental land or land to be purchased, to be available to persons who could not otherwise afford to rent or to acquire property within the Island. So it seems to me that the provision of affordable housing, in the most general use of that term, is something that is well within the parameters of both the Island Plan and the Planning and Building (Jersey) Law. Article 19 of the law indicates that the Minister can give permission subject to such conditions as are reasonable. They must be planning conditions but they must be reasonable planning conditions. It seems to me that putting those 2 together, the nature of what can be built on a piece of land is clearly a reasonable planning consideration, and so is the affordability of that a reasonable planning consideration. Both of those seem to me to fall squarely within the parameters of the Planning and Building (Jersey) Law. The nature of the conditions that can be placed on land are very wide indeed; for example, a Minister can attach any condition that fairly and reasonably relates to the proposed development. He can put a condition that talks about the number or dispositions of building on the land, the manner in which the land should be laid out, the use of the land, the occupation and use of any building on the land insofar as it serves a planning purpose, including in particular the use of any building for a purpose referred to in Article 4(4), which is the affordable residential housing parts that I have just mentioned.

Deputy P.V.F. Le Claire:

Could you please repeat that list, my shorthand is not quite the best.

The Attorney General:

Well, I am paraphrasing the first sub-paragraphs of Article 23 of the Planning and Building (Jersey) Law. I am not giving an exhaustive statement of what those conditions may be but that is where they can be found. It seems to me that taking those together it is possible for the Minister to put conditions on a development permit that relates to the type of affordable housing that can be built on any particular parcel of land. Naturally any decision that the Minister makes, and any condition that he wishes to put on, must be necessary and proportionate because he would not be acting in a human rights compliant manner if he were to do otherwise, but as a matter of principle I think he can attach those kinds of conditions to development conditions under the law.

Senator F.E. Cohen:

Would the Attorney General please expand a little because I have had advice from the Law Officers' Department on this area, that if a site is zoned under Category H1 and that a specific condition is attached requiring, for example, first-time buyer housing, that if an applicant was able to show that there was demand for another form of housing of the affordable type, for example, social rented, that he would be entitled to make an application and have reasonable expectation of a consent for that type of affordable housing because he has shown that there is demand? Because that is the issue that I am concerned about because it is specifically controlled in the planning policy through a supplementary planning guidance, which must be based on reasonable need. To

make the question as simple as possible, can an applicant try and achieve a different type of category A, H1 housing, i.e. social rented rather than first-time buyer, on the basis that he can demonstrate that there is a demand for such housing?

The Attorney General:

It seems to me that the demonstration of demand for a particular kind of housing is a factor that goes to the reasonableness of any condition that the Minister places on the land. If an individual comes forward and says: "I am not happy that you are proposing to put a particular condition on" and can point to the reasons, which it would make it unreasonable to do so, then I think that that would be a matter that would bear on the Minister's consideration.

The Deputy of St. Mary:

May I ask for clarification on just that point that the Minister raised? There are 2 possible situations hypothetically. One is that someone brings forward first-time buyer within H1, within category A and says: "I can show a demand so although the Minister asked me to do 50/50, social rented and first-time buyer, I want all first-time buyer" because obviously it is almost twice as valuable, if not twice as valuable. Now, if the applicant can show that there is a demand for first-time buyer, is the Attorney General suggesting that the Minister cannot stick to his half and half because there is a demand for both?

The Attorney General:

I wonder if I may just take a moment or 2 to just consider that particular aspect to the question?

The Greffier of the States (in the Chair):

Shall we hear from the Deputy of St. John and then we will come back? Deputy of St. John, I called you about a quarter of an hour ago?

1.6.10 The Deputy of St. John:

Yes I am aware, Sir, that you called several times but I thought I had been cut off at the knees again. I am not sure exactly where I am going to go on this one, having listened to the Connétable of St. Clement and others. I have known this site for well in excess of 40 years having in my days of being on the tools, which is an awful long time ago - over 40 years - having worked on that site when they were putting CO₂ into the glasshouses. At that time they were timber glasshouses and this is what really concerns me. I am aware that the owner of the time became seriously ill, and I do not want to go into the affairs of the family, but things happened and the old glasshouses were replaced, prior to him being taken ill, with new glasshouses. **[Interruption]** No, I will not give way at the moment. The new glasshouses were built just prior to him being seriously ill.

[15:30]

I have got real concerns but his estate that I believe was looked after by trustees, courts, whatever it was at the time and therefore, I do not know the full ins and outs but the glasshouses were not being farmed as they should, I do not believe, because of whatever happened. So we had some reasonably new steel glasshouses put up. Because of things that happened the estate or that particular site was left to go fallow and vandals got in and damaged glass and so much so that Planning of the day gave instructions for the glass to be removed. Leaving, when the gentleman concerned eventually passed away, and I do not know all the facts but this is the way I am reading it, leaving the heirs in a quandary over this site. This site now becomes derelict because the support of the glass within the steel structure had gone and allowed the structure to implode, for want of a better word ...

Deputy P.V.F. Le Claire:

I think the Deputy is inadvertently mistaken and I did make this point in my speech. The glass was in the structures when they became out of use, and they were only removed after concerns of Deputy Martin and others in the area who complained about the dangers to local children, and the States ordered it to be removed, at a cost of over £35,000 to the owner.

Senator F.E. Cohen:

Just to add additional information, the reason for that was because the glass was already falling out and was a danger to children playing.

The Deputy of St. John:

Yes, but was it not already falling out because youngsters had got in there and started breaking it and therefore it would be causing a danger to youngsters on the site. I do not know the ins and outs but, that said, we had a viable unit of glasshouses, which became derelict of no fault I believe of the owners or the youngsters who inherited the sites. I do not believe heating oil comes into it a great deal. That said we finish up with a brownfield site, which is not of use for anything really, other than a development because I cannot see that particular site, because of the shards and everything else that would be in the ground there, being used for anything other than re-development. I remain to be convinced by the Minister and others that I have got this wrong. I remain to be convinced because, as I say, having known the site and having indirectly worked within that industry over a long, long period with various growers around the Island, this is one of the few sites that I would say does need to be developed in some form. I cannot see it going back because it is enclosed in a certain area into agriculture, not that particular site because it is restricted. It is restricted in my view but if Planning were to make a decision to clean the site up well so be it, but I cannot see it. I have some real concerns with this one. You see, out of all the sites this is the one that to me probably opens itself up for re-development because I cannot see many other reasons not to do it. We have been told mind you that there are some 1,500 sites around the Island, which have not been developed. Why have they not been developed? I presume that a lot of those are standalone sites, Minister, or are they multiples? I do not know. They are multiples. So therefore, the owners of those multiples are either sitting on it because there is no funding at the moment or whatever, or they are leaving it to their children to do something with it in the future. So therefore there is a capital value they will be looking at. I am not sure which way I am going to go on this particular site because out of all of them, as I say, this is the one that really bugs me. I will be listening carefully to how the Minister sums up on this one because he is going to have to come up with some good reasons for me not to support this one. That is all I can say at this moment.

1.6.11 Deputy G.P. Southern:

I suppose the shorthand version, bearing in mind your words of this morning, of this speech is, as yesterday with knobs on. By which I mean, yesterday we were making a great debate about 15 houses and today we are talking about nearly 150 houses, which seems to me exactly the case. I am tempted to speak at slightly more length because of the star performance in this teeth achingly wrist slashingly, mind numbingly, exciting debate, by the position taken by the Connétable of St. Clement, and what a good star turn it was. I think he has been reading his primer, *How to be a Constable* because one of the things you can always guarantee, that your fall back position if there is any change going, especially in your Parish, is to be agin it. He then went on to this argument, which was wonderful saying: “I am not going to exaggerate” and then exaggerated like billy-o. Up it went, up it went, £10 million, past £10 million, £20 million, I thought he was going to carry on up into hundreds of millions profit and billions of profit. Exaggeration. Exaggeration on this repeated theme that keeps coming back to the argument, we must not schedule any more housing because somebody is going to make a profit on it. As if this debate is going to deal with that. That, the profit made by a developer or a landowner in developing houses, is not the issue for today. It is the issue, very soon I hope, for P.90, where we are trying to get a hold of some of that uplift and that is ... So, all these arguments about somebody is going to make millions of pounds of profit on

this are completely irrelevant, put them down, ignore them. That is the reality of the system we have created and we are dealing with. Without P.90 or something like it we are not dealing with it. Put it down; let us go back to the evidence. The Minister says: "I do not just stick my hand in the air and decide on a direction that I want to go in from which way the winds blowing." I have listened to the evidence very carefully, considered it, let us listen to the evidence again. Here is a slight repeat. This site scored good for spatial strategy, high for suitability, good for landscape sensitivity, and good for use under the 4 criteria set out in the Minister's own Suitability for Housing Assessment (Doc BT18). How high do you want it to score? They say here: "These in the context of all the sites in that document are very favourable scores." He then goes on, the Minister acknowledges what the inspectors say: "The potential rezoning of housing sites is an astute one when they say, the advisers, 'Members need the strength to balance more evenly the problems and controversy attending the development of particular pieces of land, more strength against the evidence, overwhelming in our view that action needs to be taken now to deal with the housing needs of the people of Jersey.'" I have never read in any advice or report, advice that is stronger than that. That is absolutely crystal clear. I repeat again in case Members have missed it: "The evidence, overwhelming in our view, that action needs to be taken now to deal with the housing needs of the people of Jersey." The 150 houses or thereabouts in this particular project must be part of deriving that solution to tackle the housing needs of the Island. The inspectors go on: "We conclude with conviction that those merits are considerable. The site is well located in relation to the built-up area. It has good services, buses and schools, et cetera, little damaging impact to the countryside and is previously developed land, which is falling into dereliction." How much more evidence do you want to put this in the plan? "All these factors together, especially its compatibility with the spatial strategy of the Island Plan suggests to us that this is a good site. We disagree with the Minister's proposed modification." It could not be more clear. This time the Minister has consciously ...

Senator F.E. Cohen:

The Deputy is ignoring the addendum.

Deputy G.P. Southern:

I am not giving way.

The Greffier of the States (in the Chair):

Sorry, Deputy, we are not quorate at the moment.

Deputy G.P. Southern:

Such a good sport.

The Greffier of the States (in the Chair):

We require at least one Member to return urgently to the Assembly.

Deputy G.P. Southern:

Perhaps they do not want to witness you crying.

The Greffier of the States (in the Chair):

Very well, Deputy, please continue.

Deputy G.P. Southern:

The Chief Minister has come back in - wow, we are honoured - to hear my final words. I will not repeat it all, I am sure he was listening. All these factors taken together, especially its compatibility with the spatial strategy of the Island Plan suggest to us that this is a good site. We disagree with the Minister's proposed modification. The Minister says he is not acting on a whim, as I suggest, but he is in this case clearly and absolutely going against very strong advice from the inspectors,

which we employed to tell us what we ought to be doing. We should be including this, let us vote for it.

Deputy S. Power:

Sir, would I be allowed to ask a question of the Attorney General based on his previous response?

The Greffier of the States (in the Chair):

Yes. Are you in as position to give the answer to the Deputy of St. Mary, perhaps, Attorney General?

The Attorney General:

Sir, yes, I think so.

The Greffier of the States (in the Chair):

Perhaps you can sweep up any others as well.

The Attorney General:

I believe that the Deputy of St. Mary's question was: "If the Minister has imposed as a condition a particular division within category A housing as to different forms of category A housing, if someone came along and wished to use the most expensive form and could show a demand, would the Minister have to just, in those circumstances, accept that?" No, I do not think the Minister would just have to accept that, these things are very difficult to advise upon in a vacuum, they are entirely fact-specific and the Minister, in imposing any conditions and in answering a request to vary a condition, subsequently must and always act reasonably and must and always take all the proper things into account and his decision must be necessary and proportionate. I think the Minister can specify a split if he is confronted with evidence that means that that split is no longer a reasonable split to have required, then it may be that there are circumstances in which he should change his view and alter the conditions on a development permit. If there is no evidence to support that then that would not be an indicated outcome. But it seems to me that these things are so fact-specific it is extremely difficult, as I say, to offer advice in a vacuum on it. In principle, a split can be required within a development, permission has to be, as I say, reasonable and it has to be supported by proper considerations, but it can be required. If circumstances change then it may be indicated that the conditions should change as well.

Deputy G.P. Southern:

Sir, may I just immediately follow up? On the balance of demand would that be, in effect, a negotiating process: the Minister starts at 50/50 and may, on the balance of demand, reasonably go to, say, 60/40?

The Attorney General:

I am not sure entirely that I have understood the question, as much as I do not think this is a question from a legal perspective about a negotiation. The Minister takes considerations into account, they are evidence-based, among them will be the representations of the proposed developer, without a doubt, but ultimately it is the Minister's decision. The only way, of course, that that can be effectively challenged once it is made, if the Minister does not wish to change his mind, is with an application to the court and then the court will apply the usual test that one considers in connection with these kinds of matters, among which will be the reasonableness of the decision and, as against human rights, the necessity and proportionality of it.

[15:45]

The Deputy of St. Mary:

On the same issue, what concerns me is that if the Minister's original split, for the sake of argument 50/50, and the developer's suggested split, for the sake of argument 70/30, can both be justified by the 2 parties, which undoubtedly they will be, the department has its officers who will be able to show for the 50/50 there will be a demand, all the houses will be full as soon as they are built. The developer, likewise, will be able to prove that 70/30, all houses will be full as soon as they are built then, in the case of a 50/50 decision, I am concerned that the Minister then somehow gets overruled. Would the Minister's view prevail?

The Attorney General:

The Minister only has to be reasonable and if the Minister is reasonable and has taken the proper things into account then his decision would not be amenable to challenge in the courts.

Deputy S. Power:

I have a fact-specific question, Sir, for the Attorney General. If the Minister for Planning and his department had brought a zoning proposition to the States in his portfolio that this site, the Samarès site, was 100 per cent social rental, a retirement village or a Good Companions club in the middle, could that have been challenged?

The Attorney General:

I am afraid I am not sure that I understood the question. Could perhaps the Deputy indicate could what be challenged?

Deputy S. Power:

Sorry. If the Minister for Planning or the Planning Department had recommended today to the Assembly that this Samarès site would be a social rented category A housing site, with social rented housing perhaps as a retirement village and a Good Companions club, could that be challenged in the Royal Court if the Assembly had agreed?

The Attorney General:

That is a difficult question because there are a number of strands leading to it, so the most I can give, I think, is a very provisional view. It seems to me that the Minister will take into account what the current Island Plan says; if this Assembly passes an Island Plan, then he will take into account what the Island Plan says and he will make his decisions in the light of it. If he makes those decisions in the light of it and that decision is challenged it may be that as part of that challenge the challenger will seek a declaration from the court that some parts of the Island Plan are not human-rights compliant. It is very difficult to say what the outcome of any such challenge would be because, as I say, these things are very much fact-specific. I am sorry that I cannot be of any greater help, but although the Deputy has indicated this is a "here it is, here is a specific" matter, the reality of it is there are so many facets for these kinds of things that it really is impossible to give definitive advice on a few minutes' notice on the floor of the Assembly.

Deputy S. Power:

Just to summarise, if the Minister had brought a site-specific social housing proposition to the Assembly on this site, he is not the ultimate authority, it is the Royal Court?

The Attorney General:

The ultimate authority in connection with a specific planning decision made by the Minister is the Royal Court, in the event that someone challenges it. That is always the case with any planning decision.

The Greffier of the States (in the Chair):

Is there a final query for the Attorney General? Deputy Hilton.

Deputy J.A. Hilton:

Would it be fair to say, Mr. Attorney, that if the Minister changed the category A policy and had a policy whereby rezoning was coming forward just as social rental and that was the policy, that that is the safest way to make sure any land which is rezoned goes to the purpose of housing that this States Assembly wishes it to go to by changing the policy and bringing a different policy back to the House?

The Greffier of the States (in the Chair):

It is quite a hypothetical question, I am not sure if the Attorney can really ...

The Attorney General:

I am not sure I feel able to answer that and I do apologise to the Assembly for approaching it in that way; it seems to me that it very much depends upon what kind of policy comes back as to how defensible that policy is. It is very difficult to say that a different policy coming back would alter the position significantly but I could not say that it would not; it would depend upon the terms of the policy.

Deputy J.A. Hilton:

Well, I mean to say, at the moment we have an H1 policy, category A policy, that encompasses 4 types of different housing, I imagine that we could have a policy that just covers social rented housing and over-55s social rented, that is my query.

The Greffier of the States (in the Chair):

Deputy, I see your query but I think it is fair enough to ask the Attorney relevant legal points to enable Members to vote on Samarès but purely hypothetical: "What could happen in the future if they are changing policy" seems to me to be stretching it a little bit. Do any people have specific queries for the Attorney on Samarès and the development issues? Deputy Higgins.

Deputy M.R. Higgins:

My question is more a question of law, really. It is in relation to the term "reasonableness" and, in the context of this, we are saying that within category A there are 4 categories of housing. Now, would I be right in saying that if the court was challenged by an owner who said: "I believe that within that category there should be more, let us say, social rented housing" now, surely the court would be looking at the Minister's actions in terms of reasonableness not just on one site, but overall, the allocation of social rented on this site or first-time buyers on another site? It is the reasonableness in the whole, it is not just about one site, surely? So in other words, if he is making his decision, if he feels there should be more social rented on one site and maybe not on another but in the whole he is trying to sort of balance out the needs of the Island between all the different categories, should it be for one particular owner to say: "No, I think on this particular site the Minister has got it wrong, he wants three-quarters this and only one quarter that, I think it should be half and half" surely the court should look at the Minister's interpretation of the States policy in the round between the sites, or am I wrong?

The Attorney General:

If the Minister is reasonable in his decision, if the decision he has made is tenable on the basis of the evidence before him, then I think it will withstand any challenge before the courts. As to whether, in determining whether or not that is reasonable, the court would expect the Minister to have regard to exactly the specifics of the application and ignore the larger Island context, I would need to give that further thought. But my initial view is simply that if the Minister has taken a reasonable decision and he has put things that are relevant to that application in and relevant to the policies that he has to apply once the Island Plan has been agreed by the Assembly, then his decision should not be amenable to challenge.

The Greffier of the States (in the Chair):

A quick last query.

Deputy G.P. Southern:

I hope a final query, Sir. Is it not true to say that there is a wide margin of appreciation in a human rights challenge given to the Minister and that to prove that the Minister is being unreasonable is very difficult?

The Attorney General:

It is true that to prove that the Minister is being unreasonable is quite a high threshold cover. The court will form its own view as to what is reasonable in all the circumstances of the case and then will undoubtedly allow a margin of appreciation, a margin of error for the Minister. It is not every time that a court thinks it would reach a different decision that would render the decision of a relevant Minister unreasonable under the terms of the law.

1.6.12 Senator F.E. Cohen:

Firstly, I would like to deal with the issues of the questions that have been raised to the Attorney General because I have had significant advice on this matter. From a layman's perspective, and the Attorney General has to answer from the perspective of an Attorney General, I have tried to make it as simple as possible, that is, that through the supplementary planning guidance, the Minister will endeavour to deliver the mix of housing within the H1 categories that he or she believes is appropriate. That may not deliver the maximum value for a landowner or developer; it is then up to a landowner or developer to make a counter-case based on proven demand. If they can prove reasonably that there is demand for their mix then they have a chance of overturning the wishes of the Minister through the supplementary planning guidance. What would constitute proving that the demand was different from that set out in the supplementary planning guidance is to show that there was evidence that the type of housing they were proposing to build was in short supply and there was a reasonable demand. But, as in all of these cases, all of these matters - and I have been involved in one or 2 of them - they are very unpredictable and when one goes to court one is in the hands of the court and it is up to the court to decide. All I am trying to do is to establish the risk and to make Members aware that there are risks and do not think that if the Minister for Planning specifies one particular category of affordable housing within the H1 categories that I have read out previously, that they will with certainty be able to withstand an attack from a landowner or developer wishing to produce something that is different that has more value. Deputy Southern is shaking his head, but that is the fact because I have had the advice. Now ...

Senator J.L. Perchard:

A point of order. Who gave the Minister the advice, because the Attorney General is in the Chamber advising us now?

Senator F.E. Cohen:

As I have already explained - if Senator Perchard had been in the Chamber - the advice I have received was from the law officers via my officers and it is quite clear and I have it in writing. Now, the position is, therefore, that the Minister would try and sustain his position, but there is not a certainty that the Minister would be able to do so. Clearly, if a landowner or a developer concocted evidence of reasonable demand that was nonsense, they would have no chance at all. If they were able to show that there were genuine demand ... Deputy Southern is shaking his head; he seems to be thinking that he is going to convince himself, he is not going to convince me. If the position is ... Sir, I am happy to give way to the Deputy.

The Greffier of the States (in the Chair):

No, please continue.

Senator F.E. Cohen:

The position is very simple: that it would be up to the developer/landowner to challenge the Minister and if his case was good he would have a chance of succeeding, if his case was bad, he would have no chance at all. So whether Deputy Southern likes it or not, that is the case. Now, it is my contention and that of my officers that this site is not needed and that is not just a random decision. Deputy Southern has made a great play of reading out reams of the inspector's report without bothering to read out the key element, which is the addendum, and the addendum was based on introducing a new fact, which was the concept of delivering a part of the affordable housing on States-owned land. It was for that reason that the inspectors in general terms said they are happy with the affordable housing proposals in the plan proposed by my department but that they wanted to have a belt-and-braces approach and that belt-and-braces approach is the 2-year trigger; that if for some reason the States of Jersey Development Company or any of the other offices of the States have for some reason or other been unable to get their act together, then the sites that we are presently debating would be brought back to the Assembly by a future Minister. Of course, that has an advantage, if Members are prepared to trust the numbers that I am going to give, that if there is a weakness - and I have said "if" there is a weakness - in the policy surrounding H1, there is time to change the policy and tighten that up. It could be, for example, that a future Minister would seek to remove one or more categories from the present H1 list. They could, for example, take the view that the first-time-buyer element was adequately provided for through another mechanism, or develop another mechanism, and remove that category from the list, but that would be up to a future Minister to make a proposition and it would, of course, be up to this Assembly, or the future Assembly, to decide whether they thought that was appropriate. Moving on to the numbers.

[16:00]

As I explained earlier, assuming that this plan is approved in the form largely that I have presented it with the affordable housing mechanism that I am proposing, we have a pool of already approved or to be approved but not delivered, social housing and first-time buyer housing and homebuyer housing and lifelong housing that is in the bag, effectively. That is 70 first-time buyer, 165 social rented, 67 Homebuy and we do not know what Homebuy Mark 2 is precisely going to look like, but it will be some form of deferred payment or shared equity-type scheme, subject to Senator Shenton and Senator Breckon and the Comptroller and Auditor General, and 185 lifelong homes. So that is the buffer that we can consider is presented by those consents already in place and those applications that will be forthcoming as a result of the rezoning that I have recommended. So we have a buffer of around 475 to 500 units built in, and that should give us some time to change the policy if necessary to see if S.o.J.D.C. and the other States authorities, as I believe they can, are able to deliver and, if they are unable to deliver, the future Minister can come back and change the policies. As far as this dream, they rezone a site in the private sector and magically this private sector will deliver the houses tomorrow, that was never the case, but it was more the case in the past than it is today and I have explained that earlier. The credit conditions in the marketplace are so severe and so difficult that it is very hard indeed, not impossible, for a landowner/developer to obtain funding for speculative developments or developments of any kind. Anyone who has participated recently in any property development funding will know just how strict the lending houses are presently, and that is the primary reason why there is very little being delivered at the moment. So if Members think that suddenly we are going to rezone sites and that those sites are miraculously going to appear, they have got another thing coming, it simply does not work like that at the moment. If the conditions improve - and they could, of course, improve next week, next year, in 10 years, I do not know - then that would change, but that is the present circumstance. Added to that is the fundamental difficulty of the end-user, the buyer, gaining mortgages. We saw only a few years ago lenders providing loans at 9 or 10 times combined income on 100 per cent of value and the 100 per cent of value was 110 percent. We are now down to 3.5 to 4 times realistic

value and they still require a deposit. As Deputy Power will tell you, that even when he was negotiating the homebuyer arrangements for Homebuyer Mark 1, that even at those levels, the deposit issue was a very difficult one that he very capably resolved. As far as changing my mind is concerned, which keeps being placed before Members by Deputy Southern, I have explained, I hope, that I did not just randomly change my mind; as the plan developed and as the consultation evolved and as we went through the credit-crisis period I changed my view because of the information I received. That is not something that a Member, in my view, should be criticised for because Deputy Southern was one of the first to criticise me some years ago claiming that I had premeditated my mind up in relation to other matters and that my consultations were a sham. This proves that whether a Member likes the conclusion I came to at the end or not, I am perfectly prepared to change my mind and take on information that I receive. To claim that the Examination in Public does not support my current position is, I am afraid, not correct; the addendum sets out very clearly the position of the inspectors. There has also been some suggestion that there is no control over the site as it is. There is a disuse and repair condition that has been applied to temporary staff accommodation and the reservoir and glass houses constructed on this site in the late 1990s. So in all or in part of the site there is the ability to ensure that the disuse and disrepair condition is enforced rigorously. Indeed, I did that when I required the site owners to remove the glass some years ago. There has also been a suggestion that somehow or other I have got a problem, or Members have a problem with people making profit; far from it, there is nothing better than Islanders making profit, investing some of their money, spending some of their money, keeping the economy going. But I must say to Members that some of the lobbying that has been carried out, not necessarily in relation to this site, has been directly as a result of the enormous values that rezoning generates in the marketplace. Do not be fooled into thinking that it is only the planning consent, it is the rezoning and the planning consent combined that deliver the extra profit and it is primarily the rezoning that does it. The moment a site is rezoned, whether it has got planning consent or not, it is hugely more valuable than the moment before this Assembly made that monumental decision. I believe that has been the driver behind some of the correspondence that we, as Members, have received. This correspondence has been generated by those acting for those who are going to make enormous value, enormous profit, out of these sites; there may not be anything wrong with it - and I am not saying there is anything wrong with the correspondence - but, Members, please be aware why you have received it and what is behind it. As I have said, my contention and that of the department is that we do not need this site, that I do not believe we will need this site in the immediate future and, if I am wrong, the trigger mechanism would be implemented and the site would be brought back by a future Minister in 2 years' time by which time, if necessary, a future Minister would have had the opportunity to have changed the categorisation and ensured that the affordable housing that the Island really needs is more easily delivered. I was asked a question about access. The question in relation to access was: "Who controls the access to the site?" I have been advised by my officers that there are 2 accesses: one is Le Squez, which is owned by Housing, and the other is off the Inner Road which is owned by the landowner or the developer, I am not quite sure which, it says "developer/landowner" here. So, to my mind ...

Deputy P.V.F. Le Claire:

On a point of order, there is no developer.

Senator F.E. Cohen:

No. I am not giving way. I expressed the term "developer/landowner", the landowner will become a developer at the point that they decide to market the site. It is a curious distinction to try and repeatedly re-emphasise that somehow or other the owner of a site is a marvel and that a developer is a bad person; the reality is that the developer can be providing a very useful function to our society and it is not a negative occupation, because I have been one myself. **[Laughter]** Based on the information I have, and I have not examined the details of the information in relation to access,

we do not have a ransom strip and the only way we would have a ransom strip is if the access owned by the landowner - we will call them the landowner to suit Deputy Le Claire - was somehow inadequate. I am unable to comment on that because I do not know the detail of that particular access. So, in conclusion, my summary is we do not need this site, if I am wrong, there is little lost because we can bring it back in 2 years' time, and let us give the proposals in my plan the opportunity of succeeding, and those are non-H1 sites delivering an affordable housing contribution, that affordable housing contribution being applied to States-owned land where we control what we deliver and, at a later time, we can consider bringing these sites back.

1.6.13 Deputy A.T. Dupre:

I am very pleased to follow the Minister. Obviously, I am opposing Deputy Le Claire's proposition. Now, thanks to the Statistics Unit, I have got some facts and figures, which I believe the Constable has already mentioned, but I am going to re-emphasise. St. Clement is the smallest Parish on the Island, of only 2,393 vergées. Of this, we already have a build environment of 38 per cent which makes us, I repeat, as the smallest Parish, second only to St. Helier in density, with natural vegetation of only 3 per cent. In direct contrast, St. Ouen as the largest Parish has only 15 per cent build environment. Is this fair, I ask you? Other Parishes are asking for more housing. We have had a huge amount of social housing in the Parish over the years and with the first phase of Le Squez getting near its completion, the second phase will begin. We have also got a problem with Le Rocquier, the school is already full, where the children from 150 houses will go, I have no idea and I am not in Education, so I do not know. Another big problem with all the building going on is flooding. Last year, I was asked to visit Clos Lempriere who were in dire straits with water coming into their estate - almost up to their knees in parts - and causing their toilets to overflow with sewerage, not very pleasant. I am extremely worried that further development of this site will only exacerbate the situation and cause even more problems for people living in this area. I therefore oppose this amendment from Deputy Le Claire.

1.6.14 Deputy A.K.F. Green:

Before I start, I would just like to point out to Members that I passed a note round earlier just to give Members the absolute position in terms of waiting lists and in terms of new social rented homes that have become available through my department over the last, well, 5 years, but I draw attention particularly to the last 3 years. You will see in 2008 we lost 13 homes, in 2009 we developed no new homes, 2010 we developed no new homes and we have got a number of new homes that will be coming online fairly soon, but we also have a requirement today for 452 units of accommodation. I use a different figure to Deputy Le Claire because Deputy Le Claire tries to extrapolate those figures into number of people it involves, but I have 52 heads of household, some of those will be single people, some of them will be married couples, most will be families waiting for homes at the moment. So that is 452. Also, before I really get going, I would like to acknowledge the help and support, although I find myself on a different side to the Connétable of St. Clement, and the department have worked particularly well with the Constable around Le Squez and I do acknowledge his support in that; so he is not always negative, he is quite positive on occasions. On this development, of course, he is opposed to it. States-owned sites was where we have hung our hat in terms of providing the homes for the rest of the Island, and States-owned sites will do their bit. Will they deliver enough quickly enough? I have my doubts. I have got no doubt that the Council of Ministers, as promised to me, will deliver some houses on States-zoned sites. Will it be quick enough? I do have concerns about that, our record does not bode well in terms of releasing States-owned sites, although I accept that the willingness is there. We have talked about profits and developers and everything, I want to talk just for a minute about people. One of the things I have done in the short time that I have been the Minister for Housing - and I believe the previous Ministers for Housing did the same, to be fair; I am not blowing my own trumpet - is to make a point of getting out to visit people in their homes whenever possible, and I know the previous Ministers for Housing have done the same. I visited a local couple on Monday morning -

that is not to say that I think unqualified people should live in sub-standard accommodation, I do not, I am opposed to that and, in fact, am working with the Minister for Health and Social Services to bring in some minimum standards around unqualified homes - living in one room, 9 by 9, most of the room in one corner was occupied by the bed, another corner was occupied by the cot of their baby and they had an area smaller than the table we see in front of us to live in. Is that what we want for our local people? No. I know none of you want that and we have got an opportunity here to do something about it. Senator Le Main knows - he seems to know a little bit about Housing, I think he has been involved in it before somewhere - that I was not sure whether I would support Samarès.

[16:15]

But when you go and see people living like that and when you read the results of the inquiry in public from the inspectors that categorically say that we have a problem and that this site ticks all the boxes, as Minister for Housing I think I would be irresponsible and failing in my duties if I did not bring this to your attention and make a bid to get this site. The Housing Department have long held the view that this is a potential site for social housing and, in particular, lifelong homes. The inquiry in public said that this site was probably without equal; I think that summarises what they were saying, and the owners have indicated that they are willing sellers to the Housing Department. I have not entered into negotiations myself, but I know they have spoken to my officers and I know they have spoken to previous Ministers for Housing and have indicated that they are willing sellers to the States of this site. For that reason, I am strongly supporting the proposition from Deputy Le Claire. If I had seen the results of the inquiry in public in time to be able to bring an amendment, I would have brought an amendment similar to this myself, I might have tried to tie it down tighter in terms of social housing. We need to maximise the social gain in respect of this site and it could complement very nicely the work that has been going on at Le Squez. I would have been seeking that this site be dedicated to social housing; we could, as I think Senator Le Main said, be looking at dedicating part of it to the older residents. Just to bring that into perspective, we were talking about schools earlier today, on the States rental waiting list for people over 55, I have 127 people waiting to move into suitable houses for life accommodation. Of my own tenants, I have 157 waiting for that sort of accommodation, nearly 300 as Senator Le Main mentioned. Of course, the spin-off from that is when these tenants are appropriately housed, they release family homes, family homes for which we have families lined up, like that real family I described - and they are not the only ones, that is just the one I saw Monday morning, I have seen several like that - those are the families that we need to provide homes for. There is clearly more than enough demand for homes of this sort and we would work willingly and happily with the Parish of St. Clement to ensure that their needs were met and that, in fact, suitably-qualified people in suitable need coming from the Parish would be accommodated within that Parish as well. I am not guaranteeing absolute priority, but what I am saying is we could work together on that. We could have in that site as well a significant community facility, *Communicare*, or something like that, we could have part of that as a retirement village. All these needs exist now, what we need is a site to put it on. States-owned sites will not deliver that sort of facility quick enough and I urge Members ... we are talking about rezoning here, the Minister for Planning has it in his power to be proportionate and reasonable, I think the Attorney General said, and I urge Members to support this site, get it rezoned, let the Housing Department do their negotiations, let us get our Islanders appropriately homed.

1.6.15 Deputy I.J. Gorst:

I just wish to declare that just south of the photograph, Members can see the front of my own property; earlier in this debate I had a horrible feeling that Senator Le Main had been stalking me; thankfully I am not sure he has been doing that since. He mentioned in his comments 2 trump cards. I am not one for great card playing and I will set the fact that you could have 2 trump cards aside for the moment, but what he said was that Housing had a trump card and that Planning had a

trump card, and the Minister for Planning has touched upon this. I think what he was trying to say was he believed that the only access to the site was via Housing's existing Le Squez development. As he well knows, that is not true, there is access from the Inner Road and therefore in planning terms or development terms I really do not see how he can consider that that would be a random site. He then went on to suggest that, despite the fact that there was this extra access point, Planning would condition any potential approval on this site and say that access could only be delivered through Housing sites. In light of all the advice that we have received from the Attorney General today, I am really not sure how the Minister for Planning could consider that it would be an appropriate and reasonable condition to place on any permit to say that access had to be solely through a States-owned site rather than the existing access to the site.

Senator T.J. Le Main:

Would the Deputy let me just try and clarify, please? There are 2 access points but the discussions we had with Planning was they would only allow one access from the Inner Road and the other access out of the site had to be through Le Squez. I hope that clarifies this.

Deputy I.J. Gorst:

Indeed, it proves the point I was trying to say. I am not really sure how that could be considered to be a reasonable condition to be placed upon a planning permit to give States, in actual fact, control over this particular site. So I do not believe that either of those supposed trump cards are, in actual fact, trump cards. He also mentioned, and the Minister for Housing has just mentioned, the relocation of the Eastern Good Companions. This is a jolly good site for the relocation of the Eastern Good Companions. This is one of what have, over the years, been many jolly good sites for potential relocation of the Eastern Good Companions; and they must be found a site for relocation, they do an excellent work and it must be a priority either of the Council of Ministers or this Assembly to ensure that a site is found. The difficulty that I have in now saying that this undeveloped site is an excellent site for it is that we have heard this before. We heard in St. Saviour that potentially there was a great ability there for a community provision and then once a site has been rezoned, all of a sudden that somehow changes or gets watered down. We have the Le Squez 2 development, that would have been an excellent site for the Good Companions to move to but, as the then Minister for Housing knows, that was not accepted and we were told: "Oh, we really could not put it there 50 yards to the south of it, we have Le Squez." I think it is probably 3 that we are getting to: "That will be another excellent site for the Eastern Good Companions to move to" but we are also told: "Oh, we could not possibly move them there" now because that has been rezoned or specifically put aside for housing, albeit it that we are going to build some community facility there. We had the development in St. Lawrence, we need a community facility there, that would have been an excellent site for the Eastern Good Companions, but when it gets proposed and we start looking at the housing: "We cannot put it there, either." So I caution Members to think that just because this is a potential development site, it is going to solve all sorts of problems because unfortunately what happens is, in reality, something else entirely happens and we start to suggest that we need to look for another site altogether. The Connétable and my fellow Deputy have touched on the area of flooding and it is, as the Connétable so eloquently said, a problem that we are told can be: "Engineered away", natural forces, nature's inbuilt way of dealing with certain issues around water and where it goes to can be engineered away. I would doubt that very much. The reason I do that is that for a number of years now I have seen in my own Parish areas where we have been told at the start of a development: "It can be engineered away" and not to be so ridiculous, once the houses are built and the problem has been engineered away and we still encounter flooding, as in other Parishes, we are told: "Well, yes, it is a problem, we will try and do something about it" but it never gets satisfactorily resolved. I am afraid there are a number of developments around the Island where that is the case, you cannot engineer away a place that naturally floods and, in nature's way, was there to deal with excess water around the environment; they are marshes, we build on marshes at our peril. Having said that, I believe that the house that I

own is built on the marsh as well and, as the Connétable said earlier, the gardens there are now starting to flood because of excess development over the last number of years in the vicinity. Although it might seem a minor issue, let me assure you that those who live in the area ... and should we build this development, those who then moved into this development would not, in any way shape or form, consider it to be a minor issue nor, I believe, would any one of us if we were encountering backflow from our toilet systems on a regular basis. A Member sitting at the front referred to: "Fantastical amounts of money" that the Connétable talked of in his speech. I am sometimes surprised by the appearance of how little some Members seem to understand the amount of money involved in development and rezoning. The Connétable talked about amounts between £8 million and £20 million. I believe anywhere between £8 million and probably if we plumped somewhere in the middle is what the landowner would have as a reasonable expectation of receiving for a piece of land that is going to deliver 150 homes. It would be naïve of us in the extreme to believe that this charitable landowner is going to approach the States and sell it to them for a couple million pounds. I see the Minister for Housing laughing because I know he is certainly not naïve and he probably understands that the Connétable was absolutely right. The Minister, I believe, has given a number of excellent speeches during the course of this debate and this really hits at the nub of what it is that we as an Assembly wish to deliver. Do we wish to go on rezoning areas that our community do not wish to be rezoned or do we wish to finally grasp the nettle of producing affordable development on the sites that we own in trust for our community? We know that there are 1,500 - I am not sure if it is sites, I believe it is probably permissions to develop - waiting in the sideline? One of the Minister for Housing's prime motivations for supporting this site was because of the speed to development. We have got 1,500 approvals that are nowhere, they are not being developed, why are they not being developed? We know why they are not being developed because, as the Minister for Planning has told us so often in this debate, there just is not the finance there (a) to develop or (b) for people buy them once they have been developed. I believe that what is facing us squarely in the face is that if we are going to deliver homes speedily, and I am in no doubt that we need to do that - the Planning Inspector has brought that home to us, as Deputy Southern said, in a way that perhaps was overdue and in a very clear way - if we are going to deliver those homes, we must ... I will have to be careful in the terminology that I use here, we have to stand up and start delivering. We are the States of this Island, it is within our power to ensure that States-owned sites jolly well deliver in the quickest possible order, not to stand around saying: "We have not delivered it in the past therefore we are not going to in the future." If we are not going to in the future we must challenge ourselves and ask why, what is it that we as individuals are going to do to either stop it or to make sure it happens? We have a responsibility to make sure it happens because if we do not then we know that they will not be delivered and we have a crisis that we must address. We cannot simply go on rezoning and rezoning sites such as this, our community does not want it, we have sites which can be developed and we must develop them.

[16:30]

I would give one last challenge to Members: if Members really do believe that this is the best site for development on the Island, and I do not, and they really want to deliver social accommodation on this site, then the best thing for them to do is to wait for the States to fail, and if the States fail to deliver on its own site, it will be on each of our heads, and in 2 years' time when the then Minister for Planning will be obliged to come back to this Assembly to look for rezoning, it can be conditioned - albeit in light of the advice that the Attorney General has said - to have social development upon it, there could have been appropriate consultation with the Housing Department, there could have been appropriate negotiation with the Housing Department. By rezoning this today, I do not believe that it would even deliver what it is that some States Members who wish to build on this site would deliver. But I have got to say, it really is not a site which should be rezoned, we as an Assembly must start to deliver in the way that so often we promise at elections

and then for various reasons we do not always deliver; we must start to deliver. This whole plan is predicated upon that fact, some Members might not like it, but we must give it a chance because we cannot go on in the way that we have always gone on in the past.

The Bailiff:

I have one more Member at the moment waiting to speak. Can I just say to Members that Members may feel that a lot of points have been made. I do invite Members to consider whether, if they wish to speak, they have something new to say, some point which has not been made before. Senator Ozouf?

1.6.16 Senator P.F.C. Ozouf:

I hesitate to rise but I think that I should speak in this debate because there are a number of Treasury-related issues which arise as a result of the issues that the debate is discussing in terms of delivery of homes. I know that we should keep our remarks short, and I will do so, I cannot help but reflect that this is another rezoning debate which is held late on in the session and I have heard a number of speeches on Island Plan debates in the past, and one which I remember a lot is the then Senator Norman proposal to, I think, include some fields at the back of St. Saviour's Parish Hall where he gave the opposite speech that he gave today in terms of robust defence. But anyway we, I suppose, have constituency responsibilities and sometimes we will be speaking for very valid reasons on behalf of those constituencies.

The Connétable of St. Clement:

I was talking ahead of my time.

Senator P.F.C. Ozouf:

I believe in delivering the dream of home ownership to as many Islanders as possible and that is why this amendment and this debate really matters because the Minister for Planning himself spoke yesterday extremely eloquently, almost in a speech that could have been in support of this amendment, about the dream of home-ownership and the ability to deliver home-ownership. Senator Shenton is back in the States, and it is good to see him [**Laughter**], he said yesterday that I believe that ...

Senator B.E. Shenton:

It is good to see you as well, Minister. [**Laughter**]

Senator P.F.C. Ozouf:

I wish to restate my commitment to the Senator Shenton view of me and my good friend, the Minister for Economic Development, of "big government." I want to restate my commitment in using big government to deliver affordable homes and I believe that we should be delivering affordable homes on States-owned sites, on housing sites, and I will be using as of today the creation ... S.o.J.D.C. had its first board meeting this morning, we will use S.o.J.D.C. under my leadership of the Treasury to deliver affordable homes. We have been successful in the past in delivering them, we have been less focused on this issue in the last couple of years because we have been focusing on improving the standard of homes in terms of refurbishing existing States stock, but we must now turn our attention with vigour to deliver owned homes and affordable homes that the market, for a variety of different reasons, is not delivering. I also need to say that there is a consequence of the Planning decision, which I do agree with and I accept, but I think it is important in a debate to be absolutely clear that there is a cost to the states of delivering affordable homes on States sites [**Approbation**] and this must be recognised and we must not airbrush this out, there is a real cost associated with that and I am prepared to have that discussion and I am happy to have that debate. I will also use in a way that perhaps has not been necessary in the past ... I do believe that we should be intervening and causing the ability for developers to fund development, either in partnership or with S.o.J.D.C. or with Housing, in order to deliver affordable homes. There is

market failure at the moment because of the absence of credit at all sorts of levels and we must work, while the credit position and conditions prevail, to intervene. I am sorry if Senator Shenton thinks that is unacceptable big government, but I believe it is what we should be doing because I believe in delivering the dream of home ownership and we need to do everything we can to do it. I am in a dilemma because I want to put supply in place. I do not agree with the Constable of St. Clement and, with the greatest of respect to the constituency representatives who are doing a valiant job in defending their areas, I believe that Samarès is a good site in order to deliver home ownership, but there is a “but.” I am not satisfied at present with the robustness of the H1 policy, I have listened and tried to take careful account of the advice of the Minister for Planning and the advice of the law officers and I do have some experience in this matter, if I may say, in this Assembly, I have stood more hours in this Assembly defending the consequences of the decision of the 2002 Island Plan than any other Member in this Assembly. I had to clean up the mess that was left to me in my Environment and Public Services Committee from the 2002 Island Plan and the lack of clarity that was associated with the significant amount of rezoning that happened. Many Members will remember when I either sat in that position or was here as President of Environment and Public Services, having to sort the mess out and I do not want the Assembly to cause today, unintentionally, another mess. So I am going to take a curious position: I support Samarès to be built upon, I think it is the best site that is available, but I cannot support today the rezoning of it because I am not satisfied that the robustness of the H1 policy is there. Senator Perchard may hiss and he may wince and others may call it cowardice or putting a decision off, but I am not satisfied that the H1 policy that consists of the ability ... and I am critical of myself in not having perhaps turned the necessary attention to this before, but the proposition that I invented was the 45 per cent/55 per cent split. By policy in the Island Plan we put a requirement for 45 per cent of the units that must be developed for social rented housing purposes, and that was a good policy. The other policy was 55 per cent of first-time buyers. The former Minister for Housing and I argued a lot about the whole issue of first-time buyers; I think he has been converted, if I may say so, into the new world of alternative - Members must not get the wrong idea before I finish the sentence - home tenure of either shared equity or deferred payment or something like that. That is what is required in terms of a robust H1 policy, which can be defended so that we do not put ourselves in the position that we did in the 2002 Island Plan debate, and we create a policy which, of course, the owners of the land and the developers ... and no criticism whatsoever of developers, they have a role in developing and delivering home ownership, they have a role in the economy and all the rest of it but I am afraid, of course, they will push at the boundaries in order to profit maximise and get the biggest uplift in land value. I mentioned that I would revert to the subject of hawk and I may hawk: I want the maximum uplift in value to be directed towards affordable homes, and I am not satisfied that the H1 policy secures that. I have jumped around but I have listened to the advice, the Minister knows my own position in relation to delivery of homes, I think he is right about the ability to deliver affordable homes on States sites, and I absolutely commit on that. I suspect that we will need more affordable homes on a couple of rezoned sites and I suspect that Samarès will feature in future discussions around that. But we need first of all to concentrate on delivering affordable homes on States-owned sites, we must get the H1 policy revisited, it must do away with first-time buyer, it must have absolute percentages in terms of the different tenures, it must have a focus on either deferred payment or shared equity and, if we had that policy, then I suspect that we would be able to be delivering. I am at pains to look at the Minister for Housing because I know that he wants to deliver homes, and I do, and we are unified in that issue, but I am afraid it is not safe to deliver homes with the best of intentions or we are not going to be able to guarantee delivering affordable homes, not homes that would cost first-time buyer rates at £450,000 or £475,000 for a 3-bedroom house. That is not what we will deliver if we rezone this site today on Samarès, well, that is what we will deliver but that is not what Members want, they want to deliver affordable homes. For that reason, having listened to the debate and everything I have heard, I will vote against it but I will redouble my efforts with the Minister for Housing and Minister for Planning to do the first thing that they want to do which is deliver affordable homes on States-

owned sites. Then we will have to revisit this issue and maybe the Minister will be proven right in relation to the delivery of sufficient affordable homes, but I suspect if we are not then we are going to have to revisit it.

Deputy A.E. Jeune:

Can I ask a point of expansion probably from the previous speaker? Would he be able to advise the Assembly when he expects he could make his first States-owned site available?

Senator P.F.C. Ozouf:

Well there are 2 things in response to that. First of all S.o.J.D.C. is going to be harnessed up and they have had their first board meeting this morning, there are a number of States-owned sites which are going to become available, including J.C.G. (Jersey College for Girls); including South Hill; and there are other sites, I am not going to mention others because some are ... yes there are South Hill opportunities straight away; not exclusively for affordable homes but there is surplus and there are other sites of which I do not want to mention because it is the subject of some final negotiations in relation to some other office requirements of the States which will be made available as soon as conclusions. But the other thing I think I should say is that the Minister for Housing himself has sites which are underutilised in terms of their own density. He has some worn out sites that urgently need care, attention and investment that will deliver a range of tenure in terms of affordable and social rented. Those are the ones also that S.o.J.D.C. will deliver and I hope to be able to explain more of this within the next 3 months in terms of delivery when we have got an agreed plan with Housing, an agreed plan with S.o.J.D.C. and Property Holdings.

Deputy A.E. Jeune:

Does that mean what the Minister is saying is that we ought to know something in the next 3 months?

Senator P.F.C. Ozouf:

Yes.

1.6.17 Senator A. Breckon:

Just a few points. I have in my time sat through a number of these debates and it has been a case usually of this one ought to do the trick and thinking in the Parish of St. Saviour going back a bit, Jardin A Pommiers, Deloraine Road and various things, and before that; Les Quennevais and Miladi Farm. All these things were going to do the trick and this one is probably, in my mind, from the same plan really, I suppose. But again that is the question that the policies are not in place so again it is in 3 or 4 years' time it will be another one, it will be somewhere else or whatever else. The thing I have some concern about, and I agree with the conclusions of the Minister for Treasury and Resources and for exactly the same reasons; because I have some sympathy and support for this, but I also have some care and caution of where it will go. I know what Deputy Southern said but we are talking about probably in excess of £20 million if we look at £100,000 - £150,000 a site and that is where it goes. I have seen, and there is evidence to say, that when permissions are granted then the gloves come off. Where people are saying: "Well, I see 12 feet of land here, I will put a few trees in." "What sort of trees would you like?" I have seen it happen, then things change and you get down to the nitty-gritty of negotiation and it is about yield and it is about; that is what unfortunately it is about.

[16:45]

The other thing that many Members have mentioned is affordability. I am not sure what, if anything, this will do for affordability because the facts are average property prices are £500,000. Average earnings are £32,000. The Minister for Planning mentioned multipliers of 10, well if you look at that you are talking about a multiplier of above 15. Now, the world has changed since that

happened and the question is who can afford this? What are we going to do here? Again, as the Minister for Treasury and Resources has just mentioned, where are the guarantees within the H1? I do not see them there and that is why I think there should be a comfort zone of this 2 years where we can come back if, I believe, we should reject this today and then that does put some pressure on and that means that things do need to happen. Because the other question is who is going to lend the money to people who might want to buy? I am not sure who that will be. The other thing that is an issue here, again we are talking about affordability, but let me just remind Members that even for States rent for 2-bedroom we are talking about £800 a calendar month; for 3-bed we are talking about £1,200 a calendar month. So there are many, many people who cannot afford to rent, thousands of people, we know that because we are paying £20 million odd a year in rent rebates so I am not sure where some Members are coming from when they talk about affordability. We have thousands of people who cannot afford to rent the place that they are living in. So if somebody could give me a definition of affordability I would certainly welcome that. Even selling houses for £250,000 for many people it is just not affordable and I think the Minister for Planning said that yesterday. The other thing, as I mentioned, is there is a serious mark up in this land value with a planning consent on it and it worries me when individual Members come forward and do this. Now, we can criticise the Minister for Planning as much as we like, but there again somebody has to be responsible for the joined up bit and whether we like it all or not that is what he has made valiant attempt to do and obviously because of the number of amendments some of us some issues with that. But having said that, that is the best place for this to rest because that is where the power is to put restrictions on the site which are challengeable by owners and the court eventually. The other thing the Deputy of St. John mentioned this morning, and I remember this well, the site at Sion was scrubland. I think at the time it was £30,000 and within about 18 months it had changed hands for £3 million and that is a number of years ago, it is probably 12 or 15 years ago, the Deputy of St. John is nodding, I remember that at the time it changed hands and I think the Deputy of St. John. So that is the sort of gain that we are into here, so this is a Friday afternoon debate but there is some serious money on the table and the question I would ask Members to put themselves: who will benefit the most? For me the guarantees are not there, which I am sure the Minister for Planning can do, but he cannot do that this afternoon, he needs that breathing space and that is why I will be voting against this because I do not think this is the right time and if the system we are talking that might help this fails then this is a backstop; it will be a stick to beat, maybe the Minister for Housing and the Minister for Planning or others could say: "Well you promised some yield for this site, that is the start we have got, so you now must get on with it." The other thing, the world has changed for buyers and for sellers; confidence in job security are real issues now; the availability of finance and I think the Minister for Planning with his proposals and what he has said, for me it gives some comfort, it gives that breathing space, and that is the reason I will not be supporting this amendment.

1.6.18 Deputy M.R. Higgins:

I will not be that long. I think we would have saved an awful lot of time, effort and hot air if we had reversed some of the propositions we had. We have all gone on about the land value increases and everything else. Why did someone not bring in, before the Deputy of St. Mary, a proposal to bring in a land development tax? We should have had that in first and we could have done away with a lot of this debate. Secondly, I wonder why we are spending so much time because the message I am getting from the discussions we have had to date is that many of the Members have already made up their minds in certain ways. I am willing to forecast that before we are finished the view will be accepted that States-owned land will deliver all the category A housing we require, and personally I do not believe it and I do not believe we will deliver on it that quickly. We have not done it in the past, we have not got a track record for doing it and I do not believe we will do it in the future. Secondly, I am willing to forecast that we will not agree to building in any of the country parishes, any of the Green Zones, we have already decided that pretty well; that we will not build on any brownfield sites, we have already rejected one and I think we are going to reject this

one. I think we are also - okay it is not here - but we know that the population of the Island is going to increase, the Council of Ministers will want to see it increase because of demographic changes so, therefore, we are going to have more people coming in, we are going to have more pressure on housing. So I am quite happy to forecast that the vast majority of the houses and flats will be in St. Helier and it will be interesting to see whether we are going to use the greenfield sites as well as the brownfield sites in St. Helier. But as far as I am concerned this House has made up its mind, there will be no development outside St. Helier. Going back to some of the comments that have been made: Deputy Gorst mentioned flooding about this particular site, what about St. Helier? St. Helier was built on a marsh spring field which we have had a major development which was built on an area of wetland. If we look at the finance argument, I have had constant arguments - I say arguments - I have challenged the Minister for Economic Development many, many times in this House about bank lending, about the banks' support of the economy. Yet we are being told by Minister after Minister there is no money for developers, there is no money for mortgages for people, but according to the economic development everything is rosy; the banks are delivering everything we want. When we come down to the rest here I would just say that I think we can go on about land developers getting money, and I resent it as much as everybody else, but I also believe we have got to provide housing for the people of this Island. Our youth are leaving this Island; I know my son will never be able to afford to buy in this Island and I know there are many families having exactly the same thing. There are many families where they are living with their parents because they cannot afford even to rent as they are trying to build up the deposit. We have got to grasp this nettle now and if one or 2 developers get away with the money and we can provide the housing, I am sorry, let us build the houses first.

1.6.19 The Deputy of St. Mary:

I think to start with population and make a very simple point, that if we build 150 units on this site then in less than the time it takes to build the houses we will have let into the Island - according to the policy - an additional 150 households and we are back to square one. In fact we are back to less than square one because they come in quicker than these houses get build. That is the absurdity of this whole debate. We are zoning, we are building and we are falling further behind and it is completely nonsensical. Just to give Members just a flavour of what has been happening historically: 1986 to 2001, that is a 15-year period, we build houses at the rate of 366 every year on average. The next 8 years we built 560 on average every year. That was after the 2002 Island Plan and there was a big push in 1999, there were various reports to the States that we had a real housing crisis so we better get on and build faster so we upped it to 560 a year. Now what do we have 8 years later? We have a housing crisis and we need to build more houses. Now this plan says we are going to achieve 400 a year for the next 10 years and we still will not have solved the problem because we are still going to be letting in people at 150 households a year net inward migration and so it goes on. So that is my first point and the inspectors make the same point on page 66 of their first report where they point out that you could go on allocating additional pieces of land under H1, and its successors in future reviews of the I.P. (Island Plan), and this route was favoured by some respondents. I am quoting from page 66, paragraph 8.90: "There seem to us to be 2 problems attended upon this; the first is the obvious difficulty of identifying sites which are acceptable. This has proved all but impossible in the current I.P. is certain to become even more challenging as time goes by, assuming it seems probable that opposition to greenfield development remains; and as the most suitable and well located brownfield sites are developed." So it is a policy that is doomed in a way and for goodness sake, we do have to solve that problem of context somehow because we are going nowhere fast in a sense. I know the immediate problem is, as we have heard from the Minister for Housing very eloquently, that there are people needing housing so we must get on with it. But I am just putting in a plea for a rationale approach to the whole issue because we can keep on getting on with it for years and years and years and years and never get there. So that is my first observation. My second sort of set of points really is about consistency and about having sound arguments and I do find this whole process very difficult. We are discussing one option, there are 6

or 7 options including the H3 policy which we are going to debate Monday or Tuesday; we have heard the Minister for Treasury and Resources assure us that we have sites and we must develop them and so we do not need this site. So I hope, to be consistent, that the Minister will be opposing 1219 and I hope that the 3 St. Clement's representatives - Deputy Gorst, Deputy Dupre and the Constable of St. Clement - will be opposing 1219 having achieved the non-zoning of this site. Or will they? Will we see consistency? Will we see them stick to what they said about population? The Constable of St. Clement even said that if we build this site then we will simply entice more people, there will be more people. Well that is funny because he voted against the proposition of mine 2 years ago to keep the population steady. So again we have these interesting inconsistencies that when it comes to 1219 we get the same: States of Jersey must develop its sites and we can manage without these and take the 2 year break to develop a more robust, a better H1 policy. We heard about on this site - and this is sort of going the other way in a sense - the Minister is denying that he has control so we should not zone this site. We should not zone this site because the Minister cannot control what gets built there and Deputy Gorst talked about we do not have trump cards. But this is really extraordinary; various Members asked the Attorney General what the position was legally and what the Minister told us was at variance with what the Attorney General told us.

Senator F.E. Cohen:

Sir, no it was not.

The Deputy of St. Mary:

Well I am speaking now, and that also makes a point that when the proposer sums up there is no possibility for summing up for the person who is most on the other side, if you like, and I think we need to rectify that in debates as well. I think the Minister should have the next last say and then the proposer, but that is by the by. So you will not be able to reply to what I say now. But the Minister said - and it is an important point because it does apply to all these sites and all that we are going to talk about - he said that if the applicant could produce evidence for the type of housing they wish to build and could produce evidence that there is a proven demand then maybe the department would have to give way. But that is not what the A.G. said and it gives developers a huge get out clause; and we have seen them use these get out clauses before, as in that field near Noirmont where there was a big legal battle and the department backed down. But it is not what the A.G. told us because I specifically asked him if there were 2 proven demands: the proven demand of the developer: "I can fill these houses" and the proven demand of the Minister: "I can fill these houses on my split" then as long as the Minister can show that his proven demand is justified, in other words the officers out there in whom I think we all have a fair bit of faith have done the sums and can show that there are X amount of sums and can show that there are X hundred people on the social rented waiting list, which we know the Minister for Housing knows that; we can prove that there are so many people who would buy Homebuy and so on and so on, then the split that the Minister is suggesting on this side and on a package of sides as well in the round is a reasonable split then that is it, a challenge would fail.

[17:00]

So it is not true that the Minister does not have control over this side if we were to zone it now. I just find it very hard when I am getting what I think is being misinformed and that is not the only time in this debate; we have had the extraordinary declaration by Senator Perchard that the Jersey children and youngsters will not come back from the U.K. after the university or whatever and a few years after that, because the cost is too high, we must get on and build these houses. It is a complete nonsense, it just does not follow that if we build houses on this side or on any other side they suddenly become affordable, because they do not. In the last debate the Senator said, and I quote: "More supply will reduce the price." But it does not and the evidence of the last 8 years

which I have said we were building houses at the rate of 560 a year for the last 8 years and what happened to house prices over the last 8 years? Up and up and up and in fact in the boom years I think they went up 30 per cent in 3 years. So it is a nonsense because the conditions here are not equilibrium, they are shortage, permanent shortage. So this mantra that more supply will reduce the price is simply not true and we have to use other tools - and the States does use other tools and the Minister for Treasury and Resources said we must use other tools - to bring the price down. We have either to use our own sites, find the money somehow, or offset that capital loss, or we have to use special mechanisms like Homebuy Mark 2 or whatever it might be. But we can build and build and build but we cannot keep up, which is why we need a different policy. Enough has been said on the uplift so I will not say anything about that. I do find this very difficult and I am going to listen to the proposer's summing up. I am still very concerned about my suspicion that having voted this one out the House will then promptly turn around and vote 1219 in, which I would find absolutely astonishingly inconsistent and I dread it happening and I can see that it might happen and again that brings us back to this process issue. We are not dealing with it in the round, this is a rubbish forum frankly for dealing with this kind of thing, we deal with one after the other, we deal with this one first, then we deal with the next one, then we deal with the next one and it is chaos really. It is not a good way of dealing with it.

Male Speaker:

And it is an election in 5 months.

The Deputy of St. Mary:

Yes, that is a different point. But I do think we should mash things better outside; I know the Minister did brief us on the Island Plan, we have had one briefing, we should have had a specific briefing on housing issues, we should have been able to get to the bottom of some of these issues in a much more informal way and then this series of debates would have been a lot shorter and a lot better.

The Bailiff:

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

1.6.20 Deputy P.V.F. Le Claire:

First of all I would like to thank everybody that spoke and I would like to say from the outset that I have been looking back over time at the debates that have been occurring and what people have been saying. I must, on reflection, pay tribute to people like Senator Ozouf who has for over a decade now been trying to clean up a mess - possibly single-handedly - that has been brought about by us not taking a collective responsibility in looking at these issues in the round. I sometimes disagree with Senator Ozouf but I must congratulate him for his understanding about these issues. In fact also, conversely, he seldom entrusts me with opportunities to help to deliver some of the solutions that are required and I would put to him that if he was willing to work with my enthusiasm and his intelligence we may be able to achieve a considerable amount. I would like to pay tribute to what he is doing. I would like to criticise him for not allowing people such as myself who want to try to help being engaged in a meaningful way, so there is an applause for him and also at the same time a little note of disappointment that I have been trying my hardest ... I recognise my shortcomings but my enthusiasm is not limited and it is my recognition and understanding of the issues that result in the lack of affordable housing and the understanding on the streets of St. Helier and my upbringing that enables me to understand what it means not to have any money and not to have a roof over your head and not to ever have the opportunity of purchasing a home. To witness friends and family who are forced to watch their daughters leave this Island, or their sons leave this Island, and go abroad to find employment. Now, Senator Perchard said that was happening and also that was said by Deputy Higgins and they offered no evidence at the time to back that up other than their own feelings about the matter. But that is

clearly supplied in the 2009 Jersey Annual Social Survey, which said that the main reason that people were giving ... I am really trying my hardest to get a lot into a very short period of time and I could possibly do better if Members could please give me some ... well, anyway. In 2009 the Jersey Annual Social Survey said that the main reason given for people leaving the Island in the next 2 years was the lack of affordable housing and the opportunity to purchase a home. The Minister for Planning unfortunately again is not in the Assembly to listen to me, he may be outside listening to me, I do not know. The Deputy of St. Mary said there was a problem with inequality of arms and that he did not have the opportunity to sum up. Well if we talk about the equality of arms, he has got his ministry, he has got his 2 Assistant Ministers and he has got his 3 officers sitting there helping him in this debate and a wonderful job they are doing, do not take me wrong, but I am trying to do this single-handedly; and while I recognise there is some concerns I also recognise there is only one thing that is consistent in this process and that is identified by the Deputy of St. Mary as well. The only consistency is inconsistency. How on earth can you write into an Island Plan a field like 1219 which today is being farmed and it is now being proposed to deliver housing with all of the pitfalls that have been identified in relation to this policy as mine. Yet, within the independent Island inspectors' second report they said if you take away field 1219 in a housing crisis that we are in you are going to be left with 50 affordable homes over the 10-year period of the plan. Members are screwing their faces up at me. The Deputy of St. Mary, while I am continuing to speak will now go back and research, or if he wants to wait I will dig the papers out because every single thing I am about to say I can back up with the papers that are surrounding me. It is a pity that we have not used our foresight into the modern technologies that are available to us because we could have been messaging these things across to each other. We are wired up to communicate but we are sitting around piles and piles and piles of paper and I cannot - unless Members are going to give me the time - produce the documents that I have surrounding me that I have spent several weeks collecting. The Minister for Housing produces a housing waiting list, a definitive list which Members have been circulated today. It is exactly what I was saying, 453 families on the waiting list, that is what I was saying, it is information I have got from his department. Okay, today he says 452, they have just filled Salisbury Crescent, that is gone. That unit which was not available when I had that 453 is now full or very, very, very nearly full; so we are down to 452. The mean average which the Housing Department gave me in terms of waiting lists, the demand, can you prove a reasonable expectation that is why you zone something; the demand is clear and the demand is present; and 453, or 452 as shown on those figures, families or heads of households equated to a minimum of 880 people, of those 411 would be children. That is confirmed in emails to me by the director of Housing who has broken down the types of the accommodation that they are on the waiting lists for and the bare minimum. So, for example, one bedrooms I took one person, not 2 adults and one child, one bedroom I just put down one; 2 bedrooms I said let us just put down 2, bare minimum, 2; 3 bedrooms I said right, well let us just put down 3 even though there may be 4 or 5 people in a 3-bedroom; even though there may be 3 or 4 people in a 2-bedroom; even though there may be 2 or 3 people in a one-bedroom. I took the absolute minimum to come to those numbers. Based upon the projections that the Housing Department has given me, and which I can circulate to all Members if they wish to see them, if they wish to acknowledge them; say that by the end of this plan we have got 2,700 people waiting on this list for accommodation. All we are going to deliver within the period of this plan, according to the Island Plan inspectors, if we do not have field 1219 ... because I am speaking on my feet without referring to my papers, that might have excluded also d'Hautree, I am not certain; but in their addendum reports they said it is inconceivable. In their second report they say it is inconceivable that we would do this, we would knock out field 1219 and be left with 50 affordable homes and I have already told Members from the statistics that I have dragged out that 2,450 of the homes that have been permitted are category B and only 150 are category A and 140-odd are currently being built. I have told Members about the 2008 debate. When we zoned those pieces of land, at that time in that debate, Senator Ozouf stood up and said ... and this is important because if you read the Hansard, as I did only 2 days ago, not only did it start out as I said to Members: "Oh,

you know, here we are again heading into the end of summer debating really, really long propositions. It is really not timely” and I made the point: “Here we are again in 2011 doing exactly the same thing” and I also made the point that the plan is a year and a half late. But in that speech that Senator Ozouf gave in 2008, he talked about introducing a levy on the land, a tax on the land, some mechanism to capture the uplift in value. He talks about planning obligations and the planning gains that could be written into permissions to deliver things and I will talk about planning obligations when I come to addressing flooding because there was no flooding in Goose Green whatsoever. Yes, there was. So the need is there. Senator Ozouf said at the time: “I am sorry but a debate like this is not about whether or not people are going to make money” and Senator Cohen said the same thing. People quite rightly are entitled to lobby on behalf of their clients, of their advisers if there is something ahead of them. My goodness me, does not anybody else make money in this world? I have asked Members of this Assembly and I have said quite openly and I have not got a department, all I have got is a laptop ... and I have asked and I have pleaded with people: “Bring the proposition that says we will have land developer’s tax introduce capital gains tax” and I have said to Members I would support it but I also said there is highly likely to be implications for the finance industry if we do such a thing and it needs to be thoroughly thought through. That is the job of the Minister for Treasury, okay. So we cannot do it just for Housing; we have got to think about the issues in relation to investments and other things and I am sure that he has given it a lot of thought. So while I recognise the missed value and the Deputy of St. Mary has just talked about £50 million in lost opportunity to the taxpayer from the 2002 plan, what happened in lost opportunity from the 2008 plan? Where were the objections in 2008? Because the policies which are not present today to protect us were not present them either when we rezoned 11 greenfield sites in 8 different Parishes. 11 fields and only was has been built on and completed today. Now I look across at the Minister for Social Security and I ask myself: “Why is it the Minister for Social Security, who is responsible for taxpayer’s money and delivering the needs of the most needy in our community, is able to have such a black and white argument as he has today?” £10.5 million a year, I discovered from his officers - thank you very much, Minister and your officers, you are doing a great job - is being spent on private rental subsidy, £7.1 million I think on the private sector and the rest on trusts. £10.5 million every year we flush down the loo. There is no opportunity for those individuals to purchase any of those properties either. There is no opportunity for those people in that private accommodation to get into a shared equity mechanism that we provide in some of the States affordable housing systems either so we are basically confining them to a lifetime of rent. The paper that was recently circulated in terms of generation rent, which I have studied and I can make available to Members, talks about the issues in relation to generation rent. As I have said before, it will have a significant impact upon people’s pensions because, unlikely to invest in their own homes, will mean they will go out and have holidays instead and there will be less money and no capital to draw upon in their elder years. So how does the Minister for Social Security mean to tackle that? Make us work until we drop?

[17:15]

Is that the answer? Let us just keep working until we fall down dead. The Minister for Planning said: “I am happy to provide a surety to Members that the numbers match the demand and I recognised, in bringing this forward, that there was a concern from the Island Plan inspectors but with the acknowledgement of the assurances I was given from the Minister for Treasury and the States of Jersey Development Company, that we can go ahead and build on States-owned sites.” The Minister has acknowledged - and I reminded Members yesterday - that in the Minister for Treasury’s comments he circulated to Members, it would have an effect on the value of the States overall portfolio. It is in there, it is on Members’ desks, it was laid there on the 20th, it was not examined by the independent inspectors but there is clear signals for the States capital programme in relation to what they will be able to spend in the future if we devalue States sites by zoning them for any other reason or if we decide to dispose of them for less than the full market share. So what

we are saying is there are serious implications for the States-owned capital programme if we build upon States-owned sites, and that is clearly in Hansard ahead of me this afternoon, clearly stated by the Minister for Treasury. We should read a little bit more, on reflection, about what he is saying because in his words in Hansard, he is telling us maybe we are not listening closely enough. I am certainly guilty of it but I am paying attention now and I am saying to Members: "Here is some new information." In 2009 which was ... how long ago was that? Let me see, was that as long ago as when I first started speaking? No, that was more than a year ago. That is 2009. Two years ago, published information from Statistics told us that the average population heads of households coming into Jersey over the last 4 years was 325. 725 more people in every year over the last 4 years on average above births over deaths which were averaging out at 250. There is the new information, Minister. There is the information you are ignoring. There is the information that tells us quite clearly you are not going to deliver the amount of houses necessary to deliver the homes that people need and it is going to do nothing to address issues of affordability. The Minister for Social Security says the answer is wait until we have catastrophically failed and then we can come back in 2 years' time and start again and I am saying to Members: "No, let us not wait until we have catastrophically failed because we have failed already." We have failed and failed and failed and failed already. We have failed to take into account the numbers that are available for us that have been emailed to us by the Head of Statistics. We have failed to agree the department's numbers that I have tried to bring out on several occasions. We have failed to agree that they are real. Now we have got 150 heads of households to concentrate on but even if you do that number, as the Deputy of St. Mary so eloquently put before us today, even then at 150, we are just not building them fast enough. Let us design a tree that can grow just about as fast as we can cut it down. Interestingly, he then says, and it is demonstrably an argument against the Constable of St. Clements: "If you introduce more houses, then there is going to be negative equity." What has happened and it is identified in the generation rent report as well, if you do not supply enough houses for first-time home buyers - and it is not that we are not supplying enough, it is just that we are supplying enough but not for people in Jersey as we are only supplying enough for the people that want to buy to rent them or buy to let them - what we are doing is we are basically saying or the Constable of St. Clement says: "We are in danger of introducing negative equity to all the homeowners" so all the homeowners in this Assembly and all the homeowners in the Island are going: "We are going to lose money. We are going to lose value. Our house is worth millions." Your house is worth what somebody is prepared to pay for it and the reality is there is simply no argument in saying more supply will drive down the cost of your house. The reality is stagnation in the market and people stuck in chains drives down the market. Over the last 30 years - and this is statistical information - the house prices in Jersey have consistently and continually risen. Only for the very, very first time this quarter - and it was the first time in 30 years and even platinum does not track this - for the first time in 30 years, we saw a reduction in the cost of housing. The first time in 30 years. It has not been a property market; it has been an investment market. It is a fantastic investment. Where can you get a market that will continue to go up regardless of recessions all over the world for 30 years quarter after quarter after quarter after quarter continually increasing? That is why when you talk about affordability - and we have heard some numbers from Senator Breckon that the average income is £32,000 in Jersey and the average house price, he says, is £500,000 - the average house price is £443,000 and in the U.K. the average house price is £205,000. There is a difference of £240,000 in the average house from the U.K. to Jersey. Now I ask Members does the average U.K. nurse earn much less than the average Jersey nurse and that is why that is that way? Do carpenters in Jersey earn significantly more than carpenters in the U.K. or electricians or plumbers or drivers or hairdressers or bus drivers or painters or firemen or policemen? Do they earn that much more that it is okay to have the first rung stationed £243,000 above an equivalent rung in the U.K.? Of course not because in the U.K., wages are comparable and we are always being told that we have got to pay comparable ... maybe that is why all the nurses are leaving and they are not coming. Look at the cost of housing. It is not affordable. Okay, Members do not really want me to go on at all, so I do want to just touch upon a

couple of things because I think it is important, if I may. It is in particular to the Samarès site itself so that people can understand the dichotomy of what is being argued here today. People talk about flooding and the fact that flooding in Samarès is having a huge impact upon the residents in St. Clement and the toilets are backing up. The toilets are backing up and they are up to their knees in water St. Clement around Samarès. Can I remind Members there is nothing built on that site today? There is no house on that site today so if the toilets are backing up today and if the water is backing up through the toilets, then what is necessary and what should have been going on years and years ago is - and it is a shame the Deputy of St. John has gone because I am sure he could have confirmed this - it is a shame the States has not been investing enough in sewage and ordinary drain water separation facilities as they have done and invested in St. Helier and then the toilets would not be backing up. We had to spend millions and millions on pounds on a cavern in St. Helier to help address these issues in town when the sewage was coming up through the shop floors and into the basements and it happened only 2 years ago. Within the last 2 years, there was significant flooding at West Centre. Do Members forget? I certainly do not forget. So what has happened is there have been no planning obligations until now on the mess that Senator Ozouf said he needed to sort out. There has been no planning obligations on anything that was built to address the issue and also the money that was paid by taxpayers was not invested by the States to deal with foul sewage separation tanks and sewage facilities. On top of that, it is all going in through the streams and on to the beaches and we have done that work on Environment Scrutiny. There is so much pollution on the beaches in relation to what is coming out of the streams and everything else. We have got a huge backlog in drain infrastructure in Jersey. So the reason why I mention that is because Members have mentioned that if we build then we are going to have flooding problems, and I think it is important. Whether or not the Assembly agrees with this today, I would like Members to agree with me, the Minister for Housing and the Minister for Treasury and the previous Minister for Housing and Deputy Southern and other people that this is the best housing site in the Island. If you are not able to support me today because of policy considerations because you may be worried about flooding, I need to dismiss this flooding nonsense so let me flush this one out. Part of the Samarès Nursery site drains naturally towards Samarès Manor Gardens. If the site were developed, water attenuation tanks would be required. Remember that phrase “water attenuation tanks”. Not Jersey vernacular or contemporary water tanks or anything. Just regular water attenuation tanks. I mention that because I am going to talk about the water attenuation tanks that were used in Goose Green because obviously the company that built the Goose Green development had possibly, I do not know, vernacular water attenuation tanks against the contemporary ones proposed here. Who knows but, anyway, it is off of the back of a very interesting email from my fellow Deputy of St. Helier No. 1 Deputy Pitman. I will read that in a minute. The installation of water attenuation tanks is common practice on new developments of this nature. Collected water could be recycled and/or released in a controlled flow. Specific draining rights have been secure through the services constructed to serve what is now Clos Lempriere situated on the south-eastern border of Samarès Nursery. There were previously drainage problems around Clos Lempriere. After investigation, a specific engineering issue was identified which now appears to have been properly resolved. No further flooding has been reported. The portion of Le Rue de Maupertuis which collapsed twice in a month period has been investigated by consulting engineers employed by the Parish. It was agreed that, in the area, there was most likely to have been unsatisfactory backfilling during the works carried out to establish services to Clos Lempriere. Right, let us go to another development on a place called Goose Green. I do not know if Members are familiar with Goose Green. It is that site over there and I have got an email copied to the Minister for Planning, Deputy Power, the Minister for Transport and Technical Services, a couple of other officers including the Chief Officer at Planning and Environment, Deputy Pitman and myself and I would like to read from that, if I may. Thank you for the loan of the glasses, Deputy Power. This was on 10th July 2009: “Dear Deputies, the Minister has asked that I respond to your queries regarding the sewage water pumping station associated with the development at La Providence, Bel Royal. Unfortunately, I have been on leave so I have not been able to respond earlier. I am also aware that a number of

related questions will be asked of the Minister in the States on Monday [so if we can look at Hansard, they probably were]. There appears to be some misunderstanding about the purpose of the surface water pumping station associated with the La Providence development. This pumping station, which is to be located in the car park along La Route de la Haule - I do not know if any Members are driving home tonight but they can look to their left and it is just there sacrificing those parking spaces - at the foot of the Perquage Walk is not intended to deal with surface water at La Providence site. Its primary purpose is to control the level of water in the wetland to the south of the La Providence development and mitigate flood risk to existing properties around the wetland, e.g. in Rosedale Avenue and other adjacent developments. As such, it can be regarded as a planning gain.” Well done, Senator Ozouf. One of the planning gains that he managed to get people to focus on in 2002, they insisted upon: “If you want your plans passed for these houses, we want an exchange. A planning gain of a sewage water pump to separate and deal with the issues of flooding.” It is coming on line 4 years after the houses were finished, I am told, but I do not know if that is correct. As such, it can be regarded as a planning gain for the benefit of the existing community; something we should have been doing anyway but, anyway, the developers have had to pay for it. We all knock the developers but they do, apart from the percentage drawn up, they have got to pay for these things. They normally pay for them in advance and then wait 2 years until they are installed and take all the blame but yet they have paid the cash. Goodness knows what is happening with it: “As such, it can be regarded as a planning gain for the benefit of the existing community and its provision prior to the completion of the La Providence development, is the subject of a legally binding agreement between the developer and the Minister.” Well, it is still being finished now and I am not blaming the developer. I am just saying that is how we allocate our resources. That development is not yet complete and neither is the pumping station: “However, the pipe work leading to the pumping station has been completed and the pumping station is certainly due to be installed and operational by April 2010.” So there is an example of the States getting on with it: “It is also worth reiterating the floor levels for the new homes have been set to ensure that they would not be at risk of flooding from water drainage from the St. Peter’s Valley catchment in the adjacent wetland area during a one in 200-year event including allowance for climate change even if it does not exist. Indeed, most of the homes are well above that level. Furthermore, this takes no account of the impact that will be made by the approved surface water pumping ...”

The Bailiff:

Deputy, is this degree of detail really necessary? Your point, as I understand it, is that it is possible via a planning gain, to deal with the flooding point. Now could that be just said quickly?

[17:30]

Deputy P.V.F. Le Claire:

I am very nearly there, Sir. The planning obligation gain was to deal with the extrication of the sewage and to mitigate against the actual floods themselves. I am just about to explain that the actual development themselves provided for the flooding issues by having water attenuation tanks.

The Bailiff:

It just seems you are going into a colossal amount of detail which may not be necessary.

Deputy P.V.F. Le Claire:

Well, Sir, Members want to put up the argument, and I am not allowed to address them. I am trying to address the facts ...

The Bailiff:

Deputy, we have certainly allowed this and, ultimately, it is a matter for you.

Deputy P.V.F. Le Claire:

I know, Sir. I know that you are allowing me.

The Bailiff:

I am trying to assist you.

Deputy P.V.F. Le Claire:

I do see, Sir, but what I am saying is that while you are being very kind to point to the fact that I am not keeping their attention, I would just like to make the point to Members that all of these H1 sites hinge upon our decision today on this site. All of them, in my view. If there is no guarantee that we can do this on this site, then there are no guarantees we can do them on any of the sites. I am just trying to alleviate one of the future problems because everything else has been addressed on this site; the demand, the location, the desirability, the need and I have just tried to address and I am going to address by finishing off by saying 2 water attenuation tanks were delivered on the site at Goose Green, Bel Royal area and that dealt with the flooding there so why cannot surface water, sewage, as a planning gain, be implemented there and the owners have already said in their engineering report they would include 2 water attenuation tanks? So this nonsense about flooding needs to be flushed out. The last thing I would like to say is I have spent possibly the hardest period of my life over the last several weeks working with the officers trying to understand what is coming forward. I never understood just how much time the officers at Planning and Environment put in to what they do, nor indeed the housing officers. I certainly have a very good grasp of what their problems are. I am afraid to say with the lack of resources that we have put upon them through the comprehensive spending review, they have not been able to (1) complete the census and take into account those numbers and (2) conduct and commission the Housing Needs Survey. The last one was done in 2006 and, for that reason, we are going forward based upon flawed information. We are going forward on the need of 150 heads of households when we are clearly exceeding that. We have got significant under provision and we have got a serious housing crisis. I would ask Members to support this proposition because it will do something immediately to alleviate the needs of those people and I want Members to think significantly about this. Come with me today or go with the Minister for Social Security on the £10.5 million journey he is on every year. Wait another 2 years, we will have wasted £22 million by then no doubt and we will be able to recognise in 2 years that we should have been approving this today. Let us not do what the Minister for Social Security said, which is wait until we have catastrophically failed. Let us get on with it and approve this site today.

The Bailiff:

Very well. Do you ask for the appel, Deputy? Yes, the appel is called for then in relation to the amendment lodged by Deputy Le Claire concerning Samarès Nursery. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 11		CONTRE: 35		ABSTAIN: 1
Senator T.J. Le Main		Senator T.A. Le Sueur		Connétable of St. John
Senator J.L. Perchard		Senator P.F. Routier		
Senator F.du H. Le Gresley		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator B.E. Shenton		
Deputy J.B. Fox (H)		Senator F.E. Cohen		
Deputy G.P. Southern (H)		Senator A. Breckon		
Deputy P.V.F. Le Claire (H)		Senator S.C. Ferguson		
Deputy S.S.P.A. Power (B)		Senator A.J.H. Maclean		
Deputy S. Pitman (H)		Senator B.I. Le Marquand		
Deputy M.R. Higgins (H)		Connétable of Grouville		
Deputy A.K.F. Green (H)		Connétable of St. Martin		
		Connétable of St. Saviour		

		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

Deputy P.V.F. Le Claire:

Sir, may I just inform the Assembly that I have no intention of wasting their time further on any other amendment and I will not be supporting any other amendment for H1 in this debate. I feel, personally, that this is a true indication of Members' belief in what is coming up and their ability to tackle it. I am at diversions with that, I thank them for their patience, I am withdrawing the other 2 amendments I have, Sir, and I am not supporting or seconding the 2 amendments that these Constables have asked me to and nor am I am supporting 1219.

The Bailiff:

Now, Deputy, can I just be clear about that? Deputy Le Claire, can I just be clear because it is a matter of course for you but they are presumably all different sites and there may be different considerations and I would not want you to take a decision in the heat of the moment. Are you sure you wish to withdraw? This is the 17th amendment.

Deputy P.V.F. Le Claire:

There is no point, Sir. That was the one that had the support of the Minister for Housing. That was the one that was supported by the vast majority of people that were looking at it in an impartial way. It is not something that I am an expert at but I can tell by the mood of this Assembly they are not minded to support any of these issues, they are not listening to what I am saying and I do not wish to waste their time, Sir, and, more importantly, I do not wish to waste mine.

The Bailiff:

Very well. Can I just be absolutely clear them, Deputy, that is the 17th amendment that relates to the glasshouse sites at field 252 La Rue de Jambart? Is that right? That is withdrawn.

Deputy P.V.F. Le Claire:

Sir, if I get the opportunity or, if I do not, I will certainly lobby for it to be returned in the future as identified by the independent inspectors once the safeguards are in place to make sure the public

are satisfied the H1 policy is working and I certainly say the same for the other field as well that was identified. So these sites that I have brought forward, Sir, I regrettably say - and the landowners are listening to this for the first time as well - that I think that they are better protected for an Assembly that has the benefit of the facts from the census and the next Housing Needs Survey and when an Assembly is constituted that recognises the crisis that is upon us.

The Bailiff:

So the other one is the 18th amendment, field 1248. So it is just those 2? Thank you very much.

Deputy P.V.F. Le Claire:

The subsequent amendment of mine which was to try to safeguard Samarès, I understand falls away in relation to the Deputy of St. Clement's endorsed proposal.

The Bailiff:

Well, we will come on to that.

Deputy P.V.F. Le Claire:

Right, Sir.

The Bailiff:

Very well, so, therefore, the next matter would have been the 17th amendment but that has been withdrawn.

1.7 Island Plan 2011: approval (P.48/2011): twenty-ninth amendment (P.48/2011 Amd.(29))

The Bailiff:

The next one would have been the 18th amendment but that has been withdrawn so the next matter for the Assembly is the 29th amendment lodged by the Connétable of St. Peter. I will not ask the Greffier to read it. This relates to 2 fields in St. Peter. Minister, you are opposing this one?

Senator F.E. Cohen:

I am neutral on this one, Sir.

The Bailiff:

You are neutral on this one. Very well, then I invite the Connétable of St. Peter to propose it.

1.7.1 Connétable J.M. Refault of St. Peter:

I am terribly sorry. I have been rather caught out. We have come rather quickly up to this point so I do not have my papers ready in front of me at the moment. Would you just bear with me just for a second?

Deputy P.V.F. Le Claire:

Sir, could I just have clarification before we begin? The Minister for Planning said in my debate that he was opposed to it because of the uncertainty in relation to legal issues surrounding the policy of H1. Do those not equally apply in this debate, which he is now saying he is neutral to?

The Bailiff:

I do not think we can have a debate outside a debate. No doubt, you can raise that point in the debate on this one, Deputy Le Claire, and the Minister will no doubt pick the point up but not outside the debate. Yes, the Connétable of St. Peter.

The Connétable of St. Peter:

These are 2 small parcels of land in St. Peter which the Members are well aware of. They have seen the proposition. They also received some direct information with some plans attached to it,

particularly with regard to the Saut Falluet site. Now, historically, the Parish of St. Peter has been consistently supportive of housing needs within the Island with the division back in the early 1970s where the original village developments were just under 100 houses in Ville du Bocage and then, latterly Le Grande Piece and, beyond that, Ville de L'Eglise and then within this last decade, another 72 units of social housing and first-time buyers at Clos des Charmes and also the lifelong homes and nursing facilities down at L'Hermitage, another 186 units there. St. Peter is not really equipped for any more large development of those sort of sites but there does remain an opportunity for a couple of smaller sites essentially, which are filled in sites, one is the field 189 on Le Rue de L'Eglise which is able to deliver approximately 15 units of affordable housing and field 287 in Saut Falluet, a possible another 10 units there. I think it is within the remit of all the Connétables wherever possible to deliver up some of these smaller sites that all add up and contribute to the overall need. If we multiply those 25 by 12, we start to end up with a significant amount of smaller sites around the Island, fill-in sites, which contribute to the overalls needs that we are looking for for category A housing. We have been through a very long debate now about the rights and wrongs of H1 sites or H3 sites and H1s particularly. I do not wish to take up Members' time much more than this. I think Members are really coming now to a point where they are fairly clear on which way they are going to go on most of the propositions and so, therefore, I will just make the proposition. Thank you.

The Bailiff:

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

Deputy E.J. Noel:

I am just going to be brief. Some Members may know - especially those on the Planning Application Panel - that I used to own an adjacent site to field 287. I am not going to be participating in the debate, Sir. I did use the term "used to own", I sold the site in the latter part of last year. But I feel that if I voted for this I could be accused of having bias and if I voted against this I could be, equally, accused of having bias so I just wanted to ...

The Bailiff:

It is a matter for you, Deputy. Unless I have misunderstood the position, if you do not own the field any more it is rather hard to see how you could have any interest, but anyway.

1.7.2 Senator F.E. Cohen:

To clarify my position, I have said that I am neutral on this site. However, I wish to make clear that the points I have made on the other sites do remain. There is the same question of how one delivers the type of housing that is required within the H1 categories, as I have previously outlined, and do not need to express again. There are the same issues in relation to my preference for delivering on States-owned sites. My position has not changed, that is the way I prefer. I have simply taken a different stance with this and a few other sites and leave the matter in the hands of the Assembly, as I made clear at the outset.

1.7.3 Deputy M.R. Higgins:

It is just to seek clarification from the Constable of St. Peter, can he confirm that he has had a Parish Assembly in this matter and what the results of the Parish Assembly was?

1.7.4 Senator A. Breckon:

I wonder if I could just ask the Connétable of St. Peter if, on field 287, any consideration has been given to the closeness to Lakeside Residential Home because if a development is to take place there, it seems ideal that that would be a scheme for elderly people who might have some needs that could be catered for within the remit of the Lakeside Residential Home. I wonder if the Constable could expand on that.

1.7.5 Deputy D.J. De Sousa:

I just wonder if the proposer could say whether the fields belong to the Parish or not?

1.7.6 The Deputy of St. Peter:

It is just to clarify the positions of these 2 fields; the Constable has mentioned the approximate position of them. Field 189, for those people who are familiar with St. Peter's Village, it basically is a triangle. The fields for Clos des Charmes were rezoned some time ago and it has been now built upon. The field 189 represents the bottom left-hand corner of this triangle where we have Rue de L'Eglise, La Grande Route de Saint-Pierre and Rue de Pointe, which makes a triangle. This is just the infill site, in the bottom left-hand corner, which is the logical extension of the village. The other site sits between the regeneration site of the airport and is surrounded, as has been mentioned, by the buildings of the care home and whatever. It is a site which is mostly shale and is not good for agriculture. I just indicate those points.

1.7.7 Deputy A.K.F. Green:

I think the Deputy of St. Peter might have answered one of my questions, but I am going to ask them anyway. I want to be clear, this time, what is the difference in these 2 sites in terms of, are we not making millionaires again? Secondly, what is the quality because I want to be subjective, what is the quality of the agriculture land here? Are we not rezoning greenfields here? I want to be clear on that before I make my decisions.

[17:45]

1.7.8 Deputy R.C. Duhamel:

Deputy Le Claire made one particular point which I am in full agreement with and that was, time and time again, in his opinion, and in mine, this House is inconsistent in how it makes its decisions. It is quite clear that if we are following the decision of the House made previously on other sites we should reject this site to be consistent.

1.7.9 The Deputy of St. Mary:

Two points, I think. I notice, first of all, that in the documentation with this proposition, there is quite a lot of information about the site near the airport, the very small amount of topsoil on top of the shale, photographs of the site, a plan showing how it is, effectively, within a built up area and so on. On the other site we are told very, very little. So I would like the Constable to elaborate a little bit on any process that was gone through to look at that field, off Rue de la Pointe, I think it is, to evaluate other possible uses, for instance, allotments, whether there was genuine consultation throughout the Parish and to elaborate a little bit on Deputy Higgins' question, was it just one Parish Assembly, was it several Parish Assemblies and how many people were attending those Assemblies?

1.7.10 Senator T.J. Le Main:

I thought the Minister was going to support the Connétables if the Connétables came up with sites in their village, particularly if they had Parish Assemblies and the residents were in favour. Well, I just am quite amazed that other sites and even the Connétable has voted against the other sites. I just do not know how he could bring this forward now after voting against several other sites. I just cannot believe he has got the nerve to bring this forward but, saying that, I want to see homes for young people. This Island has a desperate need to retain the young people of this Island and those we send over to universities that come back, but saying that I am still going to give the Constable my support because I think the Parish have starred in this case. They have had a Parish Assembly, the Deputy is in favour, the Connétable is in favour, the procureurs and, I presume, the Parish have given the green light. There, obviously, is still a need for homes for young Jersey couples in St. Peter. They have identified 2 sites which, I think, are absolutely perfect and, as I say, if we continue the way we are going, then we are forcing young people to move out of the Island and we

are just not meeting our obligations. So as much as it sickens me to think that the Constable voted against Samarès which, to me, was a perfect site for producing homes for elderly, sheltered homes, elderly people and providing a new Eastern Good Companions Club. I am going to eat my words and I am going to support the Constable on this and I urge Members, it meets all the criteria that the Minister for Planning and Environment has been singing on this hymn sheet all along the line that if the Constables have come up with land around their own Parish villages and it is supported by the parishioners he would give the support. I cannot understand why, in this instance, he cannot give it the support.

1.7.11 Deputy P.V.F. Le Claire:

It just goes to show, does it not? It is not what you know, it is who you know. The Minister, in my proposal, along with his Assistant Ministers, and the Constable of St. Peter refused to take into account anything I said and voted against my proposal for housing. I also find it very difficult, and I cannot be a hypocrite, because I am sick of the hypocrisy I have had to live with recently. I refuse to be a hypocrite to say I will not support housing wherever I can. So I am also going to give my support to the Constable of St. Peter and the Assistant Minister for Planning and Environment, the Deputy of St. Peter. The Assistant Minister for Planning and Environment who, along with his Minister, who is neutral on this fact, neutral on this site, until 5 minutes ago thought we had more than enough sites in States owned ... we have got States owned sites and a trigger ...

Senator F.E. Cohen:

I have not said I am in favour.

Deputy P.V.F. Le Claire:

I said neutral. I do not know if the Minister is ... I know he is half deaf, I am not sure which half I should be addressing. I am trying to make the point. If there were financial risks to the States of Jersey in my site, then there are financial risks to the States of Jersey in this site. If there was no opportunity to capture the land, uplift value of millions, 10, 15, 20, 30, 40, 50, 60, 70 or more million pounds on my sites that I was bringing, then it has all fallen away in 2 minutes. What did I say? The only thing that is consistent in this Assembly is we are consistently inconsistent. Now, I am not going to go down that road, as sick as I am of the hypocrisy that I have been having to live with, I am going to support the homes for first-time home buyers, even though I am gagging, right now. I am going to ask the Constable and the Assistant Minister for Planning and Environment to reflect on what they are doing now that they did not do earlier. I am going to ask the public who are listening to this today, and we are going to hear this later on from us all, how is it, how is it, that a site that has the full support of the planning officers, sorry, they did earlier, the planning inspectors, the housing officers, the Minister for Housing, the Minister for Housing, and the previous planning officers, how come that is no good? This one is fine. It is absolutely remarkable. Now, Deputy Duhamel says he agreed with me on the one point. We have been at odds the last few weeks because I have been trying to identify sites to bring forward that he did not think we needed. I am glad we are finally in harmony on the one fact that we are in harmony on. This is completely barmy. So, Constable of St. Peter, you have got my support. Go back to your parishioners.

The Bailiff:

Through the Chair, please, Deputy.

Deputy P.V.F. Le Claire:

Through the Chair. I would like you tell the Constable of St. Peter he has my support [Laughter] and I would like the people of St. Peter to know they have my support and I would like the first-time home buyers to know that they have my support. I am just wondering why it is that those motivations that I have for their parishioners are not shared by my fellow States Members in regard to the housing needs of the people in the rest of the Island.

Senator F.E. Cohen:

Can I just make a point of information? I think it is important to say that to be very clear I did not say I supported the amendment. I said I was not offering a direction.

1.7.12 Senator J.L. Perchard:

It is just before 6.00 p.m. on a Friday evening, we are all tired but I am not so tired as to notice the hypocrisy and inconsistency here. This whole Island Plan has been subject to an Examination in Public that has taken nearly 2 years and I must remind Members with regard to these 2 sites, unlike the Longueville site and unlike the Samarès site, with regard to these 2 sites, the Examination in Public, the inspectors conclude, and I will give you the last paragraph: "It is also relevant to note that both of these sites have already been considered and they have been rejected by the independent planning inspectors as housing sites. The hypocrisy and the duplicity are sickening and I am just aghast to know what to do now.

1.7.13 Deputy M. Tadier:

Very quickly. I keep on hearing from a certain States Senator that he knows what young people want. So maybe I am better placed than that Senator to speak for, not necessarily the majority of young people, but certainly as a young person myself. I do not have any grandchildren myself. **[Laughter]** What I think these young people want or certainly what I want is to ... I think young people do not want to have to ... Well, first of all, this presumption that young people want to be able to buy and live in a house for the rest of their lives in Jersey is simply not the case. What we want is to be able to live in accommodation in a home without having to, necessarily, pay a third or even half of our net wages, or in some cases even gross wages, in rent to a private landlord every week that sometimes even goes out of this Island. We are not particularly bothered about owning our own homes because we realise that, in fact, we are never going to own our homes in this Island as is the case for many youngsters in the U.K. We are resigned to that fact and it is not necessarily a problem because we do not feel the need, certainly I feel, to have homes because you can only live in a home while you are alive, you do not really need to live in it when you are not alive. **[Laughter]** I think that goes without saying.

Female Speaker:

But you do not get any rents.

Deputy M. Tadier:

You might need a different type of accommodation that will be made out of wood but that will only be temporary. So I think let us put it in this context. We are always being told what young people want. There is a myth, again, I think it has to be said that a first-time buyer does not always equate to affordable homes, we are being told affordable first-time buyer homes. The bottom line is that first-time buyer homes are not affordable anyway. If we really want solutions one way I would suggest, which is not being offered here, would be that the States or the Parishes need to, first of all, keep as many plots as they can, they need to acquire as many other plots as they can, they need to build their own properties on it and they either need to rent those properties out so an income comes into the States, which can be reinvested, rather than simply being handed out in rent rebates every week to private landlords and/or those properties be kept in a ring fence scheme where people can buy into them and then the properties cannot be sold off for profit later on and that they should not be able to go up and increase at a level which is higher than inflation and sold on. Those are the issues. If we really want to get to grips with solving affordable homes and not simply building homes, which we do not have any control over the futures of, if you excuse the clumsy syntax there, then this is what we need to be addressing. This does not address it. I would be more inclined to support this if the properties in question would remain in Parish ownership with the discretion of the Parish Constable to allocate as he saw fit, depending on what the particular need was in his Parish. This is not the case and, again, I cannot support this because it does not address

the underlying issues which we are facing, and we will be facing increasingly in the decades to come.

1.7.14 Senator P.F.C. Ozouf:

I can understand Members' frustration; tempers are going to always get frayed in relation to long debates. This is a debating chamber and we are here to test issues. We are here to debate them and we are here to listen to the arguments. This debate has revealed that there is some issue in relation to, in my opinion, the completeness of the H1 policy which has come out of the debate. Senator Perchard calls for consistency, he will get consistency from me, and Deputy Le Claire will also get fairness in relation to no special deals for whoever brings propositions. The Constable of St. Peter is my Assistant Minister, I have not discussed this once with him because that is the issue of the fairness. I am committed to resolving and to working with the Minister for Planning and Resources and the Minister for Housing to deal with the issue of certainty of delivering H1 if there is a problem. I have done that for 10 years and I will continue to do it. I am sorry that, perhaps, I have not put my time in with the Minister for Planning and Resources in terms of trying to solve the problems. I have to say to the Constable, if he is unable, in his summing up, to inform the Assembly of the certain delivery mechanism for the sites, as other Constables, and it is not a criticism, but other Constables have come forward with lifelong homes on sites that they have got arrangements with which have a certain delivery and St. Peter has done a great job, Trinity has done a great job, I am not going to name them all but they know who they are. If we have not got a certainty of delivery in terms of the type of homes that the Constable is trying to achieve in terms of affordable homes, which are not first-time buyers, with the bonanza and the impossibility of securing it, I am afraid I am going to have to vote against this proposition. It may well be a good site but it may well have to come back. If he has got a mechanism that he can explain then I will support it.

The Deputy of St. John:

Can I ask for the adjournment?

The Bailiff:

Yes. At the moment I have 4 Members who have indicated they wish to speak on this.

[18:00]

The Deputy of St. John:

That want to speak as well?

The Bailiff:

So the adjournment is proposed.

Deputy I.J. Gorst:

As I am going to be out of the Island next week I was hoping that I could beg the indulgence of the Assembly just to quickly take P.65, which is the food cost bonus, asking for it to come in effect 7 days after so that we can get on and pay the benefits but, obviously, I am in the hands of the Assembly.

The Bailiff:

Well, at the moment we are in this one. The adjournment is proposed. Are Members happy, therefore, to adjourn? **[Seconded]**

Senator P.F.C. Ozouf:

I would like to test the mood of the Assembly to complete this St. Peter amendment tonight then deal with this food bonus issue, which the Minister is right to propose, that must be done and then

complete even though that is uncomfortable for Members because we are encroaching in evening but I think there is no realistic alternative. We have got to make some progress. If we could continue the St. Peter debate into next week we could be here for goodness knows how long.

Deputy M. Tadier:

Can I add to that? I agree with the Senator but it would be useful to put a time limit. I think if we could finish by 6.30 p.m., some of us to have engagements with constituents. We could either vote on that or just be mindful of it.

The Bailiff:

The adjournment has been proposed so if you wish to ...

Deputy P.V.F. Le Claire:

I will second that because we have been asked to sit from 9.00 a.m. to 6.00 p.m., I have not made arrangements with my son for the babysitter past ... I could go to 6.30 p.m. or so but if we are going to go beyond that I cannot guarantee what is happening with my son.

The Bailiff:

If we take a short vote here, the adjournment is proposed, and seconded, if Members wish to adjourn now they vote for that, if they do not and wish to continue for the moment, certainly to finish, at any rate, this debate then they should vote contre, of course that allows anyone later, if for any reason this debate goes on for an hour, somebody can bring another proposition to adjourn later. So if you want to adjourn now vote pour, if you do not vote contre. Is the appel asked for? The Greffier will open the voting.

POUR: 18		CONTRE: 28		ABSTAIN: 0
Senator J.L. Perchard		Senator P.F. Routier		
Senator A. Breckon		Senator P.F.C. Ozouf		
Connétable of St. Ouen		Senator T.J. Le Main		
Connétable of St. Helier		Senator B.E. Shenton		
Connétable of St. Martin		Senator F.E. Cohen		
Connétable of St. John		Senator S.C. Ferguson		
Connétable of St. Peter		Senator B.I. Le Marquand		
Deputy J.B. Fox (H)		Senator F.du H. Le Gresley		
Deputy G.P. Southern (H)		Connétable of Grouville		
Deputy of St. Peter		Connétable of St. Saviour		
Deputy P.V.F. Le Claire (H)		Connétable of St. Clement		
Deputy S.S.P.A. Power (B)		Connétable of St. Mary		
Deputy of St. John		Deputy R.C. Duhamel (S)		
Deputy M. Tadier (B)		Deputy of St. Martin		
Deputy T.M. Pitman (H)		Deputy R.G. Le Hérisssier (S)		
Deputy T.A. Vallois (S)		Deputy of Grouville		
Deputy M.R. Higgins (H)		Deputy J.A. Hilton (H)		
Deputy J.M. Maçon (S)		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		

1.7.15 Senator F. du H. Le Gresley:

Sorry, I have not stood up for a long time and I get stiff. I have a problem with this particular amendment in relation to field 287. The reason being is that we have been provided with quite a lot of information about 287. We are told it sits immediately outside of the Airport Regeneration Zone. We had a long debate about the need for light industry zones and the concerns that the airport would not offer sufficient space. Here we have a plot of land, which is in agriculture, I believe, at the moment, sitting immediately outside of the Airport Regeneration Zone, on the flight path, not very far from the runway and yet the proposal is that we build 10 units of accommodation. Now, the Constable says: "Affordable housing units for first-time buyers, shared equity units or social housing as determined by the Minister." Now, in the correspondence we have been provided with through the architects I note that in February 2009 the owner of this site was written to by the Constable and I quote: "The Minister for Planning agrees that he would be prepared to include field 287 in the forthcoming Island Plan with special restrictions that the site would only be developed for lifelong homes and built to the special criteria set out in the planning laws, that there would be an age restriction of 55 years or above on persons occupying any of these dwellings. There was support for the Parish Constable for this development." Now, my point is, I thought we had a long discussion today that the Minister could not specify what should go on a site but here we have a letter from the Constable to the owner saying that the Minister has agreed to put this into the plan because he has given these special restrictions, so I am totally confused. However, may I just say that if I want a lifelong home, would I want it next to the airport for the rest of my life at 55? I do not think so. So, I think this site, definitely, 287, we should vote against.

1.7.16 Deputy A.E. Jeune:

All Members received a letter from BDK Architects in relation to field 287 and within it it made, what I thought, was probably a fairly sensible suggestion given its location, in a few months' time, alongside another establishment that it could be used for lifelong homes and that seemed to me to be a good idea so long as it was more than over 55. But, I appreciate that this is in Green Zone, so it makes it extremely difficult. Yet paragraph 3 of the letter from the architect suggests that field 287 has the equivalent status of a brownfield land. So I do not know whether the Minister, because I do not think he has spoken yet, whether he could advise whether the trigger effect could be applied to this, as to other sites such as we have discussed earlier today, because I feel, as it currently stands, and as somebody said, we do not want to all be seen to be hypocrites around here, but to be consistent whether this could have the trigger effect, as I said, applied.

1.7.17 Deputy R.G. Le Hérissier:

Deputy Wimberley has referred, several times today, to almost his despair at the process he is in the middle of, and he is absolutely right. I think we are total hypocrites, I totally agree with Deputy Le Claire and Senator Perchard, we have struggled, I have struggled with these other sites. A lot of the argument has been about demon developers, massive profits, et cetera, et cetera, and they have, sort of, guided the emotion of the debate and I have struggled and struggled with those decisions and we have given decisions to those people. Now, if we are adding all these little, what I call, itsy-bitsy bits of land, there are lots of other people with these kinds of bits of land. I am approached by them constantly and I have to go back and say: "No, it does not fit. No, no, no, no, because we have a much more visionary plan, we put everything within a strict corset and we have put restrictions on the Green Zone." Here we are, and that is why I voted against the rectory this morning because I felt, for the wrong reasons, we were allowing that through. It contradicted principles that we have struggled with all these last several days and I am afraid, despite the worthiness of this proposal, I know lots of little sites where the landowners can say: "My land is marginal. My land is not properly agricultural. There has been planning creep; therefore, almost by default, I should be allowed to build on it." Lots and lots of owners in a similar position and yet we are denying them the right to be heard because we have got special privileges of access, it appears. I think, I admire

the Constable of St. Peter for the development work he has done but this is wrong, wrong, wrong. Utterly inconsistent.

1.7.18 The Connétable of St. John:

I have to say I am totally surprised at the Connétable bringing forward something like this that seems to be an amendment on the hoof. If I was going to bring something forward to this House in my Parish to rezone a greenfield I would have full financial details and I would hope to convince the House that it was affordable housing not an open ended arrangement. I am sorry I would ask the Connétable to withdraw this.

1.7.19 Deputy G.P. Southern:

I know it is getting later but it is simply unbelievable, this. It seems to me that the Minister is consciously, always, going against advice. The Minister says here: “The proposed use of these sites for the provision of homes does not accord with the States Strategic Plan objective of meeting the Island’s housing need without the loss of further greenfield land. As a consequence it is also contrary to the spatial strategy of the revised Island Plan.” It then goes on to say: “The Minister is also of the view that the revised Island Plan makes provision for sufficient housing to meet the anticipated demand over the plan period”, et cetera, et cetera, et cetera. The same arguments he has been using all afternoon to oppose the sites that have come up. Why is he not opposing now? Why is he now sitting there with his hands folded, saying: “I am neutral on this”? This is absolute nonsense that we are doing here and we should not be voting for it, we should not be letting this Minister get away with it or is it, or is it that we do not need a Minister because the Constables can do all the planning for us?

1.7.20 Deputy S. Power:

One of the reasons I had reservations about the housing section was exactly for this reason because we are faced with this huge inconsistency where we have knocked down a number of sites this afternoon that have either had retail licences or have had semi-development, or whatever, and we have got this one coming up now, which is an inconsequential piece of agricultural land in St. Peter, but the inconsistencies that we are displaying to the public out there this afternoon, what in God’s name are we at?

The Bailiff:

I do not think that is a very parliamentary expression. What are we doing?

Deputy S. Power:

It seems that the words “God” and “Jesus” are not acceptable anymore. I am not quite sure ...

The Bailiff:

Not in this context; it all depends on the context.

Deputy S. Power:

All right, Sir. I am going to make 3 other short statements. First of all the message is completely confusing as to what we are doing in this Assembly this afternoon and I would say any member of the public that has just a passing understanding of how we deal with Island Plans on this Island will now be utterly confused as to what is going on in this Assembly. Some sites that are eminently eligible and have ticked all the boxes are thrown out and this one, which is not accepted under Examination in Public, is suddenly in. The second thing I want to say is on the last page, page 3 of my amendment, I said one of the reasons I was not happy with the housing section is that co-ordination for the future provision of affordable housing through planned supply with the assistance of the Minister for Planning and Minister for Treasury is nil. This is an exact example of what is happening. The final thing I want to say is that Senator Ozouf has more or less confirmed what I said in my amendment at the end of April; that the Treasury Department and the Planning

Department have not worked together on this Island Plan. **[Approbation]** An absolute example of this is the sheer fog of confusion with regard to definitions of affordability, including what Senator Ozouf said about H1; how we break out H1 into another definition. That should have been done. It has not been done and that is why this section of housing on the Island Plan should not ... I give up. We should not be where we are.

1.7.21 The Deputy of St. John:

Having visited the site at St. Peters 287, it is, as the photographs show, a former builder's yard which has been left go over and then mowed over because there was concrete and everything else and shale exposed. That said, what I need from the Constable is the confirmation that he has negotiated with the owner of this land and got a signed agreement that it is going to be developed hopefully by the Parish or through the Parish for first-time buyers and the like or for over-55s and the like, because if he has not got a signed agreement or going to buy the site at a specific price prior to getting it rezoned, I think we would probably be making an error at the very least. Also what I wanted to know from the Connétable is whether or not he has a waiting list for over-55s or for first-time buyers within his Parish that would cover the needs of this field and also the other field that he wants rezoned. Obviously the same applies to the other field, which I presume is not in Parish ownership. If it is in Parish ownership then I have got no problem but I need to know that the negotiations have taken place so that the Parish have got this all tied up prior to getting this rezoned, because if it has not I think we will be falling into a trap that none of us want to go into. So, I will wait to hear what he has to say. I also have to declare an interest here to the House that the owner of field 287 is a distant relative of mine so, therefore, I would have to abstain from voting out of courtesy to Members on this particular one.

[18:15]

1.7.22 Deputy J.A. Hilton:

Very briefly, I really do not see how it matters who owns this land; whether it is Parish or privately owned. We kicked the other sites in because of the discrepancies around the H1 policy so why do we not just kick this one into touch. **[Approbation]**

The Bailiff:

Does any other Member wish to speak? Then I call upon the Constable to reply.

1.7.23 The Connétable of St. Peter:

Let me just go back in history about 2 years or so ago, just to demonstrate consistency in the way I have been voting here today on the larger sites. I have had a developer come to me who owns quite a large site in St. Peter and ask me for my support in developing 70 homes on this particular site. I said: "No." He said: "But I will give the Parish 10 of those homes if you will support my site." I, again, said: "No," because I did not consider another site of that size in St. Peter was suitable. The area it was in was not properly serviced. It was in an area that was likely to be flooding. I did not consider under any circumstances that I could give my support to it for any form of category A housing. That I have done today with Deputy Le Claire's. I have gone against his for very much the same reasons as I went against the one in St. Peter just 2 years ago. These 2 sites here; they are both small sites. They are fill-in sites, they are redundant sites, they are delivering very little, one of which has been to a Parish Assembly (that is field 287). You have seen the photographs; it is basically shoal with a very small amount of over-sow on the top - just about enough to keep the sparse grass alive on it - and the Parish Assembly were content for it to come forward for planning for some form of category A or over-55 housing. We approached the Minister back in 2009. The Minister at that time said he would support it if it went for lifelong homes because that was very much the driver in 2009. Since that time a lot of sites have been rezoned and have had permission to build lifelong homes; my own ones in St. Peter, another set in St. John's, another set in Grouville and more proposed in St. Saviour as well. The supply of lifelong homes has gone through the roof

or is about to go through the roof and, therefore, I would not propose now that these would be 55s but that would be down to the Minister to make that judgment if and when this comes to planning and when he decides whether to give it planning permission or not. Let me also say, if this does go through here today this is not planning permission. It does not contain any planning obligations yet. There is another small fill-in site of a similar size to both of these sites, which is not part of the debate at all - it is already in the 2002 Island Plan - which I also was approached about by the owners. They are delivering 14 units on there and they wanted my support. I said: "Yes, you can have my support on one condition; that you give the Parish a 25 per cent bond on the value of every single home you develop on that site, so they remain affordable in perpetuity. Those bonds will go into a trust held by the Parish. They will never be capitalised and every time those homes will sell, they will only sell at 75 per cent of their retail value. They will remain first-time buyer, affordable in perpetuity." Those are the conditions if and when both these sites come to planning. I will ask the Minister for Planning to put those same planning obligations on both of these sites.

Deputy P.V.F. Le Claire:

How can you do that?

The Connétable of St. Peter:

Planning obligations; the Minister has the ability to put planning obligations on all of them. We have already discussed the principle on the other site that is in St. Peter and indeed officers at Planning have informed me that this is do-able. Yes, it needs some tidying up legally to make it all work but the principle is inherently sound and it is only on that principle that the Parish will support these going forward.

The Deputy of St. John:

Could we have the Attorney General's view on what the Constable has just told us about this agreement?

The Bailiff:

Quite simply; if the Assembly wishes to hear from the Attorney General, we will ask him to come across. You can just carry on in the meantime, Connétable.

The Connétable of St. Peter:

The time is coming up close to 6.30 p.m. and I think most Members will be of a mind to go then, so I will try and get finished well before then. Quickly, to answer some of the questions; Deputy Higgins asked, did it go for Parish Assembly? Yes, 287 did; no, the other field - 189 - did not go to Parish Assembly, however, it does have the support of this Constable, the previous Constable and the Deputies as well, on both of these sites as it happens. This goes back - I know Deputy Tadier is laughing about that - over a number of years that that support has been for both of these to be developed because field 189, since it was in the built-up zone and is just a finish-off of the whole site to the south of Clos des Charmes. It is well-serviced, it is on high ground, there is no flooding risk whatsoever under those. Senator Breckon, 287 is very close to Lakeside Residential Home so, therefore, there could be a marriage value there. Yes, you are quite right, Deputy, there could be a marriage value. Whether they thought there was an opportunity there to extend the offering along with their new dementia unit they are building literally within yards of this site, then that is something which they may well consider but certainly it is not something which I am considering at this time. Deputy De Sousa, does the field belong to the Parish? No, unfortunately the Parish of St. Peter does not have the amount of funds available to go out and buy these fields so unfortunately not. I wish they were, because I would put them on the market to first-time buyers on a self-build principle where no developer makes anything and the owners build their own houses on a site provided by the Parish. I only wish I had the funds to provide the sites to do that because that is how I would do my first-time buyer affordable homes, as they did back in 1973 when I was very fortunate under the Constable then, W.P. Le Marquand, who had that vision at that time to do

exactly that. He provided the sites by the Parish to 92 homeowners - I was one of them - who built our own homes at our own cost. Deputy Green asked: "Are we making millionaires again?" I sincerely hope not. I am not in the business of making millionaires. Certainly a landowner has an entitlement to expect some return for his property but he and the developers, in my view, need to trim their sails a little bit to make them affordable. This is the basis on which I have asked for the 25 per cent bond on the one other site, which is not part of this debate; to make them take some of the hit as well. Having said that, are we going to deny any new homes just because the landowner and the builder might make a bob or 2? Is this what we are saying here? Are we are going to deny our children and our grandchildren the opportunity of a home because somebody is going to make a shilling or 3? Let us move on. Deputy Duhamel: be consistent or reject. I am being consistent, as I described earlier on, in the way I am voting today. Deputy of St. Mary: airport site; was it consultation about the 2 sites within the Parish? Yes, there was on the airport site; not specifically across the Parish and the Parish Assembly on the Rue de la Pointe site. Senator Le Main: how have I got the nerve to bring this forward to Assembly and it has not been consulted? But he went on very nicely and he has been a gentleman, as has Deputy Le Claire, in the comments they made after that. Deputy Le Claire: is there no financial risk to the States on these sites? No, there is not any financial risk at all. The States is not involved in these sites whatsoever. Hopefully the Parish does have a financial interest but not a financial risk. Senator Perchard: hypocrisy and inconsistency. I have already explained that. Deputy Tadier: first time not necessarily affordable. I totally agree with him. Exactly that, unfortunately the Parish does not have the funds to buy them otherwise we would, however, there are legal instruments which we need to develop and put in place which can be done much the same as I know Senator Shenton is very keen on the shared equity and getting that set up. That is exactly the sort of scheme that I would insist on if the Parish were to support this through a planning process. Senator Le Gresley, the Airport Regeneration Zone. I do not want to see airport sheds on the wrong side of the airport road, Senator Le Gresley. I do not want to see industry right along Lakeside. Echoing the words of Senator Le Claire, could you advise Senator Le Gresley I do not want to see sheds on the wrong side of the airport road. It is not appropriate. This is right alongside the Lakeside Residential Home. It is well south of the airport centre line. Aircraft do not over fly it; if they do they are seriously lost. Deputy Jeune asked a question of the Minister for Planning. Constable of St. John made comments about affordable housing and asked me to withdraw. I will not withdraw, because I think it is important that we consider that if every Parish brought forward a couple of these small sites around the Island, in a year we would be delivering 300 new homes to first-time buyers, hopefully, that would be the aim. Now, that would make a significant difference. Deputy of St. John asked, have I a signed agreement from the owner? No, I have not, because there is no way that anyone is going to commit themselves this far up front to signing up an agreement which commits them binding themselves in law. Do I have waiting lists for 55s? Yes, I do; a very long waiting list and that is already for the 14 homes I have got on in St. Peter and I have about 40 names and I have not gone public that I have got a list yet, but I probably have now. First-time buyers? No, the Parish does not hold a list of first-time buyers because unfortunately we do not have the availability of the land stock or housing stock to encourage people to put a name down with the Parish in the hope they may get one through the Parish system. I do not want to elevate expectations because I cannot deliver that. I think I have said enough. Everyone, I think, is keen to move on. Thank you very much for your attention and I ask for the appel.

Senator T.J. Le Main:

Can I ask you a question? Because one site has been approved by the Parish and the other one has not, would the proposer agree to take in those in 2 parts? I think there is a difference between support from the Parish and a Parish Assembly and the other side, 189, that has not.

The Connétable of St. Peter:

If it would assist the Assembly I would be quite happy to do that.

Deputy M.R. Higgins:

Two points; one, the Constable did not mention how well the Parish Assembly was attended. Secondly, we have asked for the Attorney General to come; I would like to hear his answer before we go to the appel.

The Bailiff:

First of all, can you assist on how many people attended the Parish Assembly?

The Connétable of St. Peter:

No, I cannot, but on average I think most Constables will say the Parish Assembly is probably around the range of 2 dozen people, but in fact we set rates with 2 dozen people and send out bills on the back of it. The Parish Assembly is the authority no matter how many people are there.

Deputy D.J. De Sousa:

Yet St. Helier was full up when they had theirs.

The Bailiff:

Now we go to the question for the Attorney General; who asked for it?

The Deputy of St. John:

I asked for the Attorney General. I would like the Constable to tell us again about the planning obligation where 25 per cent bond could be put in place so that the Attorney General can get it, shall we say, from the horse's mouth, so I do not translate it wrongly.

The Connétable of St. Peter:

The concept which the Parish is working on as I discussed with Planning is to set up a bond of 25 per cent of the value of each individual unit to be held in trust in perpetuity and never be capitalised, ensuring that the houses remain affordable in perpetuity. That is what the Deputy of St. John, I believe, is asking for.

The Deputy of St. John:

He also said it would be enforced by a planning obligation. Can the Minister for Planning do that?

The Bailiff:

So, can a planning obligation achieve what the Constable of St. Peter has just said?

The Attorney General:

I would need to know the details but I believe a planning obligation can achieve what it suggested. A planning obligation can, for example, deal with anything restricting the development and use of land, it can require payments to be made, it can cause any kind of financial obligations, I think, to be entered into and I think, in theory, subject to the legalities being dealt with, it may very well be possible for the end suggested by the Connétable to be met by a planning obligation.

Deputy P.V.F. Le Claire:

Can I ask, because it was my understanding that there was a request for the sites to be taken individually but yet I heard the Constable of St. Peter in his speech saying that there was an implication that there was 25 per cent coming from the other site to help the other site? So, no? Am I incorrect?

Senator P.F. Routier:

Could I ask the Attorney General; if you were to approve this amendment today, it would not bind the Minister for Planning or the owners in achieving that 25 per cent?

The Attorney General:

No, a decision today would simply be one to rezone the land in question. Any kind of obligation would have to be dealt with at the time that an application was made.

Deputy A.E. Jeune:

Could I have an answer to; could this be part of a trigger area?

[18:30]

The Bailiff:

I am not sure that was a question for the Constable, was it?

The Connétable of St. Peter:

I would need help on that one.

Senator P.F.C. Ozouf:

May I just clarify the advice that the Attorney is giving to the Assembly? He is saying that it is possible to deliver it through the planning obligation but he is not saying that it is guaranteed to be delivered, because there is a difference. I think that it is possible to deliver it but there is no certainty of being able to guarantee because it strikes at the heart of the advice that the Assembly was receiving and debating on Samarès, that there is a lack of certainty of being absolutely able to deliver, because the Constable is warranting that he can deliver effectively a shared equity-type arrangement of homes but we have heard earlier that it is not certain that 100 per cent of these units could be delivered.

The Attorney General:

I do not think it is possible for anyone to warrant to the Assembly that any particular planning obligation agreement will be what is achieved at the end of the application process. That is something that the Minister will have to decide upon at the time in the light of all the material facts.

The Bailiff:

Very well, then we come to the vote. You wish to take the 2 sites separately, is that right?

The Connétable of St. Peter:

If it would assist the Assembly I am content to do that.

The Bailiff:

The appel is called for, so the first vote will be on field 189 at La Rue de L'Eglise. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 7		CONTRE: 37		ABSTAIN: 0
Senator T.J. Le Main		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Peter		Senator P.F.C. Ozouf		
Deputy of St. Peter		Senator B.E. Shenton		
Deputy P.V.F. Le Claire (H)		Senator F.E. Cohen		
Deputy S.S.P.A. Power (B)		Senator J.L. Perchard		
Deputy K.C. Lewis (S)		Senator A. Breckon		
		Senator S.C. Ferguson		
		Senator B.I. Le Marquand		
		Senator F.du H. Le Gresley		
		Connétable of St. Helier		
		Connétable of St. Martin		
		Connétable of St. Saviour		

		Connétable of St. Clement		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S. Pitman (H)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

The Bailiff:

We will move on to the next vote which is field 287. The Greffier will open the voting.

POUR: 9

Senator T.J. Le Main
 Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. Peter
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy of St. Mary

CONTRE: 33

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S. Pitman (H)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)

ABSTAIN: 2

Deputy of St. John
 Deputy E.J. Noel (L)

Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

The Bailiff:

Very well, can I inform Members that the Minister for Treasury and Resources has presented some comments on the North St. Helier Masterplan: third amendment.

Deputy I.J. Gorst:

I would, if possible, beg the indulgence of the Assembly. I hope it is a very short matter; of course that is up to the Assembly, to take P.65 the Draft Food Costs Bonus (Jersey) Regulations.

2. Draft Food Costs Bonus (Jersey) Regulations 201- (P.65/2011)

The Bailiff:

Do Members agree to take the Draft Food Costs Bonus (Jersey) Regulations? Very well, then I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Food Costs Bonus (Jersey) Regulations. The States in pursuance of the Order in Council dated 28th March 1771 have made the following regulations.

The Bailiff:

Before we start, in case Members start disappearing, I have been asked to remind Members that because the school will be here on Monday morning, could Members kindly remove all their papers, either by taking them home or by putting them in their drawer.

2.1 Deputy I.J. Gorst (The Minister for Social Security):

This will bring into effect a new 3-year regulation for the Draft Food Costs Bonus which has been uprated for the increase in G.S.T. and will be payable in 2011 at a rate of £193.36. I move the principle.

The Bailiff:

Seconded? **[Seconded]** Does anyone wish to speak? Would all those in favour of adopting the principles kindly show? Those against? The principles are adopted. Deputy Southern, do you wish this matter referred to your Scrutiny Panel.

Deputy G.P. Southern:

No, thank you.

The Bailiff:

Very well, there is an amendment, Minister, do you wish to propose the regulations as amended.

Deputy I.J. Gorst:

If I may, please.

The Bailiff:

Perhaps you had better just read ... do you want then to propose all the regulations *en bloc*?

Deputy I.J. Gorst:

Yes, indeed.

The Bailiff:

I will ask the Greffier just to read the amendment.

The Deputy Greffier of the States:

1. Page 12, new regulation. After Regulation 7 insert the following regulation, “8, Repeal. The Food Costs Bonus (Jersey) Regulations 2008 are repealed.” 2. Page 12, Regulation 8: In paragraph 2 for the words “on 24 July 2011” substitute the words “7 days after they are made” and renumber the regulations accordingly.

The Bailiff:

Minister, do you propose Regulations 1 to 9 and the Schedule?

2.2 Deputy I.J. Gorst:

Yes, please.

The Bailiff:

[Seconded] Does any Member wish to speak?

2.2.1 Senator F. du H. Le Gresley:

Yes. It is a very quick question, I wrote it about 3 weeks ago. How many households still in receipt of transitional protected payments, if I could ask the Minister that question?

The Bailiff:

Does any other Member wish to speak? Very well, I invite the Minister to reply.

2.2.2 Deputy I.J. Gorst:

I hope the Senator will forgive me but I do not have the exact number of households in receipt of transitional payment with me but I can, of course, provide him with that number. Those households, as I assume he is driving at, can be entitled to this payment if they are just in receipt of transitional payment.

The Bailiff:

Very well, all those in favour in adopting the regulations ...

Deputy G.P. Southern:

Would the Minister agree to circulate that then?

Deputy I.J. Gorst:

Yes, indeed, I can do so.

The Bailiff:

The appel was called for then in relation to Regulations 1 to 9 and the Schedule. I would like Members to return to their seats and the Greffier will open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				

Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Do you propose the regulations in third reading, Minister?

Deputy I.J. Gorst:

If I could, thank you.

The Bailiff:

[**Seconded**] Does any Member wish to speak in third reading? Would all those in favour of adopting the regulations in third reading kindly show? Those against? The regulations are adopted in third reading.

Deputy I.J. Gorst:

After that, I thank the Assembly for taking that. Could I just say that, therefore, I will not take P.71 this week but I will ask for it to be moved to the next sitting, thank you.

The Bailiff:

You are going to defer P.71?

Deputy I.J. Gorst:

That is right, please.

The Bailiff:

Very well, so that concludes the business today. The Assembly will adjourn and reconvene at 2.30 p.m. on Monday.

ADJOURNMENT

[16:38]