

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 13th DECEMBER 2012

<b>PUBLIC BUSINESS – resumption .....</b>	<b>3</b>
<b>1. Plémont Holiday Village - acquisition by the public and sale to the National Trust for Jersey (P.90/2012) - resumption.....</b>	<b>3</b>
1.1 Deputy J.G. Reed of St. Ouen: .....	3
1.1.1 Deputy J.M. Le Bailly of St. Mary: .....	5
1.1.2 Connétable J.L.S. Gallichan of Trinity: .....	5
1.1.3 Connétable J.M. Refault of St. Peter: .....	6
1.1.4 Deputy A.K.F. Green: .....	10
1.1.5 Senator P.F.C. Ozouf: .....	11
1.1.6 Connétable S.W. Rennard of St. Saviour: .....	16
Deputy R.G. Le Hérisier of St. Saviour: .....	18
Mr. H. Sharp Q.C., H.M. Solicitor General: .....	18
1.1.7 Deputy J.H. Young of St. Brelade: .....	18
1.1.8 Connétable S.W. Pallett of St. Brelade: .....	21
1.1.9 Senator P.F. Routier: .....	24
1.1.10 Senator F. du H. Le Gresley: .....	26
1.1.11 Connétable M.J. Paddock of St. Ouen: .....	28
1.1.12 The Very Reverend R.F. Key, B.A., The Dean of Jersey: .....	29
1.1.13 Deputy G.C.L. Baudains of St. Clement: .....	29
1.1.14 Deputy C.F. Labey of Grouville: .....	31
1.1.15 Deputy S. Power: .....	32
1.1.16 Senator I.J. Gorst: .....	36
<b>LUNCHEON ADJOURNMENT.....</b>	<b>38</b>
Senator I.J. Gorst: .....	39
1.1.17 Deputy R.G. Le Hérisier: .....	40
1.1.18 Deputy K.L. Moore of St. Peter: .....	41
1.1.19 Deputy J.A.N. Le Fondré of St. Lawrence: .....	42
1.1.20 Deputy M.R. Higgins of St. Helier: .....	48
1.1.21 Deputy T.M. Pitman: .....	50
1.1.22 Senator P.M. Bailhache: .....	52
The Solicitor General: .....	52
<b>2. Draft Fire Precautions (Amendment No. 2) (Jersey) Law 2012 (Appointed Day) Act 201- (P.114/2012) .....</b>	<b>59</b>
2.1 Senator B.I. Le Marquand (The Minister for Home Affairs): .....	59
2.1.1 Deputy J.M. Maçon of St. Saviour: .....	59
2.1.2 Senator B.I. Le Marquand: .....	59

<b>3. Draft Fire Precautions (Designated Premises) (Jersey) Regulation 201- (P.115/2012)</b>	<b>60</b>
3.1 Senator B.I. Le Marquand (The Minister for Home Affairs):	60
3.1.1 The Connétable of St. Brelade:	60
3.1.2 Senator B.I. Le Marquand:	60
Deputy J.M. Maçon (Chairman, Education and Home Affairs Scrutiny Panel):	62
3.2 Senator B.I. Le Marquand:	62
<b>4. Draft Repatriation of Prisoners (Jersey) Law 2012 (Appointed Day) Act 201- (P.121/2012)</b>	<b>62</b>
4.1 Senator B.I. Le Marquand (The Minister for Home Affairs):	62
4.1.1 Deputy J.M. Maçon:	63
4.1.2 The Connétable of St. Brelade:	64
4.1.3 Senator B.I. Le Marquand:	64
<b>5. Draft Health Insurance (Amendment No. 14) (Jersey) Law 2012 (Appointed Day) Act 201- (P.122/2012)</b>	<b>65</b>
5.1 Senator F. du H. Le Gresley (The Minister for Social Security):	65
5.1.1 Deputy R.G. Le Hérisier:	66
5.1.2 Senator S.C. Ferguson:	66
5.1.3 Senator F. du H. Le Gresley:	66
<b>ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS</b>	<b>66</b>
6. The Connétable of St. Helier (Chairman, Privileges and Procedures Committee):	67
<b>CHRISTMAS GREETINGS</b>	<b>67</b>
Senator P.F. Routier:	67
The Connétable of St. Helier:	69
Deputy R.C. Duhamel:	70
The Dean of Jersey:	71
The Bailiff:	71
<b>ADJOURNMENT</b>	<b>73</b>

[9:30]

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

**PUBLIC BUSINESS – resumption**

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

Sir, before we start, could I just check that I am on your list to speak?

**The Greffier of the States (in the Chair):**

Not yet Deputy but you are now. Deputy Power, do you wish to ...

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

Yes, I just wanted to clarify for Members that the photo montage on their desks this morning is as a direct result of a request to the Minister for Planning and Environment and the department to provide what can only be called a before and possibly after photo montage. It is just to help Members to understand what is involved.

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

**The Greffier of the States (in the Chair):**

Thank you, Deputy, for explaining where that paper had come from. [Aside] Very well. The debate resumes on the proposition of the Chief Minister in relation to Plémont and the next Member on the Bailiff's list was Senator Ozouf.

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

Can I grab my breath and I will forgo my chance for the moment.

**The Greffier of the States (in the Chair):**

Very well, I will call the Deputy of St. Ouen.

**1.1 Deputy J.G. Reed of St. Ouen:**

I stand to congratulate the Chief Minister and the Assistant to the Chief Minister for bringing this proposition to the Assembly. I will not be joining the many Members who have acknowledged the efforts made by the National Trust for Jersey and others to protect our natural environment and then found many reasons why we should not support them. It is worth remembering that an agreement has been reached with the National Trust for them to fund roughly half of the purchase cost and cover the full cost of returning the site to nature by public subscription. In addition, the ongoing maintenance of the land will also become the responsibility of the Trust. This is truly a remarkable offer and one that should not be turned down. Let us also not lose sight of the fact that although the National Trust for Jersey provides substantial benefit to this Island, it is not funded by the taxpayer. Regarding the cost, let us look at the evidence. We have been provided with an expert independent valuation commissioned by Property Holdings which has valued the site at £4 million. We have a Minister for Treasury and Resources that has challenged the valuation and believes it to be robust while accepting that some flexibility needs to be allowed to reach agreement with the owner over the purchase of the land. Surprisingly, his Assistant Minister appears to have little confidence in the independent valuation commissioned by the department that he is responsible for. This is in itself confusing as it is normally the case that valuations similar to that provided to support this proposition are used regularly by Property Holdings when undertaking normal business. I say to Deputy Noel, have faith in your Minister for Treasury and Resources and those who work for you. We have also heard from the Minister for Planning and Environment who seems to have forgotten the commitments made in the last 2 Strategic Plans and the many policies contained within the

Island Plan designed to protect the natural environment. I am equally confused by the comments received from the Minister for Economic Development and that of his Assistant Minister declaring their views against this proposition as no mention has been made of the benefits which can be gained from enhancing the tourism brand which they are tasked to promote. To address this omission, I would like to refer Members to the foreword of the Minister for Economic Development in a report recently issued entitled *Jersey Tourism: A Year in Review 2011* where he states: "Jersey continues to provide many leisure activities and entertainments for visitors and local residents which are much appreciated as they increase the level of enjoyment and enhance the visitor's stay and create reasons for them to come in the first place. These all help to supplement the natural attractions of our beautiful Island." He goes on to say: "The industry in Jersey is diverse and interrelated and no one sector would survive without the others. It is therefore vital that we continue to work in partnership to build on our many strengths which are enhanced by the quality and beauty of the Island." This, I believe, offers the Minister the opportunity to put those words into action and capitalise on the quality of publicity that this decision will create. Economic growth and development of the finance industry are important but it cannot and should not be the only matters to be considered. We should not ignore the significant and ongoing contribution made by the National Trust for Jersey, the Société Jersiaise and the Jersey Heritage Trust to the Island's tourism industry. Many reports have been written supporting the need to protect our natural environment and in a report entitled *Keep Jersey Special*, we were told it is only by maintaining a balance between economic, social and environmental policies that Jersey can remain a successful and wonderful place to live. This remains true today. A 3-legged stool is used to represent the 3 pillars of policy, namely social, economic and environmental. A warning is given that if we do not keep the 3 pillars in balance, then like a 3-legged stool, one leg becomes weaker than the others and the whole structure becomes unstable. The message is clear. If we want to keep Jersey special for future generations, we must not place too much emphasis on the economy and financial matters or we run the risk of not moving forward to a successful and sustainable future. The biodiversity in the Island can and will be damaged by inappropriate land use and more fundamentally by development. Important sites must be safeguarded, especially if demands for development continue to increase, a fact that has been acknowledged by the Constable of St. Helier. Jersey's natural environment is an integral part of our Island heritage. In 2009, the Statistics Unit conducted a survey on heritage in Jersey and using their own words: "... received an excellent response rate of 52 per cent." That survey identified that 92 per cent of Jersey residents thought that the natural environment gave Jersey its own identity and 67 per cent felt that the natural environment was the most important factor. Furthermore, 64 per cent considered that our natural environment was the most important factor to protect. I do not believe that those views have changed. If Members need reminding why we should rise to the challenge presented to us today, one needs to look no further than page 6 of the Strategic Plan that states: "We need to be a community that constantly looks forward and is prepared to identify both the opportunities and threats that affect our way of life." This, I believe, is one opportunity to do just that. We have a moral responsibility for our culture and natural heritage. Our role as guardians of the environment is to ensure that others may enjoy the benefits that we take for granted. Some suggest that this land has already been despoiled by previous planning decisions which allowed building on this headland and that the removal of the old holiday camp and the replacement with 28 up-market homes should be considered a substantial improvement. I say to what? The Plémont Headland and the north coast is an area of historic landscape and part of our national heritage. We have a unique opportunity to protect this landscape for future generations. In recent years, we have been reminded of our responsibility by very public demonstrations involving many thousands of people who have voiced their support for the need to protect our coastline.

[9:45]

This has now been backed up by individuals offering to make personal contributions to help with the purchase of the site. Furthermore, over the last couple of months, I have personally received numerous letters, emails and phone calls in support of this proposition. A Parish meeting was also held where a large majority of those attending supported the purchase of the old holiday campsite. In fairness, I have also had some parishioners and friends expressing concern over the use of public funds for this purpose. However, many expressed the view that ideally no development should take place on the site. I ask Members, what value do we place on protecting our coastline and this unique natural landscape? I am not against development. However, I cannot be convinced that building a village on this wild, secluded and environmentally sensitive site will offer the lasting benefit that some may suggest. Money should not be allowed to become the overriding factor in determining whether this extremely important coastal area should be protected from any further development. Let us not forget that the States has in the past agreed it would be in the public interest for the site and the surrounding land to be preserved as an open space. If we are serious about securing this site for the public and returning it to its natural state, we must support the proposition as this is our last and only chance. Yes, we need to address the many spending pressures identified by States Members. However, I would say to them we are; £2 billion has been allocated to deliver a wide range of improved services over the next 3 years. Significant funds have been allocated to health, the construction and finance industries as well as support for those who find themselves looking for work. I ask, what money has been allocated to protect our natural environment? There is more to be done and we will need to continue to provide for our community. However today, we are faced with making one decision. Do we help the public and the National Trust acquire the land at Plémont and return it to its natural state? I say let us accept the generous offer made by members of the public and the National Trust and protect this unique area from further development. Be under no illusion. This opportunity will not be repeated.

**[Approbation]**

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

We are all elected to make tough decisions. This is certainly one of them. We need to be positive. Procrastination loses opportunity. This proposed development has one purpose only: profit. I do not believe that someone who has no association with the Island other than a perceived profit should have preference when there is an opportunity for all Islanders to benefit by obtaining this site and returning it to nature. I will not contemplate analysing the costs. Negotiation is the only answer and I am thankful to our Minister for Treasury and Resources and his team in their reassurance that we can fund a sensible offer along with the efforts of the National Trust. Should this fail, the Solicitor General's advice, I am sure, is far more reliable than the self-proclaimed experts of pessimism among us are. With regard to proceeding if necessary with compulsory purchase, we should grasp this opportunity now. If we do not, we will look back at this with regret. Unlike my Constable, I do not believe that this decision will jeopardise future projects. St. Mary lacks main drainage and we will need to spend in the region of £80 million to put that right. These people have been waiting for more than 20 years for this and yet they tell me: "Please purchase Plémont. We are prepared to wait a little longer." Hopefully they will not be waiting longer because that is one of my next missions. I am proud to say that I am trying to prevent yet another mistake by supporting this proposition. Please be part of that investment for the benefit of our Island for now and for the future. **[Approbation]**

#### **1.1.2 Connétable J.L.S. Gallichan of Trinity:**

Is it not an interesting debate? When you are on the Planning Panel... I was Chairman at the time, and it was with trepidation when we saw Plémont come on the agenda. We thought we were in for a tough time again and, to be fair, it always was a hard decision for the panel to come to some sort of agreement on what should go forward. I think, to be fair, we have exactly the same people in our

public gallery today who were supporting voting against a decision to be made on Plémont holiday camp area. I think we all knew that one day, I think even the former Connétable of St. Ouen agreed, there always would be a possibility that to get rid of the Plémont holiday camp, there would be some sort of building there to negate that eyesore but I am not going to go into all the details. We now know what is going to be planned there and please do not start going to Portelet. That is not a fair way to look at this development. It is a completely different design and a different sort of outlook on this area. All I want to bring to the general public as well is that I am fortunate. I live in the Parish of Trinity. Now, I understand that there is great concern to keep the natural beauty of our northern coast. Right, let us start at White Rock. You can walk from White Rock through Jardin D'Olivet through to Bouley Bay. From there, you can walk from Bouley Bay through Egypt, through the beautiful coastal countryside into Bonne Nuit Bay. There are hundreds and hundreds of vergées of unspoiled countryside. From Bonne Nuit, we move on to Sorel. You must not look right at Ronez because if we have to start buying Ronez, we will be in trouble. We walk on then down to Devil's Hole, right through to Crabbé. Really speaking, we are talking about a minute area, which I agree there are people who are really in favour of trying to save it. All I am trying to bring to the general public's view... and I am sure there would be more people walking the Parish of Trinity today than there will be walking at Plémont because it is far easier access from St. Helier and there is no restriction. All this land is free to walk on at any time. If we had not had the cliff paths constructed in the last downturn when we had Back to Work and some of the prisoners developing these paths, then that would be a great loss. Through those paths, many many thousands of tourists, holidaymakers, but in general locals, love walking these areas. We have to be realistic. Go past Plémont; go to the Racecourse; go to Grosnez; unspoiled areas, massive unspoiled areas. They will not change. There will not be development on these areas in the future. They will be protected. Unfortunately, we have a tough decision here. We have to make up our mind whether this is correct or not. Well, as being on the Planning Committee and the Panel, we knew that one day someone would come. My view is that we have many, many miles and many, many hundreds of vergées which are safe. It is there forever. Do not say it is going to change, it will not, because we all know that anything that comes to Planning now, if it is in the Coastal National Park on the north coast it is very, very difficult to get a new-build. There will be no new-build there. You may have alterations, you may have an adjustment if there is a property there already which is a fair comment but in general, this area is protected and it will be protected for years and years to come. Unfortunately I am just looking at this in financial terms as well a little bit for the amount of area we are going to purchase here and I must say it has taken years for the developer, let us be fair. Everyone in this Island is entitled to put an application in to Planning. A lot of people never get what they want but they will always get a result at the end of the day with negotiations sometimes that is either improvement... and in real terms, one is expected to get a fair result on an application. I think this is a fair result on what was required in the first place and unfortunately I will not be supporting the acquisition of Plémont.

### **1.1.3 Connétable J.M. Refault of St. Peter:**

I think I would like to start with modifying a saying from a well-known U.K. (United Kingdom) politician: "Never in the history of Jersey politics have so few been lobbied by so many on both sides of the argument." You can be pleased to know that I have deleted sections 2, 3, 4, 5, 6, 7, 8 and 9 from my speech because it has already been said and I will move on to number 10. Over the past 2 weeks in my role as Connétable, I have been compiling a list of parishioners of all ages who are struggling financially at the moment and would benefit from receiving a Christmas hamper. I have been assisted in this by 2 senior citizens' clubs and our local schools and our knowledge of need in the Parish Hall. I also think about the G.S.T. (Goods and Services Tax) that these low income and out of work families pay on their everyday food and necessities and how much they must be contributing to the National Trust for Jersey Plémont parts. In approaching today's debate,

I have been lobbied by email, letter and postcards by supporters of the proposition before us and I have, at every opportunity, spoken to large numbers of parishioners and Islanders on their views on Plémont and by far the spoken view has been “not with my money”. It is this point that I cannot resolve because it is not States money. It is not States Members’ money. It is taxpayers’ money, money aggregated from all sources of States income from impôt duties, G.S.T., income tax, road tax component and motor fuel, *et cetera*, and entrusted to us as States Members to allocate responsibly and appropriately. Let us be clear what this debate is not about. It is not whether we should allow the owner to develop the land that he owns. He has a live planning permission. That decision has been made for us. Neither is it about the homes that are proposed to be built there and their affordability and marketability. What it is about is spending taxpayers’ money, money that would be better used to upgrade our social rental housing stock, providing discounts to low income families who cannot afford to go to their G.P.s (General Practitioners) and improving the many services to the people that pay for them. I will miss out sections 16 and 17 and move to 18. But then I further reviewed P.144 of 2009, comments of the Chief Minister on a proposition brought by the then Connétable of St. Ouen entitled: “Plémont Holiday Village: acquisition by the public.” The Chief Minister’s comments have 8 main points and I shall read those points out for the benefit of Members. “The Chief Minister opposes this proposition on the basis that the proposition will place an unreasonable condition of uncertainty upon the property, as, if approved, it would invoke the compulsory powers of the Minister for Planning and Environment. Acquisition of any property by compulsory purchase should be the procedure of last resort and only invoked if a negotiated settlement cannot be agreed. The States has yet to decide if it is prepared to acquire by negotiation and at what price. The process of compulsory purchase would commit the public to acquiring the property at a price which would be determined by an independent board of arbitrators. In addition, the public would be obliged to pay the fees of its professional advisers and could be liable for the fees of the vendor. The public would not be able to withdraw from acquiring the property for any reason once the compulsory purchase process had been instigated. While the public considers the value of the land for its current use to be less than £3 million, the owners have a view that the value is £14.7 million. The costs of disputed arbitration based on previous experience could be in excess of £3 million.” I will stop there at the moment because I know the rapporteur did make the comment that, in his view, it would be less than £200,000 now because of the extended and, in his view, I believe, it is based on the Lesquende experience which took, I think, 11 to 12 years to resolve and did cost more than £3 million and I think that if we are going to tell an owner in this circumstance: “You are not going to get the extra £10 million you want” I do not think he is going to roll over and go away.

[10:00]

**Senator P.M. Bailhache:**

Yes, just on this point of the compulsory purchase costs in Lesquende, I wonder if the Constable would be good enough to identify his source because I think that the figure was very much less.

**The Greffier of the States (in the Chair):**

He is reading the comments of the Chief Minister in 2009.

**Senator P.M. Bailhache:**

Oh, I see, that is the source of the information, right, thank you.

**The Connétable of St. Peter:**

Yes, just to emphasise that the source is P.144, comments by the Chief Minister lodged in 2009, although I do have to admit that Lesquende is my addition to these comments, so the Senator is right to intervene on that point. Carrying on with the last 2 points: “A realistic allocation to cover

the likely acquisition costs must be voted by the States before compulsory purchase can proceed. The States would need to review its allocation of funds for current and future capital projects in order to fund this proposal” and I believe that the Minister for Treasury and Resources made a similar sort of comment yesterday about how he would have to do that. If I can go back now to the rapporteur who said in his opening comments: “This might look back to the past.” That is what I am going to do and give Members some facts from the past and those are facts which I have gleaned from the independent inspector’s report and these are the facts about Plémont. Point 15 in the independent inspector’s report: “In 1874, the Plémont Hotel opened in the immediate vicinity. In 1935, the Jubilee Holiday Camp, a wooden accommodation, was built at the location of the existing buildings. It was rebuilt again in 1946 following the Occupation as the Parkin's Holiday Camp which was then acquired by Pontins in 1961. The present complex of buildings was permitted in 1967 and 1968 under the Island Planning (Jersey) Law 1964. The more recent planning history can be briefly summarised” and I will miss some of it out but I will just give you the highlights. “December 1998, application by Dandara Homes Limited for permission in principle to demolish and erect 117 dwellings was refused. January 2001, application by Scottish and Newcastle plc for permission in principle to change the use to residential of equivalent floor space was withdrawn in January 2004. Application to demolish and replace with 36 dwellings refused against officer advice in 2008.” Interesting how that was refused against officer advice, therefore conformed with policy. “Outline application to demolish with 46 2-bedroom and 27 3-bedroom self-catering units and a one-bedroom staff unit and associated facilities was again refused against officer advice in November 2009. November 2009, the detailed application by Plémont Estates to demolish and erect 30 houses later amended to admit part of the defined site. Subject of dispute with Jersey Property Holdings and separately to reduce the houses to 28 together with land donation and other matters.” This application in the report remains pending and we now know it has now been approved by the Minister for Planning and Environment. Moving on, I would also like to review the issue of Noirmont, which has been raised. There is a belief among some people that Noirmont was bought by the States to protect it from buildings and it was acquired by the States to preserve it ... if I can just read the actual note here: “Brief historical update to demonstrate that Noirmont was not a precedent, as some may suggest. The States agreed to buy the Noirmont Headland as a memorial to Islanders who lost their lives during World War II. On 26th September 1946, a committee was set up to consider that approval. The site was to cost £8,800 with the proviso that if funds were not forthcoming from Islanders, the States would make up the shortfall. As it happened, the public only raised around £2,000 and the balance was paid by the States. However, 2 years later in 1950, the public had acquired 230 vergées or thereabouts of land at Warren Farm and Noirmont Headland from Mrs. Hope May Dixon. Mrs. Dixon sold the whole 238 vergées on condition that: “It shall be preserved in perpetuity as a memorial to the men and women of Jersey who perished in the Second World War. The public also paid the cost of extinguishing the seigniorial rights to which the land was subject.” Plémont was bought - I am returning now to Plémont - that was bought in 2006 by Scottish and Newcastle for £4.85 million and that was a price which we knew what it was going to cost at that time. I have to ask myself, if Plémont was so important to preserve, why was it not bought if we knew what it is was going to cost rather than now 6 years later when we have no idea what the cost is going to be? I share my fellow Assistant Minister for Treasury and Resources’, as I was in the last House, view on the valuation because if it was worth £4.85 million 6 years ago without planning permission, yes the market has decreased, let us say by 10 per cent, that brings us back to the value that we have got now that is being forward now around about £4 million. But it has got planning permission now. Planning permission historically increases the value of properties considerably. Some Members have mentioned the R.I.C.S., the Royal Institute of Chartered Surveyors, Red Book. Here is a copy of it and in here is a section called “worth” which they have to take notice of when valuing a property and worth is what a property is worth over and above market value to the seller. Now when a property has planning



permission, it is worth more than a property at market value without planning permission. Therefore, as I say in my argument, I do not agree with the valuation. Coming back to part 20 now of my speech, we are still in a recession with less confidence of an upturn of any significance in the short to medium term; the imposition of pay restraint on our States employees; Comprehensive Spending Reviews; the depression in the construction industry; increasing numbers of people losing their jobs; increasing numbers of people applying for income support, *et cetera*. What has really stimulated me to look at this in far more detail is why has the Chief Minister's opinion changed from 2009? What has been the difference? **[Aside] [Laughter]** And there was me thinking he just had some surgery to improve his looks. What I mean by that is why are the arguments of the Chief Minister that we supported in 2009, that we debated it in January 2010... those arguments were given to him by, one must assume, the same advisers that are advising this Chief Minister. So why is the argument so different? What is the difference? I am afraid I have difficulty in resolving why the States machine supported one argument just over 2 years ago and now supports an entirely different argument 2 years later, and I am not going to make any comment about the proposers and the rapporteur and whether they are involved with the National Trust. I will leave others to make those comments.

### **The Greffier of the States (in the Chair):**

I think they have made their position very clear. It is a serious point which ...

### **The Connétable of St. Peter:**

Thank you, Sir, I will move on. I do also have to consider, just coming back to the point, is it the role of Government to align itself against another party in their action to impose aims and objectives on another party? I do not believe that it is. I know there are all the emotive arguments and I have to say some emotional blackmail. I have had emails telling me that I am not a true Jerseyman because I do not support returning Plémont back and I have taken quite an offence at some of those comments because I stood for this role as Constable because I am a true Jerseyman. I love my Island, I love my people and I love my culture. That is what I am standing for. I am not standing for a piece of ground which has been built on since 1874. I shall move on. Very quickly, some news has come out overnight about some more job losses and unfortunately I think we have lost something like 100 jobs in the last month or so. Condor Logistics says 50 people have lost their jobs in the last couple of months, plus 20 from Deerglen, plus 12 from Picot and Rouille; that is just in the last week. This is a continuing saga and there are many more and I did not bother going back to look at the whole list of people who have lost their jobs and will not probably find another job for some time to come. This is not my comment but it is a comment I received by an email from somebody early this morning that said to me: "Go ahead, buy Plémont. At least they will have somewhere to go and sit on some benches we will provide them to look out to sea while they have got nothing to do and no job and no money to spend in their pockets." The last point, again another email this morning, it was pointed out to me that in the Chamber of Commerce Business Confidence Survey, 82 per cent of their members did not feel the States should be buying Plémont. A further 68.7 per cent felt that the money should be better spent on further economic stimulus. I do not necessarily agree with that argument because we have not got the money in the first place but I think what we must recognise is that in 2012 on this cusp of going into 2013, we are now looking at not a recession. We are now not looking at a double-dip recession. We are now potentially looking at a triple recession. We know the U.K. Government is not our friend. They have demolished our low value consignment rate industry overnight. That has virtually disappeared. There are one or 2 stalwarts surviving on. We have got the pressures coming out from the American Government with the F.A.T.C.A. (Foreign Account Tax Compliance Act) regulations and also the U.K. Government. Our principal industries and money generators are under threat and our people are having to make do with less. I cannot and I will not spend their

money on Plémont and the very last point, the Jersey Consumer Council letter that came out in the last couple of days arrived at my home on Monday and I picked up on the back the Jersey Citizens Advice Bureau and I am just going to read a very short piece from that and then I will sit down, I promise you. “Our debt advice service continued to be placed in high demand. The real cost to the community of people who are experiencing high levels of debt is not to be underestimated. The associated effects of stress and ill health have a traumatic impact on the immediate family of people who are suffering debt problems” and that is from the Chief Executive of the Citizens Advice Bureau. For all those reasons, as much as I would like to save Plémont, I cannot. **[Approbation]**

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

What a depressing but at the same time quite interesting debate and I am pleased to hear that the Constable of St. Peter agrees with me that we should not be charging G.S.T. on food. I look forward to seeing how he votes when we debate that one next time. I am not going to take very long but I am very disappointed about some of the comments that have been made and I need to correct some of them. I will start by correcting some of the things that my good friend and fellow Deputy Martin has said about apparently what I think, but I am going to tell you what I think rather than allow other people to do that. It is a shame really because in some ways I think we are turning this into a town versus country debate and I think that is regrettable. Deputy Martin said yesterday, I think quite illogically, that because we have the Energy from Waste debacle, you know, that horrible building there, then we should not improve something in St. Ouen. That is more or less what she implied. I opposed that Energy from Waste project at the time, too big, too expensive, in the wrong place but 2 wrongs do not make a right. We have got an opportunity here to do something right, to do something to correct an error from the past. The National Trust... and I will not go into how good they are, we all know how good they are, and I will not go on about that but the National Trust is the National Trust for Jersey, not the Jersey Trust of St. Ouen. It is looking after the whole Island. **[Approbation]** I have to correct another thing that my good friend, the Deputy, said: “I want to buy Plémont at any price.” I do not want to buy Plémont at any price. It is not what I have said. It is never what I have thought. I want to buy Plémont at a fair price and we know what the price is, give or take a small percentage, and I could go on about how it was valued. My good friend, the Constable of St. Peter, was holding up the Red Book.

[10:15]

The Red Book is the basis on which this has been valued so again some agreement. Deputy Martin also said, I think I quote correctly, that these homes would be suitable for my beloved 1(1)(k)s when they were built. I do not believe that a 1(1)(k) that would want to live there. They would not want to live in an estate with common land in between for Deputy Tadier, and I will join him, to hold his picnics and what have you and we had the identical debate when we were talking about the Town Park when the former Minister for Planning and Environment wanted to line the Town Park with houses to pay for the park. The 9 Deputies and the Constable could see at the time that what we were talking about is a strip of land, a strip of grass, that would become “keep off, not welcome”. That applied to the Town Park and that applies to here now. I have to say ... I am sorry, I am on a roll, but one of the most disappointing speeches I heard was from my good friend, the Minister for Health and Social Services. I am sorry that she is not here. No Minister for Health and Social Services has had more support from the Council of Ministers and from this Assembly, every reasonable request that she has made has been granted - not once - to the detriment sometimes of some of the other things we want to do. No request has been denied and to imply that if she had this £4 million or £5 million, whatever it is, she could do more. Of course she could do more but no request has been refused and if we do not get Plémont, will she get that extra money? No, the wallet will be closed. There is another thing I would say to the Minister for Health and Social Services. Health is about prevention, not just about curing problems and in this very

stressful life that we all lead, you need space to go and sit and look out over the sea. You need space to get on your own. You need space to relax. If we take away and allow all these spaces to disappear, then we will need more psychologists, we will need more psychiatrists, and we will need to treat more mental health. Prevention is better than cure. Senator Farnham mentioned yesterday about red herrings and oh, we have had some, have we not? There are some that suggest, including the current Minister for Planning and Environment, that if we were to spend £12 million, buying Plémont would prevent us from spending this £12 million. We are not talking about spending £12 million, we are talking about spending £4 million, possibly £5 million, and the Trust providing £3 million of that, but if we were to spend £12 million, we could buy 233 vergées of agricultural land. Fantastic. Presumably these are willing sellers and we have got £12 million. Are they? I will not bother to say too much about buying up half of St. Clement because I want to do that but that is another story. The purchase of Plémont is not a once in a lifetime opportunity as stated. It is a once and for all opportunity. This is the last chance saloon. There is no second opportunity. This is an opportunity to leave a lasting legacy for our children, for my grandchildren, your grandchildren, and their grandchildren. Many of us need to have the courage to put our commitment in the things that we say. Many of us, a couple of years ago, the Constable will correct me if I cannot remember the date, joined them with a line in the sand and yet we are saying different things today. We will go there for the big show, have our photo taken on the line in the sand. We will not have the courage to support something that is right when it comes forward. **[Approbation]** I think it was Einstein who put it probably much more eloquently than I can do it when he stated that: “If you always do what you have always done, you will always get what you have always got.” In other words, if you behave in the same way, the outcome is predictable and I want us to be different to that. I want us to have courage and you do need to have courage. I have had emails just the same as everybody else, about 50 in favour, 50 against, some not very pleasant emails. But have courage. Do what is right. Let us do it differently today and let us return Plémont to the public of Jersey.

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

I would like, if I may, to ask the Usher to distribute 2 pictures that I am going to refer to. Like, I am sure, all Members of this Assembly, I have worried, I have wavered and dare I say it, I have even wobbled about certain decisions and I have really struggled with my responsibilities as Minister for Treasury and Resources. I have been petitioned really strongly from people on either side of this debate and Members have quite rightly asked whether or not this issue should have been included in the Medium-Term Financial Plan. I have to say to Members there is quite a simple, straightforward explanation for that and that is that no application could have been made in the Medium-Term Financial Plan for one-off funding without a reasonable certainty of how much it would have cost. There is, I am afraid, as I look to the Connétable of St. Martin, no way that a St. Martin’s School could have been put into a Medium-Term Financial Plan or a capital programme with a range of £7 million to £18 million. It was the truth of the costings of it and the financial implications of it is that we only knew what the costings of Plémont were going to be in November, way after we sorted out the Medium-Term Financial Plan, when we knew the outcome of the planning application. That is the reason why in truth it is not in the M.T.F.P. (Medium-Term Financial Plan) and could not have been put through. In the M.T.F.P. debate, I did speak about flexibility. I did speak about the need of some things that do need to be taken outside of what should be a rigid process and I spoke of the flexibility that the plan did have and also I have been questioned quite rightly as to the situation with contingencies. The process for contingencies which now that I am reasonably certain of the cost of Plémont, if the Assembly goes ahead with this, contingencies is realistically a way of funding this issue and I can inform Members that not only do we have a process but we have been through an abridged process in order to confirm that contingencies should be made and can be made. I want to correct the fact that there is availability

of money in contingencies. I can advise the Assembly that as far as the end position of this year is concerned, there is going to be £28.8 million worth of contingencies that are going to be available over the next year. I can inform Members that there is earmarked against those contingencies, as Members will understand, a contingency for A.M.E. (Annually Managed Expenditure) which is the uncertainty of Social Security of £6 million. There are the Historic Child Abuse Investigation claims which are ... I am not sure whether the amount is in the public domain but it is certainly in the millions and it is part of that £28 million. There is an additional provision made for restructuring. There is the provision for the salary increase of £2.5 million, the non-consolidated figure, and there is the provision for court and case costs which has commanded this Assembly's time in the past, which we have now solved in terms of having a smoothing reserve. That does mean that there is a contingency available which has not been allocated of not only the £6 million, which we want to keep so that I do not have to come forward to the Assembly and ask for ... I hope we do not have to do it, for volcanic ash or pandemic flu. We have £6 million worth of real contingencies and we have allocated according to these numbers the contingencies that I have set out in the report if the States wants to agree this. I have been told in my political career that sometimes Ministers for Treasury and Resources know the price of everything and the value of nothing. That is an accusation in previous debates that really kind of hurts me. It really struck a chord and made me really think whether or not every decision that I make in terms of Treasury and Resources is about price, about value, about numbers versus the long-term issue of value to the Island. One of the things that I did when this accusation was put to me over 18 months ago, I spent some days with some voluntary organisations and I spent a day with the National Trust and I will declare that. I am not a member of the National Trust. I am a member of the Société de Jersiaise but I am not a member of the National Trust but I spent a day with them last summer. I started the day at New Street and I went around the fantastic refurbishment that they have carried out there. We then went to Les Arches, which was a property which had been left to them. I think it has been said that sometimes the National Trust is left with burdens as opposed to assets and certainly they have a burden there because they have been left this property which they have got no money to do anything with. We went to Morel Farm. I used to go as a child to Morel Farm with my mother to buy goats' milk and I had not been there for probably 25 years. I thought about the generosity of the individual that had left Morel Farm and how absolutely important it was that Morel Farm as a model small landholding has been kept and the National Trust have a challenge in relation to Morel Farm about what they do to it. Then we went to St. Peter's Barracks. As an organisation, I think that we really should ... and a lot of words have been said by those Members who are not supporting the proposition and supporting the proposition. I think that we should salute the work of the National Trust in what they do in all of the areas of the preservation of our natural and our built environment. **[Approbation]** This is not a debate from an organisation that is simply saying: "States do it, pay the whole of the amount of this money." They have - and this is why my position and I accept that my position on Plémont has changed - worked to come forward not only to lobby us and to say the reasons why we should do it but they have put some money behind what they want to do in terms of raising £3 million. I think that that is a different situation from some other of the petitions and representations that some States Members have made that this is simply a binary decision about whether the States should buy the whole of it or not. This is not. We are being asked to enter into a partnership with the National Trust, an organisation which is so important in preserving the things that have been important and have got the Island to where we are today. We cannot have everything and I am not one of those Members that believe that you can cast the whole of the Island in aspic and that you can keep everything and that you can go back to what Jersey looked like 100 years ago or 200 years ago but the National Trust do try and hold on to some aspects and, in fact, that does help me and it does help me offset some of the responsibilities I have in growing the economy. I thought that the remarks of the Constable of St. Helier were really quite important and I think Members should reflect on the remarks and the position of the Constable of

St. Helier because he is saying that yes, we need to see the urban development and the progression of our urban environment and St. Helier and there are some Members who are going to completely balk at the fact that I believe that we are going to have to continue to develop our urban areas and we are going to have to continue to provide homes and the places to work. We may well have to find a technology centre somewhere in St. Helier. We may well have to deliver a new office centre in terms of the future of our financial services industry. The pace of life which never endingly ceases to accelerate, as I say, as a 42 year-old it seems to accelerate more and more and I believe in the next 10, 20, 30, 50 years that there is going to be even more pace-making and it is going to be even faster moving. I really think that this decision is not just about a decision for today. We know the economic situation of Jersey is difficult and we know that the economic situation of the world is going to be extraordinarily difficult in the next 12 months but every winter turns to spring and I am confident that this Island will succeed in terms of its economic endeavours. I said that I had struggled with this debate and I will admit that I have been pulled in directions. I have been pulled in the directions of Members that say: "Do not dare to spend a penny" to those that say: "Absolutely you must protect Plémont." Last night I met with McKinsey, the management consultants that are doing the work for financial services and one of the ways that McKinsey think, they think about scenarios and that is what I am going to concentrate on in the last few remarks that I want to make. We have effectively 3 scenarios for Plémont. We have a scenario of doing nothing. We have a scenario of clearing the site and returning it back to nature which is represented by that picture there and we have a scenario of where the houses are built.

[10:30]

That is what I reflected on this morning and as Members who follow tweets know, I went to Plémont this morning. I went at sunrise and I drove round and ... I should have probably walked or gone on my bike or run but I did not, I used my car and I drove there. I drove past the crossroads and into Route de Plémont. I passed by the entrance and I saw the shocking position of the holiday camp, which is in a purely disgraceful position. I drove down to the car park and I parked my car, and then I walked up and I considered what the future of Plémont was going to be if we saw this planning application. With my wonderful piece of technology, I looked at the video that has been produced by the developer about what Plémont is going to look like. That is the reason why I have circulated 2 pictures of Plémont because I am going to put my piece of technology in the coffee room and I would like Members to play the picture of Plémont, of the before and after. It is about one minute, 2 seconds to one minute, 5 seconds. **[Laughter]** It is beautiful music and it makes you feel really good. It lulls you into a lovely sense of security where we have beautiful pictures of what Plémont headland is all about. But when it comes down to it, this is what this debate is really about. The turning point, the game changer, the decision that we are really faced with is actually at one minute 2 to one minute 5. What I have done is I know another Member has taken the chance to do a copy, so I want Members to reflect on these 2 options because it is the one minute 2 to one minute 5. It is the scenario. The first one is the picture of Plémont holiday village, the thing that we all hate, that we know would never have got planning permission if we had not had a Beauté Naturelle or Planning and Environment Department. We know that. Let us cast that aside as the scenario that we all do not like. Let us consider what the second scenario is: the scenario apparently of the situation where we get 70 per cent of the land back, that we get the headland restored and wonderful wildlife reserves and puffin protections and all the other birds that I should know the name of that I do not know. Let us consider what this will look like. Let us consider what it will look like in 10 years' time, in 20 years' time. I think Senator Sir Philip Bailhache has been in the States for 40 years next ...

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

Would the Minister give way for a minute?

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

Yes.

**The Deputy of St. Martin:**

Would the Minister accept the 2 photos he is asking us to look at at the moment were taken from a different angle, from a different distance and from a different position [**Approbation**] and, as such, are particularly misleading with the point he is trying to make at the moment? Would he withdraw them?

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

No, I will not and I want the Deputy of St. Martin to think. He is a clever man and he is capable of taking out all of the marketing stuff. He is capable of taking out all of the marketing. He is capable of taking out all the representations from the architect who is persuading us with 70 per cent of land given back. Let us just look at the facts because they are the pictures. Whether or not this is the montage from the corner of Route de Plémont or whether or not it is from the car park, let us just look at the reality of what the planning application that will go ahead is going to mean. I ask Members to look at this photograph. It is a realistic montage and, yes, it could be taken from a number of different angles. But as I parked my car at the entrance where the bolted gate is in front of the Plémont headland, I considered the first group of houses on the left-hand side, which is the ones just there. As you go down to the fantastic car park, as you see the sweeping landscape of the north coast of Jersey, Members will be faced with a cluster of houses, the first cluster. Not just one faux farmhouse, but I think there are about 12 of them. When you drive down to the car park, you will see on the right-hand side a further cluster of houses. When you are in the car park and you then go around the cliff path and you walk round to the north, you will see a further cluster of houses. We need to take out of this debate the marketing spin. We just need to look at the facts because that is what it is. This is the marketing spin, but this is the reality. The reality is that we will be putting 28 houses on the headland at Plémont. Those houses will not be there just for the next year. They will not be there for the next 5 years. They will be there forever. I do not think that this decision is just simply about putting that into there, because that is the extreme position everybody wants to do. The picture there is a beautiful position, a beautiful picture of what Plémont will look like, but that is not really the reason why I am going to support this. I am going to support it because I cannot live, I do not think, with a future that sees this scale of housing estate on the headland at Plémont. [**Approbation**] That is what I think this debate is really about. Those Members who are wavering and who are worried desperately, like I am, about being pulled in the different directions of short-term considerations for money, I think they need to think about this picture. I think they need to think about the long-term for ever placement of an estate of houses in 3 clusters that is truly on the headland, in fields that approach one of our most spectacular areas of Jersey. In a world of short-termism, this Assembly has a history of being a long-term place and long-term decision-making. This is about long-term decision-making. This is not a decision for just today or tomorrow. This is a decision that we can only make once but will have incredibly long-term consequences. We have a choice about how we use contingencies and it is to an extent urgent because we can only make this decision now. This decision will not be able to be made in 2014, 2015 or 2016. It is a decision that we have to make now. If Members feel that they are confident with the cost ... and the cost I believe is a clear one. I believe the valuation is £4 million and I believe that there is an amount that we are at risk in actually settling that valuation, which I believe is within the region of £1 million or £2 million above that. I believe that that is the case and that is the professional position that we are taking. I do not believe that any board of arbitration can construct or accept a valuation that is in these dizzy figures, as we have heard that has happened with Lesquende, of £15 million or £18 million. I believe that it is a maximum figure and, yes, I do believe the compulsory purchase order and the offer that the Treasury should make is superior to

the valuation because compulsory purchase should reflect the fact that you are compensating somebody for their loss. I do think that it should be more than £4 million that the developer as owner ... because the developer is interested in the cash. They are not interested in really anything else. This is a commercial transaction. I think that this debate is really about that scenario. Nobody wants scenario one. Everybody would perhaps like to have scenario 2, but for those Members that are in the middle, that are worried, that are worried about what their position is going to be in 2 years' time when we see the building of these houses, it is actually the avoidance of scenario 3. It is not right to say that this is a clean giving back of the headland to the people of Jersey. This is about stopping ... and yes, I say that. I say stopping a development of 28 houses on the headland at Plémont which for ever more as people drive down Route de Plémont, when they approach the car park, when they want to go down to the coast, they will be faced with house upon house. That is the reason why I am going to vote in favour of the proposition. **[Approbation]**

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

Can I ask a point of clarification from the Minister for Treasury and Resources?

**The Greffier of the States (in the Chair):**

Deputy Martin, point of clarification.

**Deputy J.A. Martin:**

When I spoke the Minister for Treasury and Resources said what the contingency fund ... he did mention a lot of things. Was that list exhaustive? Because he did not mention freedom of information and I just want to know that that money that is in the contingency for Freedom of Information Law is safe.

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

I am sorry, yes, I do apologise, I abridged my comments on the contingency. Yes, the freedom of information money is within that contingency that we put forward and that was what the Deputy expected.

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

Would the Minister for Treasury and Resources address the 2 questions I aimed at him yesterday on Financial Direction 4.3? How does he justify the use of these contingencies under conditions 2.1.1 and 2.1.3? Since he has to keep a contingency and has to top up the contingency fund, can he say what projects may or may not be delayed, deferred or abandoned?

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

I am sorry, I apologise for not answering that question. The contingencies, we did not put any new money in contingencies in 2013, or have not done, because we are rolling forward the contingencies that I am not expecting to spend this year, which are £6 million. We have put 2 new contingency amounts in 2014 and 2015 of £6 million and a further £6 million, and so there is no consequence. The figures that we are talking about, there is no consequence of any proposals not happening as a result of using that contingency. We will still have the £6 million untouched contingency, which is what I would want to deal with genuine other unforeseen matters. In relation to whether or not it fits the criteria, I think that under the contingency definition of 2.1.1 contingency is set aside for unforeseen and urgent expenditure. This can only be made now. In a year's time it is too late and so that is why I believe that it is possible. These are guidance notes and ultimately they are the Minister for Treasury and Resources' decision after consulting the Council of Ministers, of which I have carried out a brief and abridged version because I need to advise the Assembly at this time.

**The Greffier of the States (in the Chair):**

It is not question time, Deputy, but very briefly.

**Deputy G.P. Southern:**

I asked a question in the course of the debate and it has not been answered. Would you prefer me to address it to the rapporteur?

**The Greffier of the States (in the Chair):**

Well, we will ask the Minister for Treasury and Resources to answer briefly.

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

That is about the final resort and so I have no other options to give to the Assembly apart from the use of contingencies for effectively the amount of money that I have put forward. I have no other way of doing it. It is the use of contingencies and there is sufficient.

**Deputy G.P. Southern:**

The point I made yesterday was since the proposal is by the Chief Minister, should you not be looking at the individual department's own reserves first and not addressing contingencies?

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

Very briefly, I believe that is exactly what I was trying to do and I am sorry if I did not explain it, but that is the abridged process that I have done. That is the report that we have attached to my comments is that I have sought and asked the Chief Minister's Department whether or not they have £6 million and they do not. That is why I have come to the conclusion on the advice of the Treasury that only the contingencies can be used.

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

I have to declare an interest. As everybody knows, I have worked indirectly for the National Trust for 18 and a half years and I also rent land from them. Let us be honest, if this was a brand new application with nothing on that site, it would not have taken place. We now have a chance to take back and make things right of what happened wrong a long time ago. The upmarket homes look okay, but the plans will, I hope, stay as they are unless as usual we have a revised plan and a revised plan and a revised plan, which end up looking nothing like the original. The greens in between times, it is going to be fabulous because Deputy Tadier plays the accordion, my husband sings and plays guitar, so we can go there on a Sunday and sit and have the most wonderful picnics. Or the Minister for Planning and Environment can put his other hat on and leave it for the environment, which means he could have these lovely hay fields and everything could go along and really help the environment. I do not think if you have paid a lot of money for a home you are going to want me and Deputy Tadier and my husband singing and playing on a Sunday. I certainly do not think you are going to want a hay field to help the little animals and the ragwort, which the Deputy Bob Duhamel seems to think is going to be very, very good for everybody.

[10:45]

I have asked at the presentation what would happen to the wildlife and I was told the wildlife was going to be scooped up from where it was, removed, put on the headland, wires and fencing would be put up to stop them encroaching back on to where the buildings were going to be taking place. The lizards and everything were all going to be moved out of the area so we could build. When we have built, the wires and everything else will then be removed and they can go back to where the houses are being built. Now, I do not know if any of you have ever seen *Elephant Walk*, the film, but a gentleman who was very arrogant decided to build a house where the elephants trekked all the way through. If these builders seriously think that the wildlife is going to stay behind this wire,



hanging over a cliff, when it has been having the rest of the environment to walk upon, then they are sadly mistaken. Animals do not do that. These animals will try to get back to where they are, so they will be in the middle of the buildings. I have had a large number of people in touch with me in the Parish. I have not had people from outside the Parish; I have had the odd one or 2. But most of the parishioners who have been in contact with me - except for 4, and hand on heart it was only 4 that asked me please not to consider buying the land - the rest of them want to buy it. So whatever I feel, I have been voted in by my parishioners and so I will go along with what they want. Having said that, if I was not the Constable of St. Saviour I would still vote for the land to be bought. I cannot see how luxury homes being built on this property will make a big difference to the housing list. Something else I found very, very useful at the presentation that the developers gave to us was the fact that they had bought the fields alongside and had kept a right of way from one group of the houses to get to the other fields that they had just purchased. I do not say just purchased; I could be wrong. They have had them for a little while. But they have purchased them, and you must ask yourself why they have kept a right of way from one housing estate to go to 4 other fields which also take in the cliff. You have to ask yourself why they have done it. I am going to cancel out in a minute because everything has been said and we are all exhausted, if we are being perfectly honest. By the way, even though my husband and I have a lot of grazing land from the National Trust, we are organic so we will not benefit from this field if it is returned to a field as it takes years for land to be returned to be organic. So I have nothing else to say about that except we have a chance to save a piece of land for the Islanders. This is never going to happen again. If we do not take - and you will excuse the expression - the bull by the horns we are going to be in big, big trouble eventually because it will just keep building and building and building. We will end up being a concrete jungle and people will not want to come and live here because we have nothing that we can possibly offer them, which is going to be a great pity. You can all sigh and think what you like. I can understand where St. Mary is coming from because they want the main drains. That will be the worst thing that could ever happen to them because once they have the infrastructure they will be built on, trust me. As a person from St. Saviour, St. Clement, St. Brelade, we have the infrastructure, and St. Helier, so they just keep building and building because we have the drains, we have the water. I think it is going to be fantastic when the other outlying Parishes have it because we can move them out. **[Laughter]** The Deputy, and I love her dearly ... no, I do, I do, and I have looked up to her. Having been new in this Assembly I have asked her lots and lots of questions. She is right. You just keep building where there are drains and where there is water. Well, let us give St. Mary the drains and let us put everybody out there. I think that would be a very good idea. **[Laughter]** We now have a chance to put right a mistake that was made a long, long time ago, so please, let us take it.

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

Can I ask a point of clarification from the speaker?

**The Connétable of St. Saviour:**

Yes.

**Deputy T.M. Pitman:**

As an animal lover, can I just ask if we go with this proposition and the National Trust have to clear the ruin that is there now, surely they are going to have to move the wildlife, too. I think she is making too much, if I can say that with due respect.

**The Connétable of St. Saviour:**

No, I do not like to stand and correct you, Sir, but I will do it. I do call you Sir because you are a more important politician than me. **[Laughter]**

**The Bailiff:**

I am sure you may do that outside the Assembly, Connétable ...

**The Connétable of St. Saviour:**

No, I do not call him “Sir” outside, Sir. [Laughter]

**The Bailiff:**

... but you may not do it in the Assembly because you must speak through the Chair.

**The Connétable of St. Saviour:**

Yes, Sir, I do apologise. No, when they clear the site obviously the animals will be removed, but then we are talking about builders’ lorries, diggers, all sorts of other things which will be then brought on to the site to do this. You will lose some of them, that is quite obvious, but you are not going to lose as much if you have all these builders doing this.

**The Bailiff:**

Very well, Connétable, you have given your clarification.

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

On the back of the Constable’s speech, a question has arisen which I would like to pose to the Solicitor General. Is that possible?

**The Bailiff:**

Yes.

**Deputy R.G. Le Hérisier:**

It strikes me that what we are really doing as an Assembly is reviewing and attempting to overturn a planning decision. It strikes me that that has legal consequences. We have been warned against that time after time. I wonder if the Solicitor General could comment on that.

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

No, you are not overturning any planning decision. What would happen is that if you went down the route of compulsory purchase the value of the land to be assessed would take into account all the attributes of the land including the fact that it now has the planning permission.

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

It is a real pleasure to follow the Constable of St. Saviour’s speech. In this very difficult debate I think it lightens the attention because it has been very difficult for all of us with this heady mix of immediate financial pressures and long-term planning issues which require vision. In my experience, mixing those 2 up is dynamite. In this high profile case, it has proven to be. I want to say a few words today about the underlying planning issues because I think what has been said just now, it is right, this is a planning issue. We have a solution on the table which is going to give us a better outcome than what would otherwise be the case, so I am grateful for that clarification. I think the Constable of St. Peter gave us a long account of the planning history, over 13 years, starting off with the aspirations to put 117 homes on that site, then down to 46, then down to 36 and now we are at 28. But I think the long history shows just how controversial the development of that wonderful northwest headland for housing has been to the people of the Island. Obviously, we have arrived at a point where the planning decision has been made. Therefore, it is right to ask ourselves at this point are there alternatives. Before this debate kicked off, 145 people made written submissions to the planning inquiry. That was no easy thing. There was a format to follow, 1,500 words, and they put down all their planning objections. That I think has to be recognised.

Earlier planning applications produced equal overwhelming responses, not just the number but it is the quality of those objections that matters. Now, of course, when one looks through - and there are lists for the public on the website, you can read them - they are not all members of the National Trust. There are many others. Some are members of groups, but there are very many, a large number, of private, public-spirited citizens from all over the Island. This is the point. This headland is a national asset. It benefits the whole of the Island and not just those wealthy people who are fortunate enough to live in the countryside. We have overcrowded urban areas and there is a desperate need for urban regeneration. We have to do more about open space and improving the environment for town dwellers, but those arguments to me are not an argument against having our special places where the community can go and be. Health issues, I absolutely agree, wellbeing of life, quality of life and mental health of the community, we have to have places to go and escape, all of us. It would be nice if you had a bus service to Plémont but, of course, there is not one on a Sunday. Now, in contrast with that, there were 22 representations at the last planning inquiry by the applicant. I think that balance, and it is consistent right the way back over 13 years, of 85 per cent majority against on planning grounds is an important consideration in this debate. Now, I want to highlight the reasons why, briefly, those people have that overwhelming objection. I will not go into detail, I promise, and I will not rerun the planning inquiry. The case is made, first of all, this is a headland of Channel Islands and international importance. The issue is our landscape. It is not about the puffins. The puffins are at the southerly limit of their species' scope and they are doing well to hang on, but the primary issue is landscape. It is the mix of geology. It is the mix of the whole quality of the history, archaeology, the natural landscape and so on. All of that is important. That is worthy of the highest protection of our Planning Law. The question arises has something gone wrong that a development should happen on the most special of places. It is of outstanding natural beauty quality. That would be its designation in the U.K. It is our national park. It is elevated. It is right at the top of the Island on the edge of the countryside national park, visible for miles from sea and land, and its development is contrary to the policy that seeks to put our new housing in our built-up areas for all the reasons that we all have put in the Island Plan. It is entirely contrary because it impacts on traffic, local infrastructure; it impacts on schools, village shops, churches. All those amenities are not there. It is an isolated, rural, wild place. Housing is different to a holiday camp. A holiday camp is self-contained. Housing is a 24/7 activity. It will generate 100-plus cars and visitors, an estimated 500 to 600 vehicle movements a day. Is this the place for that? Now, the inspector - because obviously much has been made by others on alternative points of view - has said nice things. The truth is he actually recognised that all those arguments I have just set out against planning consent are all sound. They were all soundly based.

**The Bailiff:**

Deputy, I do not want to stop you but the fact is there is planning consent and whether it was rightly or wrongly granted, is that relevant to this debate? The planning consent is there. The issue is whether the States should or should not buy it.

**Deputy J.H. Young:**

I wonder if I could just continue a bit more and you can stop me, Sir, if I ... because I am about to make the link, I think, if it is possible.

**The Bailiff:**

Very well.

**Deputy J.H. Young:**

Because what he said is this development taken on its own would not be in compliance with the Island Plan policy. I think that says what we are dealing with. It is accepted, I would submit, that those effects on this Island are not what the Island Plan wanted to produce. We have ended up

there for other reasons, but that is not ... I think there are reasons in the inspector's report which on a different day would be liable to challenge. In view of what you have just said there, I will not outline but I think there was a letter in the *Jersey Evening Post* last week in which I set down a very cogent case. Now, sadly, our Planning Law restricted the Minister from publishing the inspector's report before he was required to make a decision. I think that is something we should review. I think clearly, though, the Minister must have been in the position where he had to accept the planning inspector's recommendation. The inspector concluded that this was the least worst option.

[11:00]

In other words, this is not the good option, this is the least worst. The situation we have arrived at then, notwithstanding what I have said, a planning consent has been given and if there was an opportunity for it to be appealed I think that should happen, but that is only my personal opinion. The reality is we have an alternative to that development and all those adverse consequences. Therefore, I think with a solution on the table it is the practical way of supporting it to achieve the objectives of the Island Plan that this Assembly has set and which our Island supports. Now, a couple of points came home to me that added to the reasons for that. During the planning inquiry I spent the day on site visit with the planning inspector and the applicant. We met American tourists on the coastal path. It was a beautiful day, could not have been better. These American tourists collared our group and told us that this was a wonderful place. They told us that they had come from the U.S.A. (United States of America) because there was nowhere in their continent that they could see the qualities of the landscape and the seascape so close. There was a large group and clearly these were not people short of a bob or 2. Clearly, I thought that this emphasises that environmental tourism is very, very important to our community. Can we afford to dismiss it? I see the Constable of St. Peter disagreeing.

**The Connétable of St. Peter:**

If the Deputy would give way for a moment?

**Deputy J.H. Young:**

I will, yes.

**The Connétable of St. Peter:**

I am delighted to hear these American tourists actually enjoyed the view with the holiday camp there. That is the point I am making. **[Laughter]**

**Deputy J.H. Young:**

I was just about to explain why. There is a difference between seeing what is a ruin, an unoccupied ruin, where the ... it is a horrible ruin, but I think logically there is not a vast deal of difference between that and seeing, for example, Napoleonic forts in Alderney or seeing 12th century abbeys, but it is very, very different to a suburban housing estate with all the activity that brings. Will our American tourists come to see that headland to look at our suburban housing estate of 28 houses? I really doubt that. The cost issue, I must go upon that because obviously like every Member we have had a very great number of communications. The only fair thing to say is that I think opinion is pretty equally divided. I have had more cards and letters in favour, but equally I have had more phone calls and emails against. I think what we have done in this debate so far is the National Trust has helped us by increasing their financial package to make it more sustainable. The Minister for Treasury and Resources has told us that the valuation evidence is sound and I think we should trust him and his advisers and the Solicitor General. There are additional expenditure needs, no question. Most of it I think we are already doing. We are putting huge efforts into health. There are gaps, which I was pleased that our Minister for Treasury and Resources said are going to be picked up. But I think, based on what the Minister for Treasury and Resources told us, I am

prepared to believe that the costs are now manageable and I would like personally to see the proceeds dealt with in the property portfolio. For example, if it is possible to get a dividend declared from the States of Jersey Development Company out of the £6 million, which comes from other States property which was handed over to them, I would favour that. Now I am getting to the close. The Constable of St. Peter also spoke about the Noirmont headland and told us that it was not a precedent. I looked up the *Jersey Evening Post* report of that of 23rd January 1947 and I noticed in the letters page there was a letter there making comments, saying: "Are Jersey people really going to use this? There are other spots of unspoilt beauty on the north coast" and concerns about maintenance costs. Clearly, when I look at this report of the States debate, I find there is a comment: "This would be enjoyed by very few people. The money would be better spent in other directions. People would be able to use as they wish and aesthetic beauty would be retained and a great pity if the opportunity were missed". Those were just 3 comments. Opinions were divided and there were 6 votes against. Clearly, the public subscription has not been successful, but the States in that day voted for it with a minority against. Can anyone imagine how it would be if Noirmont headland was not available to our community now? I really do not accept what the Constable of St. Peter said: that this is not a precedent. There are other precedents about wise vision decisions. In April 1968 the States wisely decided, when there was a prospect or proposal to put a new town in St. Ouen's Bay, a development of 100 houses in St. Ouen, thankfully they decided against. Now, those are examples I think of bold long-term decisions. It is very easy to reject this proposition. There are lots of arguments on the financial issues if you want, but I think it requires vision and courage and to be bold in making long-term decisions in the best interests of the Island. I would like to finish by quoting a letter that I received from an 82 year-old Jersey gentleman. He says: "We, you, are the custodians of the land of Jersey for future generations. It should be acquired and guarded as the jewel that it is and kept inviolate. We cannot replace it or get any more of it and we are envied by all who visit us for its beauty. Show the foresight that your predecessors showed over the Noirmont headland when the Island was hard up. You are representing me and I ask you to vote on my behalf for the States to acquire Plémont. Yours, Jersey-born lifelong resident aged 82." Sir, I cannot do more than that...

### **1.1.8 Connétable S.W. Pallett of St. Brelade:**

I am clearly going to upset my Parish Deputy here. I want to put him right on one thing. The only reason they did not build on St. Ouen's Bay, I think it was used as a refuse dump and they decided Les Quennevais was a clean area to build on, and that is the reason, nothing to do with environmental issues. This debate has clearly been of huge interest to the public as is shown again today by the many who are in the gallery. I could if I was so disposed play to that gallery but I am afraid they probably are not going to like what I am going to say this morning. To the annoyance of my esteemed colleague to the right of me this morning, the Constable of St. Lawrence, I have been pretty fidgety in the last couple of days through this debate pondering which way to swing on the subject. On this important issue, I can assure her this morning that I have decided which way I swing. On a serious note, I have spent several years in the 1990s living in St. Ouen and still have many friends in the Parish, or at least I did have. I am still vice-president of the football club and while living in the Parish regularly walked and ran on the coastal footpaths from Grève de Lecq all the way through to La Pulente. It is a beautiful part of the Island and I thought at the time, and I still think, was spoilt by the ramshackle remains of this campsite. However, I never considered the area around Plémont as wilderness as some are suggesting and as others have tried to portray in the photos, including the one we have up here and in the coffee room. To my view, these photos ... I do not like using the word misleading but I think they are misleading to some degree [**Approbation**] and extremely cleverly taken in regards to the angles used. I am so glad we have some realistic photos or some realistic ideas of what this might look like in the future. In terms of the photos, I say that because no more than a mile away, a 5-minute walk to the south, is a housing

estate, is a church, is a school, is a restaurant and other housing and there are small hamlets and pockets of houses all the way along the main road to St. Ouen. So to suggest it is a wilderness is complete nonsense. It is rural, but realistically it is just not a wilderness. I recently watched Sir David Attenborough's *60 Years* documentary on the BBC, which did put some doubt in my mind over which way to vote today in regard to some of the issues that he raised. There has been destruction of large quantities of natural habitat in places such as Borneo and Malaysia, among others, and raises questions as to the role of developed nations such as ours in preventing any further damage and educating those countries. While we must support those sorts of countries to save their natural environment, it struck a note with me that if the opportunity arose within our own Island to play our part that we should take it. My wife, who is a very strong environmentalist, suggested to me that this was a chance to do our little bit, helped by the National Trust, who I have to say have been totally committed in their cause, to save a small part of our Island. Unfortunately, for me there is more to this argument and my head has to rule my heart. The cause marshalled so professionally by the National Trust has, though, in my opinion, as many have said, often been on emotional and often emotive issues, which have been driven by their hearts, unlike those who oppose this proposition, generally those who have argued their case on economic grounds, the legality of compulsory purchase, in other words their heads. The majority of communication received by me in favour of this proposition has, though, been through the little green cards - I have one here - which simply ask that I vote to leave a lasting legacy for future generations, but with the cards there is actually no rationale behind that request. I have to say a few National Trust supporters have provided me with more rounded views, which I thank them for. But I have to say, the more reasoned, detailed assessments of the current situation have come from those who oppose this proposition. This opposition, I believe, is from the majority of Islanders whose views again I think the Chief Minister has grossly underestimated and I will maybe comment on some of those views later. Much has been made of the divisive nature of this issue, but I hope that any lasting friendships or disagreements can be dealt with positively and quickly. However, to suggest the developer, the owner of the Plémont holiday village, is somehow to blame for driving a wedge between Islanders is frankly preposterous, as is any idea that he is out to destroy the headland. I personally know some of the supporters who are in favour of this proposition at times overbearing, but I respect their passion and I hope they respect my alternate view. Plémont Estates have acted, I believe, aboveboard in all their deliberations and I thank them for their briefing the other day to explain their plans. It is their plans that I believe offer the most acceptable solution to the dilapidated Plémont holiday village. The developer offers to give a large percentage of the site to the States, provide almost equivalent environmental, ecological and wildlife benefits, retain public access with new footpaths and all at no cost to the taxpayer. I repeat: no cost. The plans also provide for 28 modern granite homes in small clusters. It is not a housing estate, by no means is it a housing estate. In my view, and I am allowed my view, it is a vast improvement on the current Plémont holiday village. This undoubtedly must improve the natural beauty of the area - because what is there at the moment certainly is not very beautiful - and the general amenities, like I say, if you compare it with the unsightly holiday village complex. Deputy Baker stated yesterday he was philosophically opposed to compulsory purchase. I agree with him. It is wholly unacceptable in regards to acquiring Plémont and I personally find the idea morally repugnant. The current owner bought the site in good faith, looking to invest and make a profit. He has finally gained planning permission and has every right to obtain the best possible outcome for his investment. It is not, in my mind, the place of Government to interfere with this free market process unless it is a matter of, as Senator Ferguson said yesterday, national importance and absolutely the last resort. It is neither in this case. In terms of public interest, there is quite simply not a compelling case to proceed and compulsory purchase should not be abused in this way. Article 2(2)(d) of the Compulsory Purchase Law mentioned in the proposition itself provides it is the intention of the law to ensure that the coast of Jersey is kept in its natural state. However, importantly, I agree with the current

owners that, one, the site is not coast but, in fact, agricultural land and should be treated as such; and, secondly, that the land has not been in a natural state for some long period of time and it is a nonsense to suggest it has been kept in that way. I do not believe compulsory purchase should even be considered under Article 2 of the Compulsory Purchase Law as in my opinion the developer's proposals will dramatically improve all aspects of the area, including its character and beauty.

[11:15]

It is the intention of the law to preserve the natural state of the land, but it is clearly not in its natural state at present. Compulsory purchase, as many have commented on, will offer the States a very uncertain future if entered into in regard to the final cost. As much as a purchase price of £14 million or possibly more as mentioned by the current owner has been brought into question somewhat by Senator Bailhache as an overestimation, the valuation as provided by Jersey Property Holdings by the independent valuer does in my mind fall into the realms of fantasy and is a very clear underestimation. Senator Bailhache, in proposing, stated that a poker player should never show his hand. Well, that is as may be, but a good poker player knows when to bluff. I am afraid in this case the owner is highly likely to call our bluff at some considerable cost to the taxpaying public. I cannot condone giving the Minister for Treasury and Resources a blank cheque to go away and buy Plémont and it is clear from the responses I received that the majority of Islanders find that prospect abhorrent. Using tax receipts from hardworking members of the public to purchase Plémont for me is not an option, and that also includes any disposal of assets or a land swap. The put-upon public have had to endure increased personal taxation. The States have engineered £60 million worth of savings through C.S.R. (Comprehensive Spending Review), and yet within weeks of agreeing the M.T.F.P. we take off the fiscal shackles for a nice but not to have strategy priority. I mention the M.T.F.P. because the Minister for Treasury and Resources mentioned this morning that it could not be included in the M.T.F.P. because there was no reasonably certain cost. Well, in terms of the valuation they put together, that was cooked up in a week last week, so I do not know why they could not have got a valuation together for the M.T.F.P. What message is this sending out to public and private sector workers who are having to endure an R.P.I. (Retail Prices Index) of 3 per cent or more, yet increase of average earnings of only 1.5 per cent, if less? Long suffering pensioners have seen large increases in their fuel, light, motoring, tobacco, all the other things over the past few years, and are saying to me: "Please do not waste our money on buying Plémont". With over 2,500 people out of work, as was mentioned on the radio this morning - the Minister for Social Security is doing his best to do something about that - importantly, 600 of those are between 16 and 24. There is a lack of affordable housing and social housing and in St. Brelade the desperate need for a new secondary school. What I am hearing, Chief Minister, Ministers, is if you have money to spend then spend it wisely for the good of all. The new M.T.F.P. has seen much of the current contingencies allocated as intimated by the Minister for Economic Development in his email to Members, along with a warning over unforeseen emergencies. With a possibly extremely expensive but necessary historic abuse inquiry on the horizon, is it really prudent to commit further cash reserves to buying Plémont at a price we do not know? I want to comment briefly on the amendments brought by Deputies Southern and Maçon, and I know we are into the main debate, but both although they were well intentioned I think they sent us down a little bit of a blind alley, I think as we found out by Senator Le Gresley's assessment of the National Trust accounts and Deputy Power's, if he does not mind me saying, back of a fag packet estimate on the cost of repaying any possible loan to the National Trust. The blind alley for me, the biggest disappointment in this debate, was that neither Member had the wherewithal to contact the National Trust to ask if a loan would even be considered by the National Trust or even practicable. I was also surprised, to say the least, that the Chief Minister had to adjourn the debate late on Tuesday to communicate with the National Trust on an issue that, considering Deputy Southern had lodged this debate on 27th November, he had ample time to do.

The trend of bringing propositions without speaking to the relevant people or department is something I believe is wearing thin with many Members and often wastes important Assembly time. I shall move on very quickly. In my mind, I think I am worried that if successful this proposition will set an unfortunate precedent. Other sites in St. Ouen's Bay were mentioned yesterday and a planning application currently exists on the Milano Bars site. What if there is a public outcry on the development of this site? Do we then resort to compulsory purchase again? I believe it is wrong to remove a person's property from his possession for no justifiable reason. It is wrong to use public money, especially when you do not know how much, on a piece of agricultural land in the middle of the worst recession since the 1930s with no improvement in sight. It is wrong to build up the hopes of a hardworking organisation such as the National Trust that this was ever achievable. I support what the National Trust do and I have been so impressed with the efforts they have made in fundraising. But as Deputy Green said, and I will use his words, 2 wrongs do not make a right and I have no option but to vote against this proposition. I urge other Members to do exactly the same. **[Approbation]**

#### **1.1.9 Senator P.F. Routier:**

Like many Members, I start by declaring that I am a member of the National Trust. Much has been said in this debate and it has moved along and there are some things that I would have liked to have said, so I have ripped up my original speech and we will start afresh.

#### **The Bailiff:**

I am glad to hear that, Senator, because this is, of course, a very important matter and any Member who wishes to speak, of course, can do so. But we have had quite a few points put and one should not repeat unduly the arguments not only of yourself but also of others. I hope Members can perhaps focus on new aspects of this.

#### **Senator P.F. Routier:**

I appreciate that, Sir, and that is the intention of the few words that I intend saying. What I would like to focus on is the way that perhaps we do allocate our funds generally because that seems to be a concern of many Members. The Minister for Health and Social Services and I have had similar concerns regarding the needs of the hospital and Social Services, but I really do not want any Member or the public itself to get the impression that we are not prepared to fulfil the needs of Health and Social Services and that they are not being addressed or that Health and Social Services are being neglected in any way. Because we know that the tremendous work that the Minister for Health and Social Services has done should be recognised. She has done a fantastic job in this last year in achieving a really good result from the Medium-Term Financial Plan. We can just look at that and see the funds that have been allocated there. I think the Minister for Health and Social Services needs to be congratulated. It is not just for this year, it is over the coming years. There is going to be a considerable amount of funds going that way. The Minister has also gained an additional pay award for the nurses, so please do not think that we are not focusing on the needs of the community in considering this proposition. Of course, the elephant in the room as far as the Minister for Health and Social Services is concerned is a new hospital. Well, I am sure she would want to recognise and acknowledge all the meetings and the work that has been going on by the Ministerial oversight group and her officers. Everybody is working to ensure that in a reasonable timeframe a new hospital will be provided. I appreciate that being a Minister of a department which always has an unending need for additional funds and resources that will always be there, you can never say in the Health Department that there is sufficient funds. It will always be there, so it is very difficult for a Minister that has responsibility to health to perhaps think of some other project which might be worthwhile. The Constable of Grouville thought this was nothing to do with it, but I think in a lot of people's minds this is an issue which Members are struggling with to



think about how we are using our money and whether we should be using our funds in this particular way. The proposal put forward by the National Trust is in keeping with their policy of having open public access and it will provide a tremendous amenity for our Island. Also, not only for health reasons, for education reasons, for all those sorts of things you will find that this project is appropriate. Imagine all the health promotion walks that can go along the coast. For sports, running and all those sorts of things are quite possible. There are so many benefits which will be derived. So I suggest to Members who are concerned about health services and education that they can justify voting for this proposition. This is and can be a real partnership for the benefit of all the community, including everyone's health, wellbeing and education. Some Members have questioned the ability of the National Trust to carry out the work to achieve their aspirations. Well, we only have to look at the fantastic work which has been described around the Island. Think of St. Ouen's Pond. When you think about the marsh harriers flying, soaring above the Island, they have reinstated that sort of wildlife to the area. The wild orchids in the fields, think about all the pleasures that that gives to the Island community. This is the sort of thing that could be done at Plémont to reintroduce a lot of the wildlife to the area. Deputy Noel in his friendly fire and the Minister for Planning and Environment gave the impression that in this proposition, if successful, we would only be buying a third of the land because the developer is quite prepared to gift to the public the other two-thirds and that it was an expensive third that we were buying. What both Members omitted to mention was that we would also achieve uninterrupted access and views across the whole of the headland. That does not really seem to be taken into their consideration. Some Members have expressed their concern about the uncertain costs associated with this proposal and their unease about entering into something that cannot be tied down to the exact penny. As we all know, this is something that the States has to do on occasion for the benefit of the community and we need to go into that situation with our eyes wide open. I am going to make a confession now to the Chief Minister that it is only in the last week that I have come to the position where I can say I am fully behind this proposition, the reason being because I was very concerned about the cost, the high cost that was being asked, the high price that was being asked. I can also understand those many people who have settled in their mind that this was too expensive. Since Monday when we had the professional valuation presented to us and the opportunity to hear the valuer respond to questions, I have gained considerable confidence in the valuation that we have been provided. I do not know how many Members have taken the opportunity to have a look at the valuation file, but rest assured that it is very detailed and it is very comprehensive. For the sake of debate, even if it was way off the mark and was 50 per cent undervalued, we would still only be at a £6 million mark. While my reservations about the cost were satisfied by the valuation, I am now doubly satisfied that our exposure will be limited even further by the exceptional increased offer from the National Trust which was made only a couple of days ago. So even if the professional valuation was out by 50 per cent, taking into consideration the Trust's increased support, the States' contribution may reach £3 million. The other issue that I have been comforted by is the presentation we had by the agents of the owner the other day. They have made it very clear they are prepared to sell. It is not as if we are grabbing it away from them. What is being proposed some people are saying is an unfair situation. The agent has quite clearly said to us that they want to sell. What we have to be assured of is that we are paying a fair price and we know the process that is going to happen is that a fair price will be arrived at.

[11:30]

What we have to consider is can we go in partnership with the National Trust and is it a price that we are prepared to pay? I believe that we have got to a situation with the valuation and the support of the Trust that we can go confidently forward and support this. I would suggest to Members who were settled weeks ago and members of the public who have written to us that with this latest information that there is a justifiable reason to have a fresh think about the position; a fresh thought

about what is being proposed. I would like to ask Members to consider what the ideal outcome for the future of Plémont would be. For me I would suggest that the majority of Members would like to see the National Trust plan succeed, but it is how we get there. I would suggest that we can achieve the repair and preservation of Plémont headland and we should support this proposition. Members may be aware that I have just become a grandfather **[Approbation]** for the first time and I am sure all Members can think of someone special in their lives, someone special who will in the future have the opportunity to roam the fantastic Plémont coast and enjoy and learn about our natural heritage which we can protect if we vote to support this proposition today. I urge Members to vote for the future, to vote for our heritage, vote for our environment, vote for our culture, vote for our wellbeing and vote for Plémont.

**Deputy R.G. Le Hérissier:**

On a point of clarification, the Senator said that there were precedents for entering into open-ended or unknown financial obligations by the States. Would he identify some?

**Senator P.F. Routier:**

Certainly; we have a current one at the present time which is the Committee of Inquiry.

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

I have wobbled on this proposition. I should also declare that I am a member of the National Trust. Membership was bought for me for my 60th birthday by a close friend and I think it is going to be good value for money depending on how my speech goes. **[Laughter]** When the Minister for Treasury and Resources was up and about at Plémont this morning I was on the radio talking about unemployment and the sad new redundancies that have been announced. I am absolutely committed and I know that my fellow Ministers are absolutely committed to dealing with the issues in the Strategic Plan and the number one priority getting people back to work. There is absolutely no doubt that we are throwing everything at dealing with these issues and that we have the money and the Minister for Treasury and Resources has confirmed that we have the money; we have voted the money in the Medium-Term Financial Plan to deal with the current issues. We will, no doubt, have to do more if the recession continues, but we are working hard and we will deliver for our people. So why is it that today I am going to support this proposition? The answer is that we have neglected our environment for many years. We talk liberally and I could probably name a few people in this room who go to the hustings and we always say because we know the environment vote is quite useful in getting us elected: “Of course we support the environment and we must protect the environment for our future generations.” We say that, but when it comes to putting words into actions we dither. We think: “Well, can we afford it? I know we have got £3 billion of assets, but really can we afford £2 or 3 million to save a piece of land for the future generations?” I can understand why people do that. I sit on a panel - well, I am not allowed to vote on this panel officially because it is called the Treasury Advisory Panel - and what does this panel do? It advises the Treasurer on how to invest the Common Investment Fund. Now, I am not a member. I sit there because the Social Security Fund is part of the Common Investment Fund and so I am no expert in investments. In fact often they talk over me, the experts, and I try to ask pertinent questions. But it is quite clear that some of our portfolio - and this is absolutely a significant amount of money, in excess of £1 billion - is invested in stocks and shares and various other instruments and professional advice has come to the panel and they show us their performance over the last 12 months or whatever the period might be. We have numerous professional advisers and numerous portfolios and the money is spread around to avoid risk, but from one day to the next the stock market moves and one or 2 portfolios drop £2, 3, 4 million. Do we panic; do we say: “Oh, my goodness me we have lost all our money; we are bust.” No, we do not. We take a long-term view and say: “Well, like everything in life things go up and things go down and our investments will

recover.” But that is exactly what happens with the assets of the States of Jersey. We can lose overnight £2 million or 3 million and we do not blink an eyelid. So are you happy, Members, that we have all these investments stockpiled in the Strategic Reserve in the S.I.F. (Strategic Investment Framework) as it is called for one day when we might want to spend some? Now, I would say to Members that spending £2 million or £3 million in partnership with the National Trust for Jersey is a good investment. I think it is a brilliant investment because when all is said and done we will all be able to go to Plémont and enjoy an area which is free of housing. The inspector who did his 52-page report on the outcome of the hearing, I have to say - and I know this is not going to go down comfortably with some people - why did we ask somebody from the U.K. to tell us what to do with Plémont? I am a Jerseyman and I am proud of it and my ancestors have lived in St. Ouen’s since the 17th century. They were there working and living on the land before the holiday camp, before the hotel was ever built. So I would have preferred you might have come and asked me for my view on whether we should build at Plémont rather than a U.K. expert. However we have to remember that in his report virtually the sole reason for allowing the development of Plémont - I say the new development - is because he was totally reliant on his assessment that: “Enabling development will remove the redundant buildings and repair the escarpment landscape.” Those are his words, not mine. So, in coming to that conclusion he ignored - and possibly quite rightly - the proposition that had been lodged by the Chief Minister. So, he did not take into consideration the possibility of compulsory purchase by the States of Jersey for the benefit of the Island. He just looked at it on a planning aspect and he thought: “We have to get rid of those buildings and therefore I can recommend an enabling development to get rid of the buildings.” So, we are no longer in that position today because we know that in partnership with the National Trust for Jersey we can acquire the Plémont headland and we have to take some credence to the professional valuation that we have received of £4 million. The National Trust has been a guardian of our countryside for many, many years; I think it is something like 76 years. They currently look after 9 kilometres of Jersey’s coastline. Who better to partner the States of Jersey to acquire on a pound for pound basis the Plémont headland for all Islanders, not just a select few who will occupy the new houses? In response to those Members who say: “Well, we just cannot afford this. It is nice to have, but we cannot in the current economic climate” I would remind Members that our north coast is a key tourism asset and that today tourists are on the whole more interested in enjoying the scenic beauty of our Island than spending money in the shops of St. Helier. I say to Members when was the last time the States made a strategic investment to assist the tourism industry? For those like Deputy Martin who are quite understandably concerned about the quality of life in St. Helier I would remind them of 2 strategic purchases made by the States in the last 20 years which have secured green open spaces for future generations. In 1994 Springfield football pitch and adjoining car park was purchased for £4,050,000 from the Royal Jersey Agricultural and Horticultural Society and in 1998 a public car park known as the Telman car park was purchased for £4,300,000 and that now forms the west part of the Millennium Town Park which is enjoyed by all. I say to Members if we could afford to buy those 2 sites for roughly for £4 million each, surely we can afford to buy Plémont for potentially the same price, but in partnership with the best custodians, the National Trust for Jersey. Unlike Deputy Bryans who spoke yesterday - it seems a long time ago - the young people that I have spoken to support the acquisition of the Plémont headland. I would suggest that they are far more aware of the importance of protecting our natural environment than my generation. We owe it to them and to future generations to stop this proposed urbanisation of some of the most beautiful and sensitive coastal landscape on the Island. Every time I walk with my dog from Noirmont to Portelet I feel shocked and ashamed of what we have allowed to be built on that headland. The Back to Work Team and Social Security are already working with the National Trust on environment schemes such as “Birds on the Edge” which provide voluntary work placements for job seekers. I believe there is no reason why clearing the Plémont headland and restoring it to nature could not provide substantial and significant voluntary and paid work

opportunities for people who are currently unemployed. **[Approbation]** What better feature or memory of this recession would be the restoration of that valuable piece of land and that the effort to do so was a united effort of both the National Trust for Jersey, the States of Jersey and the people who are currently unfortunately out of work. We were reminded by the Constable of St. Peter that the cliff powers that we all enjoy on the north coast were built and some of them were built during the last recession and I do believe we have an opportunity to do something similar at Plémont during this recession. The National Trust in the U.K. now owns one-tenth of the coast of England, Wales and Northern Island. The coastline between Exmouth and Branscombe, known as the “Jurassic Coast”, is England’s natural world heritage site and attracts thousands of visitors a year. The north coast from Sorel to Grosnez could be our own world heritage site if we grasp this opportunity today. **[Approbation]**

**Deputy T.M Pitman:**

Could I seek clarification from the speaker just on one point? The Minister made reference to Springfield as an open space for people. Could he correct me, but I believe that if you are an ordinary member of the public if you go and walk your dog or even if you go and kick a ball around on Springfield you will be thrown off, so there is no comparison here?

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

I certainly would not recommend walking your dog on a pitch that people are going to play football, but it is a green open space preserved for the people of the Island and that is my point.

**1.1.11 Connétable M.J. Paddock of St. Ouen:**

I do not know what to add that has not already been said by both sides of the argument and this Assembly. It is now in the danger of becoming repetitive however the speech I had prepared ended up in the bin last night after the Connétable of St. Martin gave his speech which I totally endorse all that he had contributed to this debate.

[11:45]

He covered all that I wanted to say, plus more. Just for the record I tried to meet the owners of the land and, like the 2 Senators, this never happened, for whatever reason. I think we need to get back to basics. We may never get this chance again. I think there is an opportunity to put right a wrong of many years ago. This tourist attraction was allowed to be built at a time when Jersey was promoting tourism and there was a lot more open space around the Island, but sadly this open space has diminished as development has taken place and here is an opportunity to open up a corner of the Island by removal of one ruin and I say again we may never get this chance again. I am not “not supportive” of building in St. Ouen’s providing it is in the right place and in a sympathetic location and in this case while I do not have a problem with the design of the complex I do not think this is the right location. I also do not think these are affordable homes. There appears to be a surplus of this type of property on the market which is not selling. I would like to pick up a comment which was made by the Connétable of St. Brelade with reference to the south of this proposed development where there are estates or property and development that has taken place. This has taken place over the last 10 years and that basically is because the main drains came down the road. The northwest corner of the Island I will argue is used quite considerably. It has been mentioned in the Assembly yesterday that nobody goes there. Believe you me I go up there on average every other day and I meet loads of people up there for all different reasons. I too have been very concerned about the cost and the legal implications of purchasing this site and I am happy and feel reassured by the advice that has been given to us by the Solicitor General. With regards to the costs of the site I also have been very concerned and I also feel that I am reassured by the information that the Minister for Treasury and Resources has given to us as well. I also agree with the comments made by Deputy Tadier yesterday that if this site was not purchased I do not

suddenly see an influx of money which will go into the public. Over the years my predecessor supported and worked very hard at trying to support the purchase of Plémont and I will continue to support him in his endeavours and I will be supporting this proposition. **[Approbation]**

#### **1.1.12 The Very Reverend R.F. Key, B.A., The Dean of Jersey:**

I said to one or 2 Members a couple of days ago I had no intention of speaking on this as I think one or 2 were trying to see if I could give my support and I certainly have absolutely no intention of letting anyone know what I think on the substantive issue. **[Laughter]** But what has led me to stand up is on every side we have had phrases like “moral imperative”, something being “morally repugnant”, “moral issues” and so it did seem to me it was worthwhile making the briefest of interventions to look at those moral things very quickly. May I first of all say I think this week, as a neutral observer sitting here, has been a great week for the States of Jersey; it has been a superb debate. When one puts on one hand the measured cadences of Senator Bailhache to which I could listen for hours, and the unique passion and commitment of Deputy Martin which makes it worth coming to this Assembly alone, I think we have seen Members at their very best. We have seen the normal alliances broken and crossed and all of that, I think, it does make it seem like we are in a very grown-up Assembly and I hope Members will go into their Christmas vacation quite proud of the way in which they have conducted themselves this week. But there are moral imperatives around and they are on both sides. There is a moral imperative to preserve the beauty of the natural environment or as folks from my tradition might say: “Being stewards of God’s creation.” I profoundly believe that we do not really own anything. We certainly do not own Plémont. We do not own well, very much really, but we are stewards of it. It was not ours when we arrived and it will not be ours when we have gone. We may well, one day, have a much better view of it even than the wonderful picture over there **[Laughter]**, but there is also a moral imperative of using States money in the best possible way, mostly of course because it is not the States money. Unless you have a really kind of communist, collectivist view then the States do not own things and then dole out of their largesse what individuals or groups may need. So of course there are moral issues in every spending decision because as my dear old mum used to say when I was a kid: “You cannot spend the same 10 bob note twice. Whatever you spend on, you cannot spend in some other way.” So there are moral issues and imperatives on both of the great sides of this debate. So how should Members vote? No, I do not mean which way should Members vote because I am not making a pitch either way and as I say I sincerely hope you have no idea what I think, but it does seem to me that there is a third moral imperative and it is the moral imperative contained in the prayer which I have read 3 times this week and at the risk of making it a fourth time it is this part: “*réussissent au bien et au soulagement de peuple qu’il t’a plu de commettre à leurs soins*” That is the only time during my being Dean that I will ever put French into a speech in this Assembly which I think means: “Resulting in the wellbeing and relief of the people that it has pleased God to commit to Members’ care” and that seems to me to be the deciding thing whichever way individual Members vote. It must be that they think on their conscience that whichever way they vote is the best way of serving the wellbeing and relief of all the people of the Island who it has pleased God to entrust to our care. So what is the best way of being stewards of creation; what is the best way of being stewards of the money raised by taxation, direct and indirect, and what does most for the wellbeing in relief of every Islander, town and country alike? So, I would like Members to know that in the next few moments of this debate and as they come to vote they will certainly have my prayers and understanding as they prepare to cast a vote on this most crucial, finely balanced and difficult issue with which sorting out women bishops is in comparison “a piece of cake”. **[Laughter]** **[Approbation]**

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

I think I shall follow the Dean's advice and abstain; it is by far the easiest option. I noticed a short while ago that Senator Le Gresley, if I heard him correctly, spoke of Portelet and I do have to say that has been on my mind as well. I only wish that we had spent the same amount of energy we have been spending these last few days on that issue because that to me is by far the biggest problem. It is seen by thousands of people as they pass in the ferries all the time; it is a disaster. Going back to Senator Routier's speech, I was listening intently and trying to realise the vision that he was creating and in fact I was waiting for the violins to start, but I did not hear them. But he did say that he was concerned about the cost, but apparently he is more relaxed about it now. Well, I have to say he should still be concerned about the cost. He spoke about the valuation being professional. Well, that may well be the case. It does not mean to say it is accurate and I am also concerned about many of the other Members who have spoken that they are inclined to support the proposition, do seem to have been similarly seduced. I think if this proposition is adopted there are going to be a number of embarrassed Members when they find out how much it is going to cost, of which I think the Deputy of St. Ouen particularly may have a problem there. So as other Members have said we have been lobbied as never before; in fact in some of the emails to the point of harassment. The community has been divided as never before and to some extent I have to say I blame the "Pied Piper of Plémont". I also blame him for supporting the theory that we could buy the site for £4 million or £5 million because if that was the case I would support this proposition. After all it would only cost the States about £2 million and even those surely who are vigorously opposed to spending anything it might concede that really it was not too bad after all, which of course is mainly the intention and I have to say whether we like it or not this debate does hinge on the cost. But again as the Constable of Grouville so eloquently said yesterday £4 million is completely inaccurate. I have no idea of the brief given to the valuers so I cannot comment on their competence, but I have to say £4 million or even £5 million is not even approaching the ballpark. Without doubt, if we support this proposition it will end up in compulsory purchase; there is no doubt about that. The owner is not going to negotiate around the sort of figure that people have in mind which apart from being a huge gamble - and I would agree with an email from Senator Maclean just a couple of days ago - would be an abuse of process. We are not even sure whether the compulsory purchase process would be in order, so presumably that is the first legal argument with fees to pay for a start. Then of course we come to the matter of valuation where all sorts of things can be taken into account and of course as with legal argument different valuers will give you different answers. So, trying to assess what a compulsory purchase, a board of arbitrators might come up with is uncertain, but we can get some idea. I believe it was yesterday we were reminded that this debate has been going on for some time. I think it was yesterday we were reminded that Lesquende cost almost I think it was £5 million. Well, that was some time ago - it was a couple of decades ago - and as far as I know, correct me if I am wrong, we did not have planning permission, so presumably Plémont will cost considerably more. How much more? Well, we know the site value from a recent transaction; it is around £5 million. Of course as the Solicitor General reminded us this morning, to that we have to take into consideration the value of the planning permission that has now been granted. What is that worth? Well, here is the difficulty in trying to get an idea of what the board of arbitrators might arrive at, so the only thing we can do is look at a likely minimum and maximum figure. What is the minimum? Well, clearly it is not going to be less than the original land value and it is going to include the new plot value and we all know houses of this type, the plot that they sit on alone commands a value in excess of £250,000 so that is £7 million just for the plot and plus the land value we are talking about £12 million; that is the minimum. I absolutely urge Members to put out of their mind any notion that it is £4 million or £5 million. The maximum price, well, that really depends on what the arbitrators take into account. If they take into account profit - we were told recently by the Solicitor General that they cannot - I am not so sure because the compulsory purchase law does not say they cannot, but again that is a legal argument.

[12:00]

So, if the maximum price could be in the region, as I said during the debate on my amendment, in the region of £14 million to £16 million, that is not guesswork; it is a fairly easy calculation. So, there we have it. If the proposition is adopted it will go to compulsory purchase and once, as we know - we all know - if we initiate that process we then have no control whatsoever over the price. We will in fact be signing a “blank cheque” somewhere between £12 million and £16 million. Please do not be seduced by the £4 million or £5 million. Much as we might like that to be the case it is not and will not happen. I do not want Members to “sleepwalk” into that. Deputy Tadier told us yesterday that he would be disappointed if the sum was £10 million or more. Well, I can assure him if this proposition is adopted he will be disappointed. What I am interested in really in the light of that is what would be the position of the Council of Ministers if this proposition was adopted and that figure does happen over £10 million? The Minister for Treasury and Resources told us yesterday he could not support £9 million or £10 million or £11 million, so I presume the only honourable thing in that case for the Council of Ministers would be that they would resign. So, I would like the Rapporteur in his summing up to confirm that he would do likewise because he has promised us a figure of £4 to 5 million, or maybe a shade more, and rubbished anyone suggesting it could be 2 or 3 times that. I do not think he would have any option. The point is how much do the people telling us of these figures believe in them? Of course I appreciate he may be saved by the bell because the compulsory purchase price will not be known for quite some time after all the legal arguments have taken place. Finally I do not recall anybody picking up on this, but the wording of the National Trust pledge is such that it is only enforceable should we go to compulsory purchase. I am not sure where that leaves the National Trust, but having said that we all know the owner will not settle and if we decide to purchase it will go to compulsory purchase and, as I said, goodbye to somewhere between £12 million and £16 million, plus legal costs. I am not a gambler, especially with other people’s money, so I cannot possibly support spending that amount on essentially just the land the houses sit on when the alternative is to get two-thirds of the site for free. Just finally, the Minister for Treasury and Resources told us just perhaps an hour ago a new school could not go into the Medium-Term Financial Plan because the costs were between £7 million and £18 million. I am wondering, what is the difference with this and why he cannot support this when the price is similar?

#### **1.1.14 Deputy C.F. Labey of Grouville:**

Well, unlike some previous speakers I have not wobbled, wondered or wavered on this issue. I support this proposition, have always supported it and supported it when the then Constable of St. Ouen brought it to this Assembly. My electorate know I stand on a green rather than a concrete shade of grey mandate and I will try to always deliver on that. I am Assistant Minister for Economic Development for our Tourism our Agriculture and Fisheries and to keep Jersey a good place to live and work. I am also Assistant Minister for the Environment and, unlike my Minister for Planning and Environment, I will be supporting this proposition and I will always stand to protect our environment; our natural environment. I am constant in this and I have always felt that if you do not like it then just do not vote for me. So while the proposition is an easy one for me to support I cannot deny that there have been issues that I have had to consider. We were only reminded this morning from one of my constituents about the unemployment and people finding themselves out of work at this time; it is difficult, I know. I met a couple of them a week or so ago. One of them had been in the Island here with his partner for 12 years and he has lost his job and one remark he made that struck me as we chatted about the situation was after the recognition that we no longer have full employment and times of plenty here, he made the decision to go back “home”. So I would like Members to think about that. Some people can go back home and if Members want to address an issue that I think is really overdue is that of migration in the Island and we try to support people in these times, but in my opinion financial support in some areas of people

who see their homes elsewhere does grate on the local community. The other area I feel that I have personally struggled with is the one of compulsory purchase whereby the old adage: “An English or Jerseyman’s home is his castle” principle and I understand exactly where the Constable of St. Brelade was coming from this morning. I respect those views totally and I was of the opinion, just like Senator Ferguson, that compulsory purchase ought to be used for extreme measures, times of war if you want to take over a field for an airstrip, a building for a hospital and so on. But if you consider this situation we are not talking about a Queen’s Valley-type compulsory purchase whereby Madame Travert was put out of her farm and her home to make way for a reservoir. We are not talking about a motorway running roughshod over somebody’s back garden. Here we have a piece of land, a piece of our coastline, a piece of Jersey, owned by a foreign speculator who could not frankly give a jot about Jersey, our landscape, our national heritage, and we have only got Portelet to remind us of one of his past projects. His focus is on profit and that is okay. I am not being a “chip on the shoulder”; I do not say that. We know where he is coming from. He is a developer and he will do what he is allowed to do on this Island and that is fine, but we have got to weigh this up and, as the Solicitor General said yesterday, compulsory purchase is a case of the interests of the community versus the rights of the individual. Well, having given this a lot of thought my conscience is clear. Some remarks during the last few days that I have found quite surprising are people who claim this is a lot of money. Well, we do not know exactly how much it is, but we are talking about millions of pounds. It is huge amounts of money, but it is when people have turned around and said we are getting nothing back for this; now, are they blind? You know of course we are getting something back. We are getting our land; we are getting our coastline; we are getting a piece of Jersey back. We will be protecting these small country lanes fit for one vehicle that will have the developers’ trucks waiting in the wings to run roughshod down there. Also waiting in the wings will be revised plans. We have seen this in Gorey Village. I know the areas are not the same, but one thing that is the same is that unique character of an area is totally decimated because these developers come in and they have no feeling for the place and they will put in plans what they want to get away with. I understand that, but this area will be decimated and frankly it will come out like a sort of sprawling suburbia which I feel we have had enough of. We have had enough of encroachment, infill, rezoning and so-called improvements. In my own Parish recently there was passed something akin to Costa del Sol at Le Hurel. We have seen St. Martin’s headland and of course the legacy of Portelet. Politicians of the halcyon days in Jersey, the bygone era, made a mistake when they gave permission to build the holiday camp here. Our job - and I do not see this as my job - is not to compound those mistakes. It is not to fudge a compromise to satisfy the profits of an absent speculator. It is to improve things for our future. It is time to be brave, to right a wrong and protect our natural environment and put our environment up the agenda because it is always easy to put it second best. There will always be other needs; hospitals and what have you. So I would like States Members to obviously vote with their conscience, but to put something back to Jersey, to right a wrong for our future generations. **[Approbation]**

**1.1.15 Deputy S. Power:**

I think I have already said it, but I too have been a paid-up member of the National Trust for 3 years, maybe 4, and I have to say that the marketing and campaign that has been conducted by the National Trust was superb and if ever they are looking for funds there is an election in 2 years’ time and there are some individuals in this Chamber that could possibly do with that kind of help; maybe not me. I wanted to refer first of all to the speech of Senator Ozouf a little over an hour ago. He came in having tweeted and visited Plémont. He waved his iPad in the air with his iTunes. He showed us all some photographs, as the Deputy of St. Martin said are not orientated properly and are not to the same scale and I would advise Members that while the Senator’s speech was dramatic, full of choreography, that we know that the Senator has had to dramatically move his position from his speech of 2010 and if ever the Senator is looking for an alternate career I would



suggest perhaps the theatre because his speech earlier on was full of choreography. I would advise Members who are still listening that the photographs submitted by myself and the Minister for Planning and Environment this morning - the 2 photographs of Plémont and the holiday village now and in 4 years' time - is far more accurate as the photographs are orientated correctly and they are all to the same scale. I want to briefly refer to 2 speeches that were made in the early part of 2010 in the former Constable of St. Ouen's report and proposition on the acquisition of Plémont and I am going to read a short paragraph from Hansard that Senator Ozouf spoke of and he says: "I think the worst of all situations would be to embark upon the unknown process of compulsory purchase. That would be a massive risk. It would be a massive uncertainty for all parties concerned for a very significant period of time. With regret, it would be lovely to be able to do these things. It would be lovely to be able to find a compromise or a solution or a trade-off.

[12:15]

It would be nice to find £5 million or more, but we have to be realistic. We have to be managing expectations realistically; something that has not been done in the last 2 days. I think now the time to make that reasonable decision and to allow the planning process and the process for the site to conclude and to be honest with the public and to say that we have other things to spend on, urgent issues to spend money on to deal with this site, I urge Members to close this issue now and to reject the proposition." That was Senator Ozouf in January 2010. I now want to quote briefly from the speech of the former Chief Minister, Terry Le Sueur, in the same debate within the same half hour and the former Chief Minister says this in 2010: "I would suggest to Members that they need to read the proposition very carefully because in my view it has the potential to be extremely dangerous and I think the timing of the current stage is not helpful to this and I ask Members, I urge Members, to read the proposition because it needs to be read in conjunction with the process, the legal process about compulsory purchase. If need be I would invite the Attorney General subsequently to comment if need be on the compulsory purchase process, but the point I would like to make to Members very firmly is that once the compulsory process has been started the States cannot subsequently withdraw, whatever the final price." He goes on to talk and he then refers to the Minister for Planning and Environment: "The Minister for Planning and Environment will have to bat on behalf of the States in getting that compulsory purchase at the lowest possible price and at the same time that Minister for Planning and Environment has to determine on planning grounds a valid planning application." So, that was 2 years ago and that is not so long ago. I want to say this morning a number of things about what has been said and I was mystified mid-summer, early September, as to why we are where we are today. It was clear earlier this year that the Minister for Planning and Environment was following a certain course of action and that was the independent inspector's report and valuation process. Deputy Duhamel announced that decision very clearly in the early part of 2012, not long after his re-election as a Minister and I think Deputy Young said on Tuesday afternoon in one of the amendment debates that at the start he said it was simply wrong to drop this process, this report and proposition into and on top of the independent Minister for Planning and Environment's process in September and that is exactly what happened. Senator Bailhache said on Tuesday that a decision and approval by the Minister for Planning and Environment was a grave error or mistake and I have to say that I find this a surprising comment coming from a Senator who knows the law so well, far more than I do. The background to this is the Minister inherited an application that the previous Minister had ducked, deferred and had decided not to make. I know this because on at least 3 occasions in previous times I was on the Planning Applications Panel and on one of those occasions ...

**The Bailiff:**

Deputy, I indicated to Deputy Young that I could not see that the merits or otherwise of the Minister's planning decision were relevant to this debate because the fact is there is a planning decision and so Members have to proceed on that basis.

**Deputy S. Power:**

I thought it was useful to put it in context.

**The Bailiff:**

Well, that is a very good answer to deal with almost anything, I suppose. I think given the length that this debate has gone on, Deputy, I think I must ask you not to go into the merits of the planning decision.

**Deputy S. Power:**

Okay, Sir, all right. Senator Bailhache then said - and I was quoting, I was referring to what Senator Bailhache said - on Tuesday afternoon, and he will correct me if I am wrong, that Plémont is too important a site to be left to just planning and I would like him to clarify what he meant by that and what he is suggesting by that because my interpretation of that law - and I asked the Minister for Planning and Environment yesterday - is apparently the Planning Law or the Island Plan may apply in some cases, but not in other cases and I would like the Senator to clarify what he meant by that? Senator Bailhache suggested a grave error had been made. He also infers and the problem is this that if the Minister had refused this application this application would have gone almost automatically to the Royal Court on appeal and I have absolutely no doubt **[Interruption]** No, I am not giving way and the reason is that he will have plenty of time to sum up. The Royal Court, and a peer of Sir Philip's, would have found the Minister and his department probably to be at fault. I have no doubt about that and dare I say that the process that we may be going down depending on this vote in the next hour or so we could have a parallel route with compulsory purchase. It seems to me a strange graduation process in planning in that we have an applicant here who has gone through almost 7 years of process and at the end of the process, almost before the Minister determines the decision, that we have the Government of the Island of Jersey coming up to say we would like to either buy that site at a price that we say or that we will compulsorily acquire the site and I would say to Members what does that say about our process? So I do not want to mention Quennevais School because it is not relevant **[Laughter]** and I will not mention it because I know, Sir, that you are going to say it is not relevant, but I will say this, that if there is ever funds approved for Quennevais School in the future for a new school, the same people that are clamouring for Plémont to be returned to nature will be the very same people that will resist any fight and any attempt to build a school on any new site on the west of the Island. However I know that the school will respond and I know that my Constable and my 2 colleagues - I am not giving way to anyone - Deputies Tadier and Young will fight for that. So we have a situation this morning or this afternoon where we have a Council of Ministers that is completely split; 4 Ministers have dissented on this as far as I am aware; 2 Assistant Ministers; the Assembly is split. Senator Ozouf, to give him his due, is in an almost impossible position. He is not split. **[Laughter]** I do not think it is fair and as far as we know he is not a chameleon, but the onus on this, if this Assembly approves this proposition, is that both Senator Ozouf and Deputy Duhamel will have almost an impossible task in the future. So the Assembly is split, the Council of Ministers is split and the public are split and, as people have said, I have never in my time known so much lobbying to be carried out. On this I can say that I had 198 cards; 2 of them against, 16 with stamps and I had 26 letters. **[Laughter]** Sir, I am being interrupted. **[Laughter]** I had 214 emails, 156 against and not many phone calls not against, and myself and the Deputy of St. Martin both had emails last night that were threatening and I will not go into that. I had one card from a developer, funnily enough, whose name I am not going to disclose. He signed a Plémont card and supports the National Trust

campaign. I do not know whether this man has had a “Road to Damascus” experience, but this particular developer has given this Planning Department more trouble, **[Laughter]** more threats of litigation and more hours of anguish for the staff at the Planning Department than any other man I can think of; absolutely extraordinary. Those of us that work on the planning process as well as the Planning Applications Panel or the Minister himself, we understand people’s frustrations with planning and process and often the phrase is used: “We are damned if we do and we are damned if we do not” and N.I.M.B.Y.-ism (not in my backyard). So Members will appreciate now that where we are today about 50 per cent of us will be damned by one part of the population and those that vote for the proposition and the other 50 per cent will be damned by the rest of the population who will not want us to vote against, so welcome to the planning process. **[Laughter]** Can I deal with something else Senator Bailhache said that perhaps he might clear up when he sums up? He talked about his communications with the owner and I would like to pick through that for a minute. So the Senator presumably has written an initial nice letter to the owner saying he would like a discussion with a view to buy the site. The owner probably telephoned his agent in Jersey after receiving the letter and inquired and the owner probably told him who the Senator was. The agent then said, as Senator Bailhache has said, that as the Minister for Planning and Environment was determining the application he urged caution and not to commit to anything, so we understand that. Some time after that the report and proposition is lodged almost on top of the independent planning inspector’s process and there is another communication that Senator Bailhache referred to between himself and the owner and at that stage communication became compromised. The owner obviously felt aggrieved and was minded not to discuss and that was after a 6 or 7-year process, so how do we interpret that; what sort of message does that send out? Is it anything to do with the rights and wrongs of Plémont or is it to do with an abuse of process? The Deputy of St. Martin said yesterday that this should have been done years ago and he is absolutely right. The Solicitor General said yesterday that the Planning Inspector’s approval and endorsement of the application was a marginal approval or in some cases weak - I cannot remember exactly what he said - and I would suggest to the Solicitor General that an approval is an approval. Whatever the independent inspector said in his final words - I do not have it in front of me - he did recommend an approval and the Minister for Planning and Environment then made that decision and that is why I feel that what the Constable of St. Brelade said and the questions I had of the Solicitor General 2 days ago about the location of this and how the definition of coast is to be challenged were this to go to compulsory purchase. Sir, there are 4 eminent lawyers in this Chamber - you, Sir, and 3 others - and I cannot ask you, Sir, but if I was to ask any of the other 3 - Senator Le Marquand, Senator Bailhache or the Solicitor General - an opinion, I might get 3 different answers and that is where we are probably with compulsory purchase. My view now is that we are dealing with an owner who may feel aggrieved. He may not be happy that after 7 years he may now be forced to defend his rights as a legitimate landowner and I will say this and I say this - and I will remind myself of this by reading Hansard in a year’s time or in 18 months’ time or in 2 years’ time - lawyers love litigation and I have no doubt in my mind that if we go down the compulsory purchase route that firms of local lawyers will be licking their lips at the prospect of a juicy litigious battle between the States and a very wealthy man, and I do not need to develop that theme. Compulsory purchase is far from easy and it is far from being straightforward. In my opinion on the wording of the report and proposition the only way to have sorted this out would have been for the taxpayer to buy the site at an agreed price with the landowner and indeed the whole thing, no strings attached to the National Trust, but that is not where we are. I want to say 2 things on the valuation process. We have a situation where we have a lower case valuation according to Senator Ozouf of £2 million and an upper case valuation of something approaching £8 million. There is a variation already of somewhere in the region of £6 million on that and that gives Members an indication as to where we might be were we to go down the compulsory purchase route. It is also interesting to note that in the valuation report that we were presented last week which was conducted by BNP Paribas - I

think that is fair as it is a public document - but this is the same organisation that did the valuation on Lime Grove and the Minister for Treasury and Resources rejected, so I just ask Members to bear that out.

[12:30]

I would also like to say that as I finish my speech that there has been a degree of what I would loosely call “developer bashing” in the last day and a half, 2 days in this Chamber and I have to give some personal experience of not just my role in planning, but my knowledge of men and women who have developed property and who have done some incredible philanthropic work in all the different Parishes. I am associated with 3 charities - Mustard Seed, Sanctuary House and the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) - and I know of some of the works that have been done. In St. Brelade we have 2, I would just say, retired motorsport drivers. One in particular has become very involved with youth in the Parish and has bailed up the Constable because of budget cuts enforced by the States Assembly, so we are aware of the philanthropic nature of some of these people who develop either on a small scale or a big scale or whatever and I think it is unfair to brand all people who develop property as having some sort of, I cannot think of the word, but it is unfair to “tar them all with the same brush”. Finally I would say, the owner of this site was at one time a 1(1)(k). I do not know whether he still is, but I would say that some of the comments that have been made in this Chamber this morning may have caused him reputational damage and I do not know where that is going to leave us, but in my view all that has been said on the process of the application for Plémont over the last 7 years and its previous history it is not in the public’s best interests to follow compulsory purchase or to follow the report and proposition as set out and I would urge Members to reject the proposition.

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

I was wondering to myself over breakfast this morning, Sir, how you might, sitting in your position, amuse yourself during rambling debates like this. I mused that probably you try to listen to speeches and wonder and bring Members up if they repeat a point that has already been made and I thought that perhaps on a session like this you count the number of times the same point has been made by many different people, but there we are, so that will remain your secret. Perhaps I could start with 2 apologies. At last week’s public meeting in the Town Hall it has been brought to my attention that some felt that a particular speaker at the back was booed. I must say that from where I was standing at the front I was not aware that that was taking place. I understood that people could not hear what was being said. If it was booing then I apologise for not stamping on it because it is not appropriate. The other apology I would like to issue with regard to that public meeting is that I have had a message from a former Member of this Assembly who felt that I had infringed their democratic right by purposely saying that current and previous States Members could not speak and I apologise to that Member as well. I want also to disassociate myself, this proposition and the National Trust from abusive emails that one or 2 Members I believe have received overnight. It is absolutely unacceptable. This is a debating Chamber. We have differing opinions and I hope that we articulate them and we come to a decision based on our conscience. Bullying and abuse should have no place in how we arrive at decisions. **[Approbation]** So when I first agreed and decided to lodge this proposition a trusted adviser said that while they were supportive it was a brave decision, so those familiar with that famous comedy will know that politicians never want to be accused of being brave. But I think this debate has shown what I knew at the time and that is to some extent trying to get States Members to agree to this proposition today was an uphill struggle and I do not think I do not think I am overstating to say that it is still a finely balanced decision and I do not think those in favour of my proposition and those against can quite get the numbers to add up. I suspect there is probably one or 2 votes in it. I do not often praise our newspaper **[Laughter]** but I thought that the comments column on Tuesday articulated well the

difficulty that we sometimes have in arriving at a decision, so much so that the commentator themselves was not prepared to offer an opinion or decide themselves which way they would vote if they were in our position today. I think that was also articulated by the Dean. I know that this has been a difficult debate with opinion divided, even across families, even among some of our seconders who supported us when we stood for public office. But I am pleased to say that it has been generally a very good natured and informed debate. But of course it is never comfortable when working colleagues and friends disagree, even if in some cases it was friendly fire. I think that Deputy Martin hit the nail on the head when she said that this is a debating Chamber, we should expect to disagree but we should leave the floor of this Assembly as friends and colleagues. **[Approbation]** While I hope that I am successful today, because I believe passionately in this cause, I hope that we will indeed continue to be friends and colleagues and continue to build upon the consensus that we have built during the course of this last year. Another feature of this debate has been the involvement of the younger members of our community. In fact, some of us probably felt that one or 2 members in the gallery had got a little lost when they sat here day upon day, who were younger members of our community. But I think it is a mark of this proposition that people feel so strongly about that, the young people feel it is about preserving and protecting part of Jersey for their future. So much so that the pupils from St. Peter's Primary School, when they had their day in the States recently, and debated a very similar proposition to this, they approved it by quite a large margin. **[Laughter]** The Dean is here to quote scripture and I would not presume, but perhaps out of the mouths of babes and sucklings. I often sit in this Assembly and consider if any firsts have occurred and I think perhaps one has. That was the sight of Deputy Southern basing his entire speech around an email received from the Minister for Economic Development. I am not sure we are ever going to experience that again. **[Laughter]** I am going to enjoy relaying that fact back to the Minister for Economic Development because I think it will probably prove to him once and for all how wrong he was in his opinion on this occasion. **[Members: Oh!]** Deputy Southern also - not just during the main proposition but earlier in some of the amendments - suggested that I should have brought this proposition as a Back-Bencher, and it sounds as though a number of Members are agreeing with that. It seems to me a slightly strange world where I can step out of the office and suddenly become a Back-Bencher. Perhaps we are the only place in the world where a Chief Minister or Minister can be expected to perform such a feat. Other Members have suggested - and Deputy Power did it again and I think the Connétable of St. John did also - felt that the lodging of the proposition during the course of the Planning Inspector's inquiry was some way inappropriate and some way interfered with that process. That is absolutely not the case. I checked with the Planning Department prior that nothing that I could have done, and this proposition could not and rightly, has not interfered with that inquiry. That inquiry had very specific terms of reference and the inspector made his decision based upon those terms of references. So I must kill that opinion because it is not correct. The Deputy of St. Martin said that he felt that this was not a unique sight. I have to say to him that I disagree with him. I believe that it is. I do not believe that we can go anywhere else on our Isle and see a sight like the one with the potential before us today. I think it is unique. He also indicated that compulsory purchase was like 2 lawyers haggling on a Friday afternoon. Well, forgive me, but I thought that lawyers on a Friday afternoon after the court had risen went for a drink, but anyway. A lot has been said about compulsory purchase. The rapporteur and the Minister for Treasury and Resources have been absolutely open about what that process is. We could not have been clearer and I thank the Solicitor General for his advice. I would also at this point like to disassociate myself from one or 2 Members' comments who I believe tried to downplay and to a certain extent belittle the advice of the Solicitor General. Crown officers are advisers and I have the utmost respect for the opinion that they provide to us. **[Approbation]** Doom and gloom seems to be spreading and in fact the Senator in front of me seems to have developed some of the doom and gloom of the Connétable of St. John in her speech, she felt that compulsory purchase was only for a time of war. I am not sure I understand why that

should be because in those times landowners are even more vulnerable than they would be in the normal democratic rule, so I do not think that is necessarily the case. Then she went on and spoke quite a lot about current construction quality, which I am not sure had much to do either with what we are talking about today.

[12:45]

I think I should just touch ever so briefly, because I know that Members want to get away to lunch, upon the fact that quite a large number of Members have said they would rather spend this money on something else. Deputy Power said that he did not want to mention Les Quennevais but he did anyway. He is right to mention it because the Medium-Term Financial Plan proposes to spend more money on social programmes, on health, on housing, on getting people back to work, on the capital programme, than ever before. We should be proud of that fact and not be perhaps a little derogatory of it as some Members have been. But he is right to mention Les Quennevais School because one of the difficulties with Les Quennevais School is the constrained nature of the existing site. We will need to consider whether the new school goes higher on that site or we need to find a new green or brownfield site. He is right to raise that as an issue because we will need to address it. But that does not mean to say by accepting this today that we will not address it. We will address it and I give him that commitment. We have also had long lists about health and any other number of issues and I will come back to that in a moment. I think it was the Connétable of St. Brelade asked about why we had not done the valuation in time for the M.T.F.P (Medium-Term Financial Plan). Well, of course the planning application had not been approved then and that is why we needed to do the subsequent valuation prior to that planning application.

**The Bailiff:**

Chief Minister, I am sorry to interrupt, I would not normally do so, but I know that there is the lunch today and I understand there are students from Highlands preparing it. I just want to check with the Connétable whether this is time critical or not.

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

Yes, if the Chief Minister has much more to say I would suggest we adjourn and come back at 2.30 p.m. if we can have an extra 15 minutes for lunch.

**Senator I.J. Gorst:**

I am more than happy to stop there because I have come to a slight natural break and I will be able to pick it up when I get back. I would just say that I am speaking at an I.O.D. (Institute of Directors) lunch myself which is due to finish, so I will have to try and get away from that early to get back to pick up on my speech.

**The Bailiff:**

Would the Assembly agree to reconvene at 2.30 p.m.?

**Senator I.J. Gorst:**

That will indeed be more helpful, thank you.

[12:47]

**LUNCHEON ADJOURNMENT**

[14:30]

**The Bailiff:**

Members may find it hard after the review at lunchtime but we now return to the debate and the Chief Minister was in the course of his speech.

## Senator I.J. Gorst:

Sir, I trust you had a good lunch. I just had a surreal experience which I do not have very often. A member of the I.O.D. appears to be in favour of this proposition, well, to be fair that was not it. It was that I, due to the length of time I had and I had to leave that engagement early and come here and get into the back of a taxi to do so. It has not, I am afraid to say, been my experience when in the back of a taxi that the person in the front has necessarily been complimentary about propositions that I have brought to the States or things that politicians in this Assembly are doing. But not 5 minutes ago the driver of that taxi wished me all the best and said to me that he believed that the majority of people were in favour of saving the Plémont headland and he hoped that we voted in favour of it. **[Laughter]** Much has been said about the valuation and some Members I feel have been a little unfortunate in the way that they have written it off and said that it does not hold water or is not worth the paper it is written on. We have been extremely careful in bringing forward fair valuations throughout the process of developing this proposition. I was convinced that it was the right thing to do to get a new valuation, subsequent to the planning application having been approved on the site. That valuation provides what the fair market of the land at Plémont is and I think it is a little bit disingenuous for some Members to stand up and try and suggest anything other than that. Others perhaps have been more concerned about what might be the upper limit should we need to go to compulsory purchase. I think that Senator Bailhache quite openly and quite eloquently explained what that downside could be. I believe that Members do have the facts in front of them about the valuation and they do have the facts in front of them about what a downside number might be. The other issue of contention seems to have been compulsory purchase and I have already said that I am very grateful to the Solicitor General for his explanation of that process and that actually it is not *ultra vires* to use that process in this particular case. We have taken the time at the public meetings and at the States Members briefing to explain in detail how the compulsory process system works. Therefore, I believe that Members can take satisfaction from that and can, with good conscience, agree to this proposition around the value and around the process that will be undertaken. I do not have too much more to say, but I would like to say this. We are custodians of this beautiful Isle. Some were born here, some have come here to work, and some - I count myself to be among this group - were wooed here. But we are fortunate to have had this beauty passed on to us, but we must remember that it is only for a short period of time. We must ask ourselves this afternoon, will we guard it well? Will we take this opportunity to undo the errors of the past where we can? Will we, having guarded it and undone the errors of the past, pass it on in such a situation that we can be proud to have said we have passed it on in a better state than it was when we received it in our custodianship? I believe that we have before us this afternoon an opportunity to do just that. Politicians are often accused of acting in the short term, not considering the best long term interests. I think that this Assembly can be proud in the way it has approved the strategic plan and the way it has approved the Medium-Term Financial Plan, to be able to sit back and say that we have started as an Assembly to act in that long term best interest, to put right the wrongs of the past, the underinvestment in the health service, the underinvestment in the housing stock, the underinvestment in getting people back to work, the underinvestment in capital projects and infrastructure. We have started to put ourselves in a position where we can hand on a better Jersey than the one we have found. We have an opportunity this afternoon to do even more and to continue in that direction. I am on record as saying I am in politics because I want to create a better world for my family and for future generations. This is an opportunity to do just that. Deputy Southern spoke for quite a while yesterday about priorities; how could this be a priority when we had all the other issues to consider. I would say to him that sometimes priorities are quite rightly driven by time. Today is the time to make this decision. There will be no other opportunity, there will be no other time when we can turn this headland back to nature and be proud of what we have done. It is now or never. Today is the day of decisions and all those who are still undecided, who still found this argument difficult, I ask them to think about that. Today is the day that they can

make a difference that they can be proud of on behalf of their children, grandchildren, and generations to come.

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

This morning I asked a question regarding the Council of Ministers. I wonder if the Chief Minister would answer it because I think it is quite important, and that is if the sum the States pays does end up going to £10 million or more would the Council of Ministers resign? Because I think unless they can make that commitment then those Members who have been supporting the proposition on the basis it might £4 million or £5 million have probably been conned.

**Deputy I.J. Gorst:**

I would not want to comment on that. Senator Bailhache and I have been having discussions and he will be making some comments about potential upper limits when he comes to close the debate and that might satisfy the Deputy in that regard.

**1.1.17 Deputy R.G. Le Hérissier:**

As one of those apparently stranded in the middle, I arise not to make a full blown speech but to raise some points. First of all I have to say I was not too happy - one of them I am sure inadvertently was my colleague to the right - about comments about people creating an immigration problem for whom this is not home. I think once people enter here under our admittedly very faulty immigration - if not non-existent policy - they have entered here and it is the experience of immigrants all of the world as they move from what they see as their previous home to what they see as their current home. That is a fairly standard move and I think once they have entered here they are home and that is how we operate. **[Approbation]** The second thing I would make, because I noticed most unusually an undercurrent also in the Minister for Social Security's speech, he said why do we need a U.K. expert to resolve this issue. The reason is very simple, is that the States were totally in a mess. We were not able to resolve it, as was said in reference to the previous planning regime, the Minister could not resolve it and he threw it into the hands of an inspector and it was upon that basis that the current Minister operated. So it was not as if a U.K. expert came over here to throw their weight around and to say: "We know better." They were here to try and solve what has been very apparent from this debate, was an almost impossible situation and I think that point has to be made. I want to approve it but I am really hedging and I mentioned those points previously. It is very hard to convince the population that we have had a Minister for Treasury and Resources who has been in the vanguard of cutbacks and the austerity movement and appears all of a sudden to be able to find the money. Because he is very, very good at this, no matter how expert his explanations or how apparently plausibly, it is very, very difficult for people in the current climate to take that thinking on board. I am sorry, I have to say, to the Minister whose enthusiasm is without limit. It is very difficult for people to take that on board. I have to say to Senator Bailhache, I was very saddened by the comments made by the developer because I think if you bring this down to a personal level you demean your argument. It strikes me, putting aside the inevitable theatrics that surround these kind of negotiations, one of the questions people who are asking who are on the cusp of wanting to do it but feel that this environment is making it very, very difficult is: what steps have been taken to make sure that - to quote the George Osborne phrase - we are all in this together. For example, rather than talk in somewhat allusive terms about this person and the apparent difficulty in dealing with this person and so forth, the sort of question that should be asked, for example, is has an approach been made to the 1(1)(k)s on the Island to help with financing? We have been told how much they wish to be part of this community and that people like Deputy Pitman are grievously mistaken in their criticisms. I may have to agree with him on this issue. Have they been drawn in?

[14:45]



We have societies like America where there is a philosophy - which Deputy Tadier would no doubt say is a total contradiction in terms - of responsible capitalism, where the Fords, the Carnegies, and the Gates play a major role and feel an incredible sense of public duty to contribute to the furtherance of social and community aims in that society. So to what extent have we drawn in people like the 1(1)(k)s, the large businesses of the Island, so it is not entirely placed upon the capacious but very stretched shoulders of the National Trust. Because it is an enormous burden and they have been heroic in the way they have risen to this but I do worry about the most recent promises that they have made in terms of the very minimal infrastructure behind that organisation and the massive obligations they have in terms of keeping up their land bank and their property bank. Most of which, as I said in reference to the Constable of St. John's comment, cannot be sold, it is covenanted to them and it cannot be sold. It would have been much better had there been what I call a shared burden or an inclusive approach from the people moving this proposition.

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

Yes, I did make those comments in reply to the Deputy, but I did also say that we could look at a 99-year lease and release capital that way.

**Deputy R.G. Le Hérisier:**

Yes, I take that point on board. But it would have been much better and similarly, as I said during one of the amendment debates, I would also have liked to have seen more evidence of mediation. Now, there seems to be a view based upon a letter that was written many weeks ago by Senator Bailhache - which apparently has not been replied to - there seems to be this view that we have exhausted other methods and that we now have to go for what essentially is a gun to the head approach. I think that is very wrong. It is very hard to carry out these negotiations through 51 people in a very public place but I would expect that there would be all attempts at mediation exhausted before we reached this point. There have been too many contradictory messages suggesting that we are almost at the nuclear option. I quite frankly - and I think a lot of other people on the Island are in tune with this - that people who object to this on the compulsion of compulsory purchase ... and I was told last weekend: "Are you going to approve a Mugabe land grab?" Now, that is a bit of a dramatic description of this but that is how people feel. It is no good - because there is no way I would be a friend of a developer - saying these are developers, they are naughty people, they are rapacious capitalists, blah, blah, blah. The point is there is the law and the law is the law. There are individual rights at stake and we denigrate ourselves if we do not show that we are using every possible step to deal with this situation without resorting to what ultimately are seen as threats. So I want much more evidence of mediation and I implore the mover of this proposition - he may think he is taking the heart out of it, he may think he is taking the only thing that is going to move this forward - but to drop (c), the proposal for compulsory purchase. That does not mean it is dropped for ever but that is leading to a tremendous mental block on the part of the population and I suspect on the part of Members here. So I implore him, could he please go away and rethink this because quite frankly it is going to be an unbelievably tight vote. There are still a few waverers, wanderers, or wobblers around, including myself, and I want more reassurance and I want more evidence from the people proposing this that they are listening to people and they have - to use a rather prosaic term - read the tealeaves, they know the public mood and they are going to try and work with that mood to come up with, as the Chief Minister for ever tells us, a consensus resolution. I do not think it is impossible. There has been too much threatening and macho talk about this which is quite frankly not serving its purpose.

**1.1.18 Deputy K.L. Moore of St. Peter:**

I rise very late in this debate as one of those people who has allowed themselves to be swayed from what was a firmly held view. I have been very grateful to the previous speakers who have spoken

so well this week. I have also been swayed by the many hours I have now spent gazing at the airbrushed picture before me and also comparing it to the roofline profile that the developer has so kindly provided in their YouTube presentation, which has been extremely useful and shows the efforts that they have gone to in working with the Planning Department and bringing forward the proposals they have. But as the Chief Minister so eloquently reminded us just a few moments ago, this issue is about taking a long-term attitude, and in voting for Plémont on this day I hope will create a change in the Assembly's entire philosophy and from here on in we will think with confidence about the long term and make some bold decisions. Deputy Pinel spoke about vision. We need to harness that vision and transpose it across everything we do, and in doing so we must also walk with the belief that we can. Plémont has been stuck in a quagmire of uncertainty since it closed its doors to tourists. If we can show the ability to solve this issue let us go forth and solve some other dilemmas before us. Let us rezone sites for affordable and social housing. Let us find a solution to the glasshouse sites that blight our countryside. Let us find new ways to create even more jobs and put more money in the pockets of every man and woman on the street. Let us create a can do attitude wanting to set up or to expand in this time of austerity. This will show true pride in Jersey. **[Approbation]**

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

I think I am glad I am doing it after the lunch, rather than before the lunch, even though it is the graveyard slot. Compulsory purchase: not something I support as a principle, not really keen on it. Money: I am an accountant. I am often accused of knowing the price of everything and the value of nothing, of having no soul. I shall touch on that later. Particularly in this time, the money is important. People generally are having to make sacrifices and any acquisition may seem, to some of them, a waste of money. So we have a scheme that is an improvement on what is there, a proposition which involves spending quite a large sum of money and something which I am not very keen on. But we need to look at the other side of the argument and now I want to explain why I am obviously going to be supporting the proposition. It has taken a while, a long while, like many Members, to crystallise my thoughts and determine how I was going to cast my vote on the proposition. I am not going to go into too much detail into the compulsory purchase as I think I have covered that earlier in the debate yesterday and the Deputy of Grouville again elaborated on that point this morning. But I think there is a justifiable difference when you are dealing with the acquisition of a speculative development that was acquired by an owner 7 years ago and there is absolutely nothing wrong. There is nothing wrong in what the developer has done. But we as a Parliament are equally entitled to consider whether the public interest lies elsewhere and the Solicitor General has very basically stated that in his view, there was a case for that. This was a tourist site. It has now been lost for ever and is being replaced with a residential development. It is not first-time buyer, it is not social rented. It is luxury houses selling for up to £1.8 million, I believe. It was bought on a speculative basis. I think therefore it is right that we should be challenging that and one needs to look at this over the longer term. Now, like I said, I am not going into the details too much. We have had a lot of it but we cannot have absolute certainty on this type of matter. As I said yesterday, I think we have a range of values to which one can give credence. It is not certainty and it is obviously based on the information we have been presented with, that they appear to fall within a level of tolerance. Again, I only raise it because people have made reference to it again. I remind people of the comments that the Solicitor General gave yesterday and I think on Monday which was about the process of compulsory purchase. But, in my view, the main justification for the compulsory purchase as were referred to in this proposition, is that we need a hook to bring the owner to the negotiating table otherwise it will be exactly what the architect said to us on Tuesday: "It is £14 million. You bring us a cheque and he will sell." If you do not have that hook, one will get nowhere and anyone who thinks the use of compulsory purchase is being considered lightly or thinks that a deal can be done without that in the background, is kidding

themselves, as far as I am concerned. As I have said, they are hardnosed developers. There is nothing wrong with that but in the same way the National Trust has been applauded for a professional campaign, one also has to acknowledge that the developer with all his resources has played it very well as well, even though I do consider that some of the messages that have been put out and taken hold are not as accurate as they could be, which I shall touch on, which I think is reasonably new. If I can also just say that I have left a little pack on Members' desks yesterday which I will be referring to during my speech. If people could just have a look at it and look at this page which has got 5 images of Jersey on it. The black blobs are apparently development in the Island. Do not worry about the 1795: it just happened to be there. These are essentially sources from the Environment Department and are a piece of work that I, Deputy Power and the then Deputy Gorst did quite a number of years ago, and it was about greenfield development. The point is, in the 80 years since 1935, look how the Island has changed, look how development has increased across the Island. You know, whether it is St. Brelade, St. Clement, St. Helier, St. Saviour and even in St. Lawrence. That map, the bottom one in 2002 is 10 years ago. Look how it has spread. Obviously on the 1965 map, if you look roughly in the location of Plémont, you will see a dark blob up there which I assume is the Plémont holiday camp. What also struck me from that though is that how well the north coast has thus far survived and that is why I think it was right that we obviously put in the measures that we did in the Island Plan about the National Park. The north coast is a huge asset to us. To an extent, it is another sometimes undiscovered country. It is completely different to what those of us who live in the southern part of the Island experience. It is rugged; it can be pretty wild. It is not a wilderness. It is not the middle of an African plain or something, but for Jersey terms, it is pretty wild. Yes, like many people, I have surfed and swam in all sorts of places and including up at Plémont, even in November which was a little bit chilly, and like the family of the Constable of St. Mary, I have done a little bit of cragging around that part of the coastline. But it is something completely away from what one might experience in the day-to-day routine of living on Jersey and at times, particularly with the increasing population and traffic and the stress that we have, there is a need and there will be an increasing need for places to get away from things. Even on the north coast, it is difficult to get away from seeing houses, to get away from people, and it is that pressure cooker feeling that people do sometimes experience and which will become, as far as I am concerned, more prevalent here, if things carry on. I am not looking at the next 5 or 10 years. There is no way you could justify that, if that is the only timeframe you are looking at. I am looking at the next 50 to 100 years, or further. It is that definite point about future generations: my children and hopefully, their children. That is what this is about. It is about, unfortunately, taking off one's short-term business head, the one that operates only in pounds and pence and perhaps for profit because sometimes, that thinking will cause us to look at the subject in hand in a one-dimensional manner which I think is reflective of some of the speeches we have had. Why would any business do this type of thing? However, to quote a certain parishioner who did get in touch with me, it is not about what is right for us today. It is right for our children and their children. Now, we have had a number of photographs and diagrams given to us. I included one in the pack. But I thought that the 2: that one has been provided by, I do not know if it is Deputy Power or the Minister for Planning and Environment and also the ones that Senator Ozouf circulated. What I was very struck, and just to comment, one cannot, these photographs, I know Deputy Power made a criticism about angles and scale, these are from the developer, they are from the video, so if there is any criticisms about development and scale and angles, it is from the video that we have been presented with. I freely admit I had slightly missed the point about the development along the roads. I think there is no criticism of what the Minister for Planning and Environment has done, but it is about the encroachment. We have had the planning permission. That is not relevant. It is can we improve matters?

[15:00]

To me, part of the argument that has been sold out there, one of the messages is that 70 per cent of the site, or two-thirds or whatever the number is, is going to be returned to the public for free. Yet, if you look at these diagrams, it is very clear that there is still a very substantial development happening on that site and all that has happened is that instead of locating it where the campsite is, we are building it into greenfields. So, you have to be very careful about what the messages are that people understand and look into that detail. We might be getting two-thirds of the site back for free, which was one of the messages that had been sent, but quite a lot of that site, particularly the area that is going to be built on, is currently open land. I am not interested. If it was just agricultural land and it was staying that way, I would not be interested in buying it. It is the fact, it is that facility that is there and what we are trying to do is we are trying to improve what is going to be there. To quote that same parishioner who wrote to me, in fact all of us in St. Lawrence, this is the last opportunity there will ever be to create on the north coast of our Island a real national park, a beautiful statement of respect for nature with the isolation and beauty that is everything that is good about this wonderful coastline, from Grosnez to Grève de Lecq and it is that isolation I feel is critical to preserve and that again, as we say, is about the longer-term benefit for the future generations, as yet unborn. Now, the developer's presentation on Tuesday, as I said, made a number of points, some of which I do have to say I found somewhat disingenuous. Ultimately, I suppose, it does come down to do we let the development go ahead, do we build on the site, or do we take steps not to build on it? Now, the other part of the message about we are going to give back two-thirds of the site that is free was contrasted by the fact if this goes ahead, it is going to cost £16 million of public funds. That is the message. But the £16 million, when it was asked, immediately became apparent that that included the £2 million that the National Trust have raised. That was being wrapped up into so it is £14 million which was the value that the developer wanted, plus the £2 million of the National Trust funds which was (a) a very spurious number and, (b) to me, it was designed to scare Members, or the public. To me, to say that is stretching a definition of public funds to its widest extent is putting it mildly. Now, when I was at Property Holdings - I was there for about 5 years - we did have this number of £14 million put to us when as Plémont carried on, it was one of the issues we looked at in those days as well. We have had the comments that it was labelled, it was related to the Bal Tabarin site. The professionals at Jersey Property Holdings thought it was not made on a sound basis. That is a polite way of putting it. I think the Constable of St. Clement used to refer to those kinds of statements as "twaddle". In other words, it was an exceptionally high value. It is a negotiating position. Now, there is also inference that this will be a vast improvement visually and repeated reference to how far this should be moved back from the edge of the cliff. Beauty is in the eye of the beholder but if one turns over on to another clip from the video, which was these 2 - unfortunately they are black and white as I did not have proper access to a colour printer - and it is the bit that says: "A view from northwest as existing and proposed view." Now, as far as I can see, that must be from the cliff path as you walk from Grosnez to Plémont and if you look at the bottom photograph, in my view, there is a significant impact on the skyline. It is subjective but it is not a case of this thing is not going to be seen. As we have said, from the approach roads we are going to be seeing it. So, if you go down to the café in Le Bas, you will be driving past a housing estate effectively, a very smart housing estate, and from a long way away, you are going to be seeing the impact on that site. So, as we have said, it is very clear from the plans that we have seen, there is a significant level of development that is taking part in the site and all that has happened is that we are taking one very ugly building and replacing it in a slightly reduced form with supposedly, some much better looking buildings. Now, the architect stated he could not see any public benefit in these proposals. Now, as someone orientated towards development, someone who has designed this scheme and I believe he has stated he had a financial interest in the scheme, but of course, he would say that, would he not? But if Members turn to the very back of the pack I have attached, which is this map. What that identifies is the areas of land that the States, all the shades of grey, as it were, are the areas of land that the States

own in one form or another in that area. The light grey areas are land which I approved the acquisition of back in 2010 which represents 167 vergées of land and is basically an assumption of the liability of other States in respect of Grève de Lecq cliff face which was blown earlier this year. There is a reason and I shall just go into that briefly because it is about rationales and justifications for this type of decision. We took that on, that liability, in return for the acquisition and safeguarding of a significant part of the north coast. As far as I am aware, it represented one of the largest land transactions the public have ever agreed to undertake. Now, to use some of the arguments that have been put to Members over the last couple of days, a purely commercial decision would have perhaps just closed down the boat park at Grève de Lecq. Well, 20 or so boat owners are not that important, are they? Possibly blighted the beach? Well, we have got plenty of beaches so people can always go elsewhere. Potentially so irritated the relevant landowner that we might have lost the cliff paths and quite a lot of that area. But there is no financial utility for those powers, are there, so that does not matter either. So again, I reiterate that there are times when it is not just about pounds, shillings and pence. It is about the longer term social benefit and, in this case, the environmental benefit to the Island. What I will just say, I would like to take the opportunity, is that recognition does need to be made to the willingness of that landowner to negotiate on the matter. It was not a free gift. It was a negotiated settlement by the lawyers on both sides and I would like to suggest there should, at some point, be some recognition by plaque or whatever to recognise the willingness of the landowner to take part in that transaction. But the direct significance to Plémont is that when the boundaries were researched, it was determined that part of the land we were going to acquire, comprised the tennis courts of the Plémont holiday camp. In fact, that is referred to in one of the plans earlier on in this pack. What it does appear to say is the boundary of the land that the States now own and that owned by the developer has still not been resolved and a deed of arrangement as far as I can see will at some point have to come back to this Assembly. But that does not matter if the land does transfer but what I would like to say is that it does illustrate, as far as I am concerned, why I treat some of the claims of the developer's agent with a degree of caution until they have been verified. The initial claims proved to be wrong and in fact, in terms of land ownership and the original application had to be withdrawn as a result. We heard from the Solicitor General yesterday that there were in his view other inaccuracies in the document presented to the States Members so one has to be very careful about the claims coming from the developer. It is natural politics surrounding a development but you have got to; we are obliged to look at those carefully. To build on that theme, on Tuesday, Members questioned the acquisition of the fields to the east of the site and we were told that there was no specific contention on the other greenfields at the moment and that is a very carefully phrased statement. So what I want to do is raise a hypothesis and, at this stage, it is speculation but let us see what Members think. I am given to understand that the present owner of the site is connected with the development at Portelet so let us suggest that Dandara agreed to work with the present owner on this scheme. They may buy it off him, they may do some form of joint venture. Let us also consider a number of units for which the present planning permission exists are quite large in scale. Now, it is not unheard of for a developer to come along, particularly one that has acquired an existing scheme, to seek an amended permission. In other words, once the principle of the development has been established, to then seek to further negotiate on numbers. It might be with a different Minister for Planning and Environment who has different views. It might be that any Minister for Planning and Environment cannot be seen to be unreasonable. Could a Minister easily resist a change, for example, from single 5-bed units to 2 and 3-bed units instead thereby increasing the overall impact and density on the locality? Now, I am sure that the present Minister for Planning and Environment and his Planning Panel say: "Absolutely no way" but we are talking about in the future. But also let us just consider that these units are being allowed into the green zone, they are being pushed back for very good reasons on to greenfields and again, just go back to that page, the development spread, the development creep within the Island. What happens when

the next Island Planning Review comes along and we are desperate for houses and we have a willing seller and we have a village, a hamlet and an estate next door? Will a Planning officer say: "We could probably just extend a little bit more and encroach further into that countryside"? So, that, I think, is what we have the opportunity to limit today, if we chose to acquire the ownership of that site. As regards the money, and this is a capital versus revenue argument, this is a one-off cost for the future generations. This is a lot different to stating that we can spend another £2 million or £3 million a year, each and every year from now onwards. Now, personally, I think the source should be from S.o.J.D.C. (States of Jersey Development Company). We have been told that they will have a dividend coming out in 2016/2017 for £7 million in those 2 years and that could very easily be attributed to this. But in reality, if we reject this, we are not going to spend £5 million on something new at the hospital or pay for some new piece of revenue expenditure. It is not renew drains in St. John's or new nurses at the hospital. Do not fall for that argument. This is a one-off capital spend which we need to look over for a period of at least 50 years and I think that the £3 million that has been raised by the National Trust has demonstrated there is a significant level of support in the Island for this. I think particularly, and people have kind of overlooked it, we have got £3 million to mitigate the cost of the acquisition, we have got the land clearance site which caps any exposure we have because it is the obligation on the National Trust to clear the site, and the National Trust are going to maintain and operate that site. So, there are a lot of benefits, future benefits as well, to us. What I would also just like to touch on, on valuation, and it is difficult, I am not in the position of being able to comment on the valuations specifically, but it does strike me that when the first application went in on this site, I understand it was in the order for 100 units, something of that ilk. Over time it has been whittled down and it just strikes me that what Scottish and Newcastle have likely done when they sold it to the present developer, is that there would have been some form of hope value calculation in that. It would have taken into account in the same way as we are doing a valuation of the likely development potential of that site. And so, bearing in mind that at that point, if the first application was for 100 units and now we are down at 28, and prices have fallen and costs have gone up, one could understand how a speculative development made at the height of the property market in 2005, may not be translating quite so well in the present circumstances of 2012. That does not mean I am saying I agree entirely but it does give a direction of travel. Now, certainly a couple of Members made reference to the price of agricultural land and that for the money will buy say a significant proportion of St. Clement, I think it was. Now, that kind of view is not only spurious but completely misses the point. If it was agricultural land and not being developed, we would not be interested in buying it, would we? Surely it is about them trying to improve what is going to be lost, not what is going very well and adequately managed and is part of the countryside. I think it was Deputy Martin who made the point that she did not think you could get two-thirds of St. Clement because it had all been built on and that is precisely the point, looking ahead. There were some speeches I felt that left me somewhat a little bit depressed. It was the Deputy of St. Martin among others who produced this huge wish list of what he could do with several million pounds other than buying this land. It keeps going back to the point: this is not a decision as to what else we can spend the money on. This is a one-off opportunity which has arrived, at a bad time, which we are considering. He has stated he was not looking at it from a commercial perspective and I would hate to be on the wrong side of him when he does get hardnosed about something because that would really be a sight to behold. My fellow accountant from St. Lawrence has obviously taken on the burden of the soulless accountant for me today, even though he is not in the Assembly right now. To be serious, I rather felt he was putting rather a lot of words and views into the mouths of the governing body for the National Trust. It is for them to decide to take account of all the pertinent facts and what decisions they wish to take and given that at least 2 of the people involved in the National Trust on this matter are former partners or directors or owners of reasonably-sized trust companies, I rather suspect they are aware of their responsibilities and making decisions in their capacity of what I view is the term of trustees in the

National Trust. I do not think we should need to second guess their decision making capabilities in this.

[15:15]

Deputy Baker, Assistant Minister for Economic Development, who has responsibility for tourism, also stated that we could spend the money on something else because we would get nothing in return for this. In other words, per pound spent, we can do better in how we could spend our money. It is a great argument, but we never do. In fact, I find that a somewhat speechless argument. It is absolutely true. If we approve this today, we will not get hoards of new tourists flocking off the boats or overcrowding aeroplanes, parachuting out of the skies to come and visit this new, wonderful headland, but it is the undefinable, incremental benefit that we will have improved what we offer to those who do come here, as well, as I have said, of improving matters for the residents of this Island. Deputy Power dealt with the comment he made on the pictures. It is not a price that we say that is going to be offered to the developer if it goes through on compulsory purchase. The whole thing is governed by a process which involves an independent board and we heard again from the Solicitor General as to where the wriggle room is, if certain people want to challenge it. It is purely if that process is not done correctly. Now, Thomas Gradgrind is a fictional character created by Charles Dickens in *Hard Times*. He is a parody of the utilitarian movement of that time and was dedicated solely to the pursuit of profitable enterprise. He was dedicated to cold hard facts with little room for emotion or feeling or I dare I say, for the environment. With my tongue slightly in my cheek, I think the relatives of Mr. Gradgrind are alive and well and some of them were present in this Assembly yesterday. I did say slightly tongue in cheek. But before I conclude, if I have lost my marbles - and I have retained them because I found them in the cracker we had at lunchtime - I am not alone. A fellow accountant, the present Chief Executive of Jersey Post, the former head of Jersey Dairy wrote a very eloquent letter in the *J.E.P. (Jersey Evening Post)* recently on the subject. He is very well known for his views on revenue expenditure by the States and for his skill in challenging on-going expenditure. Along with many Islanders, he is supportive of this proposition so even accountants, or at least some of them, can think about benefits other than just financial ones at times, particularly even during difficult times. He has managed to square that circle. I am going to turn back to that last page which identifies the areas of land that the States already own. In fact, I do not know if Members can see it. That is a slightly blown up version. That is what we own; that is where the camp is. I would submit we are making a strategic investment. It is not necessarily a financial investment in terms of short-term gain. However, I think it is a strategic environmental acquisition. It supports an extremely beneficial addition to our lands in that area. When I started considering this matter, I was undecided. I have made it very clear where I have come to. I also need to make it very clear that this represented a majority view by far of the contacts I have received, whether by card, email, telephone or in conversation from parishioners, and indeed as a whole and that is in difficult times. To conclude, may I ask Members to look at the quote at the top of the report accompanying this proposition which is from Theodore Roosevelt, U.S. President who was passionate about the need to conserve and to protect areas of great natural beauty? It says: "We have fallen heirs to the most glorious heritage a people ever received and each one must do his part if we wish to show that the nation is worthy of its good fortune." The reason I refer to that is because somebody sent us - I do not know if it was all Members but it was sent to me - further quotes and one that struck me was: "Of all the questions which can come before this nation, short of the actual preservation of its existence and a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us." The north coast can make one's heart soar. That is the release from the pressure cooker that living on this rock can sometimes become. Can we truly say that leaving a housing estate in that locality will achieve that same impact, as opposed to adding to our limited open space? I am supporting this proposition. I hope

that some Members who have previously stated that they are not supporting this, might reconsider their position. It is a unique opportunity. I think we should seize it for this Island, for our children and for future generations. I am supporting the proposition. **[Approbation]**

**Deputy S. Pitman of St. Helier:**

What I was going to say has already been said.

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

I think this is a debate where everybody has to make a statement of where they stand and cannot just hide behind a vote. When we debated a proposition to acquire Plémont in 2010, I stated then that I entered the Chamber with an open mind on the proposition and at, that time, I heard some very compelling arguments from both sides. I also said that I felt that I was between a rock and hard place as I would very much like to remove this blot on the landscape and preserve it for future generations and to roll back the relentless desecration of the Island by developers. But I also said, on the other hand, I cannot agree to the granting of a blank cheque to acquire the land. Now, over the last few days, we have heard some excellent speeches and arguments on both sides. Some speakers have come up with more or less the same arguments that were made in 2010 and others have raised some new issues but we are also much clearer today than we were in 2010. We now know what the development is; we did not in 2010. We know there are going to be 28 houses, we know the type of construction of the houses, their location and so on. Given the choice of a development like Portelet, or the waterfront, which I happen to believe was criminal, a criminal act perpetrated on the people of this Island, and not only those living in the Island now but also unborn generations to come, I would have no hesitation in voting for the acquisition of Plémont to prevent that type of development. What are we doing at the moment though? What has been put forward are granite-faced farmhouse-type buildings that would be welcomed or acceptable in almost any other part of the Island. So they are not like Portelet's and they are not like the waterfront and they are certainly an improvement on what is there at the present time. I know mention has been made of the 70 per cent of the land that is given back to the public and so on and the location of it but the truth of the matter is there is still a large part of the land that has been given to the public for us all to enjoy. The houses themselves are in 3 distinct clusters rather than the ribbon developments or estates that are blighting certainly the area around St. Helier and how we are piling people in high and high densities. Now also the developers - and I am not a big fan of the developers, I have already laid it out with the Portelet ones, I really do feel we should have done something with those guys - the point is that at least they are putting forward some money. It may be a sop to the conservation lobby or whatever but if they are putting money forward for helping preserve some of the species that we have here and they are working with Durrell who are well-respected in this area, and I cannot believe they would have got involved if they thought there was not proper money and they could do a good job on it. I am going to make this comment - it is following on from what the Minister for Planning and Environment said the other day - I hope that if this proposition is lost and the site is not purchased by the States that the National Trust will seek to use their pledged funds to buy one of the 3 clusters. The point I say is that there is one cluster that is closer to the headland than the others and if I had any criticism I would like it a little bit further back but on the whole it is far better than anything else we have seen and so I would suggest they did that, bought the land and start that part of the development. Let me turn to the valuation of the headland. I personally do not believe the £4 million valuation that has been given. I know when the person who did the survey was tackled on it he came up with a number of caveats, a number of statements to say basically: "I cannot be held by it, there are other considerations that may be taken in by other people." We see that with auditors' reports alone. If you ask an auditor to audit a set of accounts, there are so many caveats in there to make sure they cannot be held responsible if they get it wrong. I do not believe the £4 million figure, nor do I believe the £14 million or £16 million we have heard from the other



side. But what I do know is that if we go the compulsory purchase route we do not make the decision; we are essentially handing over a blank cheque that will be somewhere between £4 and £12 million and we have no say in the matter because once we go that route we are committed. So anyone who votes to go for compulsory purchase has to be prepared for the worst case scenario and to vote in the belief that it is going to be £4 million is absolutely so naïve as to be stupid. It could be anywhere within that range and you have to be prepared for that. I also happen to have sympathy with Deputy Baudains who is saying that I know the Chief Minister and his Assistant Chief Minister are very sincere about it, they want to purchase the property, but I think they are being very naïve about the figure and, to be perfectly honest, if it comes in at £8 million, £10 million or £12 million I think he should resign because I think he has, in his desire to purchase, he may have give a false impression to people of what it might be. I am also surprised I must say at the Minister for Treasury and Resources. I know he is not in the States at the moment but he has had a major conversion over the last few days, because I have spent a lot of time reading the Hansard for the 2010 debate and I know Deputy Power has quoted part of it. But, for example, the Minister for Treasury and Resources said then: "We are talking probably in excess of £5 million of taxpayers' money and probably a lot more. He also said - and I am taking little snippets out of it but anyone can read the whole thing, this is the core of what he was saying: "I think there are going to be other priorities and much more important priorities for the Island as we go on." He also said about this particular project: "I do think that the latest plans represent an improvement [this is even the plans that were there before, not even the current ones] on the previous ones. I will not go any further than that." They do give back some sites. They do allow public access. This is not a site which is on the escarpment and that is, I think, the other coastal developments which people have spoken about. I think that a reasonable solution can be made and a compromise in terms of some sort of development without putting on public funds to the extent which inevitably will be. We cannot, even if some Members hold out the purchase of purchasing this site." He mentions that the compulsory purchase ...

**The Bailiff:**

Deputy, we have had this already.

**Deputy M.R. Higgins:**

I am not quoting anymore, I am just making the point that our own Minister for Treasury and Resources - who deep down I do not think believes in this but certainly I am sure there is a lot of political manoeuvring going on among certain quarters of the Council of Ministers - he has made those statements and nothing has really changed since then. The other reason why I shall not be supporting this proposition is quite simply because very much of what many people have been writing to us about. They did not have to convince me of this fact. I happen to think that our economy is in serious trouble. We already know, as some Members have already said, that we have record levels of unemployment. All we have to do is look at what is going on out there in the world today. We have the *J.E.P.* has a headline about the U.K. wanting certain information from our banks, which is certainly going to have an impact - I do not care what anybody says - on the finance industry. We know the American FATCA (Foreign Account Tax Compliance Act) is going to have an influence. Over the last week we have had the United States and British Government get together and agree new terms in terms of regulation of supervision of the finance industry which are going to have an impact on the Island because it also relates to the idea of the living wills. The same as the Vickers inquiry and some of their changes could have a serious impact on the economy. All we have to do is look at Europe and the United States and the state of their economy. I happen to believe - and I hope I am wrong - that we are in for some seriously rough times. I was criticised - I think it was in the *J.E.P.* - for voting against the Medium-Term Financial Plan and the Budget. I did so because I did not believe the figures that we had in the Minister for Treasury and

Resources projections, whether it is economic growth or the amount of revenue that we have. I certainly do not believe that the contingencies that we have ... most of them have been spent anyway and I can tell people, if this goes through and the money is taken from the contingencies, before long, probably within 12 months, we will have the Minister for Treasury and Resources coming back and saying we cannot afford even the stuff we have voted for. You say it may be rubbish; well we will find out. If I am wrong I will apologise, as I say. I have also said that economic forecasting is totally unreliable but my feeling of what is going on out there is we are in for some rough times and as much as I would like to save the headland, I do not believe that we should be doing it with this money at the present time. I am more concerned about people's jobs and the livelihood of the people in this Island than the land which I think, with what the developer is putting forward, is the best possible compromise.

[15:30]

#### **1.1.21 Deputy T.M. Pitman:**

I will not keep you for long, it is a promise. I may keep some of you for long. I have no intention of regurgitating what Members have said. There have been some good points. I do not have a written-down speech because I deliberately had made up my mind that I felt so strongly about the compulsory purchase element that I was not going to be swayed. What I really want to say is I find it very, very, sad ultimately that I think the National Trust have inadvertently become a bit of a political football. I think it is a shame. Some of the opinions and the way that they have been put around about this issue I think have been disingenuous to say the least. We all have our views on politics. One of the things about always voting on the principle of the proposition rather than the personality, as I do, is you find yourself in bed with some strange bedfellows and today I found myself that I am going to be batting with Deputy Baker and the Deputy of Trinity and there are probably a few others whom I may never vote with again, who knows? But one of my colleagues, and I will not name him, on the progressive side of the House, if I can call us that, or the left views, whatever you want to call us, they said a compulsory purchase, well it did not matter because this was a capitalist fat cat. My principles are not that flexible. I have to defend the rights of a person with an issue of compulsory purchase whatever I may feel of the profession. The land that is owned by this gentleman, he bought it legally, I understand he was even a 1(1)(k) and I have been very critical of 1(1)(k)s but I have to stand up for his rights just as I would for Granny Smith's cottage that might be in the way of some big development that we might be flattening with compulsory purchase. Senator Ferguson is quite right, unless in the very extreme situations it is quite wrong, it is bullying, it is an intervention of state and I do not agree with that. Deputy Le Hérisier talked about 1(1)(k)s and he has a good point because there are people in this Island who could buy this land just like that and not even notice the money, because it is their choice whether they do so. But I think the big danger if we support this today is that we are sending out such mixed messages. We have negotiations on pay that are not settled. We have told people - decent hard-working people - that we cannot go any further and yet they are going to read the paper tomorrow possibly and see that apparently when it suits us we can go a lot further. I supported Plémont and I do support green issues usually. I supported this in 2010 but what has changed since then? The reality is we stopped school milk, we stopped learning visits to Durrell, we have seen frontline services in both health and social services be hit, we see people waiting 8 weeks - who may be on the point of being suicidal - to see someone, a psychological counsellor. Now is that really less important than this? I am sorry but it is not. I do not do it just to score points but for all of those Members, and I know there will be quite a few, who are familiar with Maslow's hierarchy of needs, you do not worry about the nice painting on the wall if you do not have that roof and the 4 walls. I have to use that description because in a way that is what we have here. We are saying something that is nice, beautiful to look at against some realities of life, necessities of life. We know that through the wider global economic downturn and, I have to say, lack of insight by our

own Government and I am part of Government, although I do not get to have half the say that I would like to, we have more and more people in need and suffering, more and more people in need of Government financial support and yet we see that support down at Social Security being cut and cut and cut and cut. Now, that is fine for the people who are work-shy scroungers but it is not fine in my book for those good, decent, ordinary people, older people, people who are ill, that they can barely afford to heat homes ... I am sorry, I do care about green issues but putting that right is more important to me than this, where we are, in effect, getting the best part of two-thirds of that land for nothing. I think that what has really upset people a lot who have been in touch with me is the way we see ... sorry, the Minister for Treasury and Resources had been converted away from spin. Well, there has been spin, perhaps from both sides but particularly in the drive by the 2 Senators behind this and that is what I think a lot of people have found is offensive. The property developer has every right to defend himself, as I say, it is his land and yet he has been treated pretty badly. It is a “them and us” situation and who has made that? It has been made by whoever is behind this. I think it is very telling - I do not know if Members picked up on it - but the Chief Minister spoke and he said that “when I agreed to bring this forward” and then he corrected himself and said: “when I decided.” We all know that he is not behind this. It is his Assistant Minister.

**The Bailiff:**

I am sorry, Deputy, you cannot say he is not behind it. He has said that he is bringing it and he voted for it.

**Deputy T.M. Pitman:**

That is not what he said first though, Sir, with due respect. He said he agreed to bring it, if you check Hansard.

**The Bailiff:**

You cannot impute that he is not behind a proposition he is bringing in his own name.

**Deputy T.M. Pitman:**

Well I will just use his words then, Sir, but I find them hard to understand then.

**The Bailiff:**

Do you withdraw any allegation that he is not behind this?

**Deputy T.M. Pitman:**

I do not think there was anything untoward, but of course I will.

**The Bailiff:**

Do you withdraw any implication that he was not behind it?

**Deputy T.M. Pitman:**

Absolutely, Sir.

**The Bailiff:**

You do withdraw it, good.

**Deputy T.M. Pitman:**

As I said, the Chief Minister said that “when he agreed” and then he altered it to “when he decided” so what we make of that I do not know. But perhaps if the negotiations with the developer had been handled differently perhaps we would be in a different place. I could support this, as Deputy Le Hérissier said, if (c) was not there. Now it may be too late to go and take (c) out. Part of me

wants to ask the Chief Minister if he would be willing to withdraw the whole thing and we would carry on trying to negotiate. I know Deputy Le Fondré said he thinks anyone who thinks negotiations can be carried on is kidding themselves. Is that correct? I do not know. It is such an important issue maybe we should go back and try, because this is going to be a close vote and it has divided the House, the Assembly, it has divided people outside. I have been totting up all my contacts from people and I have to say if I was going to go with the majority, the majority do not want us to spend money in this current economic climate. I will just close by saying that it saddens me that people who have worked hard and do a great job as we have all said the National Trust do and they certainly do, they have become a bit of a political football and I think that that is unfortunate. Possibly we could go back, whatever happens, to that developer and take not such an abrasive approach as clearly has been taken, maybe send someone else to do the negotiation - several people - and see if we can come to some arrangement, because I am afraid I do not believe the £14 million figure any more than I believe the £4 million. My own concern and fear is that it is going to be something like £10 million and I just do not think we have that money to play with. Even if we find that money it is going to have this knock-on effect with pay negotiations, other cutbacks, that people are going to say: "Well, you are not telling us the truth." You said you cannot go any further yet when it suits you, Government, you can do it. So I have to say I do not like to use those things when something is a nice to have but for me there are greater priorities than this and that is, I am afraid, with the compulsory purchase issue, why I cannot support it.

**The Bailiff:**

Does any other Member wish to speak? Very well, then I call upon Senator Bailhache to reply.

**1.1.22 Senator P.M. Bailhache:**

Before I sum up the debate for the Chief Minister, I have been asked questions about the costs of arbitration in the cost of compulsory purchases, the legal costs and other costs. I think this is essentially a legal question and I wonder if I might ask the Solicitor General to deal with that before I begin?

**The Solicitor General:**

A number of Members have expressed the view during the debate that the States would inevitably have to pay the landowner's costs if there was a dispute that went to the board of arbitrators. That is not so. It is right to say that I would expect the State to pay the landowner's costs of the part of the proceedings that relates to exchange of notices - the formal bit, if I may call it that - but in terms of the element of the proceedings which resolves the dispute - the main part, the part that concerns the board - there are very different cost considerations. Article 17 of the 1961 Law states very clearly that: "The board may order that the costs or any part of the costs of any proceedings before it incurred by any party shall be paid by any other party," and it goes on that: "The board, in considering the exercise of this power shall have particular regard to any offer of a sum in compensation or any notice of preparedness to accept a sum in compensation made by a party to the proceedings before it." So in fact the board will have a general discretion to exercise and it will exercise that discretion having regard to what offers, if any, have been made and what stances have been taken by the respective parties to the litigation. I therefore do not agree with what the developer says in his document at paragraph 8: "The States of Jersey will have to pay the landowner's legal costs." The answer is that it depends. For example, obviously if the board was to find that £14 million was indeed the right amount then of course the landowner would be in a good position on costs but, conversely, given that the developer says in his document that: "Just short of £8 million is not fair and is unreasonable" if the Board found that the band of £4 million to £7 million was, in fact, right, then the landowner would be in some trouble when it came to arguing costs.

**Senator P.M. Bailhache:**

I am grateful to the Solicitor General for that. Despite many excellent speeches in this debate, when I got home yesterday evening I felt a deep sense of failure, not as to the outcome of this debate but of having failed adequately to communicate the enormity of what is at stake in this proposition of the Chief Minister. So many Members - Deputy Pitman used the words a few moments ago - have said that saving Plémont is no more than a “nice to have”, whereas the feeling of so many others is that refusing to save Plémont would be a philistine act of awful proportions. How can we as an Assembly be so divided on something that goes to the heart of our approach to the environment and, in a sense, to the kind of Island in which we want to live? A healthy, natural environment is not in conflict with a healthy economy. Indeed, the 2 are complementary. I do know, and you will know it too, from my experience in the courts that individual reasonable people can reach diametrically opposite conclusions on the same set of facts but it is unusual for an Assembly such as ours to be so deeply divided across political lines in this way. Something has gone wrong. It is a great pity, I think, that at the time of the planning inquiry scaffolds were not erected to show people what was being planned.

[15:45]

I know that Deputy Martin is not for turning but I did want to show her exactly where the houses would be positioned. She would have been quite safe with me at Plémont **[Laughter]**, I would not have pushed her off the cliff. **[Laughter]** But she would have understood how wrong she was in saying that there would be no houses visible on that photograph. At least 2 clusters would be there. The Deputy of Trinity, who thinks that the houses would be 500 metres away from the cliff, is wrong. I am not sure who was responsible for speculating this, I think perhaps Deputy Power this morning, but this shows with crystal clarity how close one of the clusters of houses is to the cliff and I would say that certainly if one looks at the gardens of those 5-bedroomed houses they are not more than 30 or 40 metres away from the cliff path. I do honestly believe that the public has been misled and that there would be outrage and disbelief from huge numbers of members of the public if these houses were to be constructed on the north coast. At a time when, in the U.K. and in France public authorities are buying up and protecting the coastline, in Jersey we would be permitting extensive development in a zone which the Island Plan asserts is to be afforded high protection. It would be incomprehensible. The fury and political fallout in relation to Portelet would be nothing in comparison and it would affect us all and not just the unfortunate former Minister for Planning and Environment. How have we got ourselves into this position? Many Members have said, and I agree, that it is a pity that the valuation arrived so late but, by the nature of things, as the Chief Minister explained, it could not be produced earlier. We needed to know whether planning permission would be granted and we needed to know the nature of the planning obligations to be imposed on the owner. Planning permission was granted on 15th November, the valuer was formally instructed on 20th November and the report was received on 30th November and then Members received it. I do want to interpose here a few words of gratitude to the Assistant Minister for Treasury and Resources, Deputy Noel. He was always a sceptic in relation to this proposition but he has been entirely and loyally co-operative with the Chief Minister and supervised the obtaining of the valuation for us and I want to thank him for that. **[Approbation]** A summary, as I say, of the valuation was presented to Members within days but, it is true, only within a few days of the debate. That was unfortunate in several respects. First, some Members rightly complained that they did not have time to study it. Secondly, it was too late to have any impact upon the public’s view of the likely cost of acquiring Plémont. At a family focus group yesterday evening, admittedly small, I asked what she thought the cost of valuing Plémont would be. £8 million was the answer, or maybe £10 million, and I am willing to wager that the vast majority of people who have approached Members and expressed their opposition to the acquisition of this headland would have said the same kind of thing, if their estimate was not up to £14 million

or more. Public opinion has been shaped by the figures in the Chief Minister's report to a certain extent but much more so by the statements made by Plémont Estates Limited. Plémont Estates has without doubt won the P.R. (public relations) battle in that respect hands down. If people had understood that the likely cost to the public purse was less than £3 million, as is now the position, would the reaction have been different? I accept that some have said: "Not a penny of taxpayers' money must be spent on acquiring the headland." But how many members of the public might have taken a different view if they had thought that the figure was very substantially lower than £8 million or £10 million or £14 million? I accept that the Chief Minister and I - or perhaps I should not include the Chief Minister in this confession - might have played our cards better. The report indicated an acquisition price of a maximum of £7.8 million, less of course the National Trust contribution of £2 million but we were being prudent on the best information available to us at the time. But the information is now different. We have a valuation from a competent and professional chartered surveyor assessing the value at £4 million. The Minister for Treasury has taken it apart with his officials and he is satisfied that it is sound. That is not to say that other valuers might not take a different view but a professionally sound valuation is not, and here I do draw to a certain extent upon my judicial experience, going to be enormously off the mark. If it is, it is not professionally sound. The Minister for Treasury and Resources said that he thinks a reasonable variation is 25 per cent and that we can expect other valuers to be within £1 million or so of that figure of £4 million. The public perception has been conditioned to think of much higher figures and that is a problem with which we have to grapple. A number of amateur valuers in the Assembly have expressed the view that the outcome before a board of arbitrators would be different. I heard the Constable of Grouville saying that he had chatted to a couple of estate agents and they had given him an instant valuation of the site value. The Constable of St. Peter, another amateur valuer, said that ...

**The Connétable of St. Peter:**

May I ask the Senator to withdraw that comment, I was employed in the property market for 5 years and I am afraid I am not an amateur valuer. Quite a successful one during my time, in fact, thank you.

**Senator P.M. Bailhache:**

I should not have jested and I withdraw it without hesitation. But I still will refer to what the Constable of St. Peter has said because one of the points that he made was that the price in 2005 was £4.85 million and that the market would not have gone down so much since then. I do not think that we can rely upon the figure of £4.85 million to indicate anything, because it was an inter-company transfer. The owner of Plémont Estates was related to or involved with the company that was the seller, with Scottish & Newcastle. I am not going to mention the name of the individual but he was a majority shareholder in Scottish & Newcastle which was the company that sold the land to Plémont Estates Limited. So £4.8 million might have been what they thought was the value or it might not. I do not think we can draw any conclusion from it. I can only say in the context of Members who have expressed views about value, that our expert valuer has considerable professional experience of compulsory purchase in the United Kingdom and elsewhere and he is confident that his valuation is sound and would stand up to close analysis. And his valuation is not inconsistent with other valuations that have been obtained before. Some Members have expressed concerns about compulsory purchase. I think that we have had a good debate on this subject in the context of Deputy Baudains' amendment and I will deal with the issue fairly shortly. I agree with those Members who have said that compulsory purchase is an extreme measure, only to be used in rare circumstances. I do not agree with Senator Ferguson or with the Deputy of Trinity that it is immoral or only to be used in time of war, but it is an extreme measure. There are circumstances however where the public interest outweighs the private interest. If it is a situation where

compulsory purchase is available, in other words if there is a special law that empowers the States to authorise compulsory purchase, it is for the States to decide in the circumstances of each individual case whether it is appropriate and whether the public interest justifies the use of compulsory purchase. As the Solicitor General very clearly advised us yesterday, if that decision is taken by the States properly and in good faith, no court is going to interfere with it. Members may recall that the States resolved on the 10th October 2006 that, and I quote: “It would be in the public interest for the headland at Plémont to be preserved as open space for the enjoyment of the public of the Island.” That proposition was carried by 36 votes to 9. And 6 years ago there was a decision that it was in the public interest that we should acquire Plémont but nothing has happened. Why is that? The answer is that there was no authority to engage in compulsory purchase. The owner said that he wanted £14 million and the Treasury, quite rightly, decided that that was too much. There was no negotiation because the owner would not move from the asking figure. We are exactly where we were in 2006 and the eyesore is still there. Deputy Le Hérisssier suggested that this might be a Mugabe land grab. “The law is the law”, he said. Now I thought that a Mugabe land grab involved the dispossession of the owner without compensation but I may be wrong. But in any event, it seems a rather extreme description of the lawful employment of a power which is conferred by the Planning and Building (Jersey) Law. I agree with Deputy Le Hérisssier that every effort should be made to reach a mediated conclusion, that no stone should be left unturned in an attempt to reach an agreement with the owner. A number of Members have made the point too that this is not, in fact, an unwilling seller. He will sell for £14 million. The trouble is that we think that the land is not worth anything like that sum. The use of compulsory purchase would not, therefore, have been compelling an owner to sell when he did not want to sell. The only difference between the States and the owner is what the fair market value is. The question for the States is therefore how important is it to bring this impasse to an end and to ensure that the eyesore is removed from this glorious part of Jersey?

[16:00]

Members who believe that it is important to remove the eyesore and to maintain the headland as open space as agreed 6 years ago must, I think, agree to authorise compulsory purchase if that purpose is going to be achieved. Authorising compulsory purchase, and here I return to the point made by Deputy Le Hérisssier, does not necessarily mean that we have to go to compulsory purchase. First of all, there will be negotiation. Deputy Tadier asked how long that negotiation would go on? It is difficult to be precise in answer to that question because if negotiations are progressing, even if slowly, I would think that the Minister for Treasury and Resources would want to take whatever time it takes to bring those negotiations to a successful conclusion. On the other hand, if there is a determination not to shift from £14 million there is not much that one can do. My understanding from discussions with the Minister for Treasury and Resources is that it would be very unlikely that one would give up before at least 3 months had elapsed. The important thing to say is that every conceivable effort would be made for obvious reasons, to avoid engaging the statutory procedure and I will return to the statutory procedure in a moment. Other Members have stated in different ways that it was not worth it to buy Plémont. The Deputy of St. Martin made, if I may say so, an excellent speech and for a time I was almost persuaded by it. I agree that there are parts of the Island that are beautiful and other parts of the Island that are beautiful and I agree with the Chief Minister, however, that Plémont is special. The Deputy suggested that it was a small site and that at £200,000 per vergée it was far too expensive. One could buy the whole of St. Clement for that figure; apparently not the Parish of St. Martin, but assuming, of course, that St. Clement was all agricultural land, which of course it is not. The flaw in the argument is that small pieces of land are sometimes valuable out of all proportion to their area. A narrow strip of land between 2 building sites may be worth millions if the developer can then take the opportunity of putting the sites together for development. The value of the land at Plémont does not relate to its relatively

small area but to its key position between Grosnez and Sorel along the north coast of the Island. Development at Plémont would affect the vistas and the views and the aspects of the land all around it. The Deputy also suggested that the Island would lose the economic value of the development, the employment of tradesmen, sale of materials, stamp duty and so on. And that is all true, but that would be a justification for building anywhere in the green zone, or in any other sensitive area. Why stop at Plémont? Why not take back part of the town park and build there? All the drains and public services are available. The answer is that development should not take place at Plémont and should not take place on the town park because the environmental value outweighs the economic value of building shops or houses. The environmental value in both contexts lasts for ever, while the economic benefit is only a temporary one. Other Members suggested that there were other more important things on which to spend £2 or 3 million. The Constable of St. Mary said how difficult she had found it to get funding for perhaps drains, I cannot recall, or Parish roads and that safety issues were being ignored. Now I am sure she is right to complain about this Parish problem, but I was, I must say, nonetheless, a little disappointed because we have spent days, if not weeks, on the Electoral Commission discussing how we can encourage Members to take a broader view and to have a wider vision instead of concentrating upon narrow parochial issues. There will always be important parochial or indeed Ministerial issues worthy of funding but sometimes issues crop up which deserve a wider vision and where one has to take a long-term view. Deputy Tadier said that Fort Regent was an Island issue and I agree. I think that Plémont is another Island issue. Our curse is that so often, and I quote Deputy Tadier again, that there is only short-term thinking about long-term problems and so there are no solutions. The Constable of St. Mary also thought that I was wrong to express surprise at the mounting of opposition by the owner to the Chief Minister's proposition and perhaps I concede, I did not put that very well. He was, of course, perfectly entitled to do all that has been done and I did not intend to suggest otherwise. My surprise related to the fact that whatever the outcome of this debate, he will get the market value and the fair market value of his land and I had hoped that he would want to talk about a possible agreement. Deputy Le Hérissier said that I had been critical of the owner and Deputy Southern went even further and said I had laid into the owner. I do not think I did, but if I gave that impression, then I was certainly wrong and I would like to express my regret for it. I did say that I thought the public had been misled by some of the things which had been put into the public domain by Plémont Estates Limited, and I do not resile from that. Deputy Higgins made a point with which I should deal about the money pledged to the National Trust for Jersey and he suggested that the National Trust should use the money pledged to buy one of the clusters of houses. That is not possible, the money pledged to the National Trust, and I have signed one of these forms myself, are conditional upon the States agreeing to acquire the land. If the States do not agree to acquire Plémont then many, if not most of the pledges fall away. The third service, other Members have said that this has been a difficult debate and I know that a number of Members have been looking for some kind of a compromise, some kind of a middle way that will enable those who want to save Plémont to do so without compromising on their legitimate financial concerns. I believe that the third amendment to the Chief Minister's proposition lays a foundation for that compromise and I would like, if Members will allow me, briefly to go through the implications again so as to ensure that the position is completely understood and then to offer a possible solution. The third amendment changes the contribution of the National Trust for Jersey referred to in the proposition at paragraph (e) from £2 million to a maximum of £3 million. In passing, may I be permitted to say, that if Members agree in principle that this is what we want to achieve, and the total cost of acquisition is around £6 million or £7 million, to refuse the offer of £4 million from the National Trust would be, I suggest, a most spectacular act of looking a gift horse in the mouth? The Minister for Treasury and Resources has told us that he is reasonably confident from the valuation advice that £6 million should be the maximum expenditure and I have already suggested that the valuation is professionally sound. What we now have therefore is effectively a



pound for pound arrangement with the National Trust for Jersey whereby each party will put in an equal contribution for the acquisition of the land. And that ignores the extra £1 million that the National Trust has committed to raise to remove the ruins on the land. Even if the cost goes as far as £7 million one could argue that there was still a pound for pound arrangement because of the £1 million contribution from the National Trust for clearing the site. Deputy Baker made a good speech too and, if my note is accurate, he said that he was not opposed to the States assisting the purchase by matched funding. He said: "This would send out to the public a message of a responsible arrangement in the public interest." This is now, as a result of the third amendment, effectively what we have and when the Deputy has heard my proposed solution, I hope that he will have heard enough to enable him to vote for the proposition. What the arrangement with the National Trust does not do is to share all the risk. Members understand, I am sure, why the National Trust could not commit to an indeterminate risk. So it follows that if the award for any unforeseeable reason goes above £6 million, that will be for the States to meet. My proposal is this; during the course of negotiations following a decision of the States, it would be normal for information to be exchanged so that the parties can understand the basis of their different arguments for the value of the land. The Minister for Treasury and Resources has already stated that the Chief Minister's proposition would lose his support if he anticipated that there was a tenable argument that the value of the land was more than £8 million. My suggestion is that Members might accept the undertaking of the Minister for Treasury and Resources which he has authorised me to give and it will be recorded on the Hansard of this sitting, that if, notwithstanding all that has been said about the soundness of our valuation, it appears from other credible evidence that the award might exceed £8 million he would report that fact to the Assembly. He would not seek to engage the compulsory purchase process without telling Members what the position was.

[16:15]

I hope that that undertaking from the Minister for Treasury and Resources will give Deputy Baker and a number of other Members assurance that they are not in fact, giving a blank cheque and that there will be a pause for reflection before the compulsory purchase process is put in motion, if there is credible evidence that the award might go beyond £8 million. A safety net would therefore be in place. A number of Members have put the Chief Minister's case very forcefully and persuasively and I thank them for that. We have invested in environmental projects in the past on countless occasions and I hope that we will continue to do so. The environment in which we live makes a huge difference to our lives. I do not want to lose any more beautiful, unspoilt areas of the Island. In the book of Ecclesiastes it was written many centuries ago that there is no new thing under the sun. On 5th April 1946 the *Evening Post*, as it was then called, reported on a debate in this Chamber as to whether holiday camps should be allowed to be constructed on the coast in addition to those at Portelet and Plémont. Argument raged between those who said that the Island needed development and revenue from visitors and those like Deputy Avarne who said that the fact that we had 2 holiday camps did not mean that we had to have another 10. He said: "If we once lost the beauty of the Island we would not again recover it." Deputy Avarne again won the day and the States went on to adopt planning regulations which proscribed or discouraged development on the coast of the Island. I thank God for the courage and vision of our predecessors in this place. In 1946 the Island was broken by years of occupation and without money or reserves. It was indeed a difficult economic climate with people out of work and struggling to make ends meet, yet our predecessors were able to see the importance for the future of protecting our coast and the natural beauty of the Island. They went on to buy the headland at Noirmont, of which the Constable of St. Lawrence spoke so well to preserve it as open space. I ask Members to show the same courage and vision that our predecessors showed in that lean and hungry time of post-war Jersey. I think that many people despair at the careless destruction of so much of Jersey's beauty. I want to be part of a generation that showed confidence in the future and was able to take a long term view. I do not

want my grandchildren and great grandchildren to look back in 65 years' time at the Plémont Estate with its swimming pools, extensions, sheds, walls and fences, by then encroaching inexorably on other parts of the north coast, and say: "How did that happen? How could they when they had the money and the opportunity, have sacrificed the beauty of the northwest coast of the Island for a paltry sum of money?" The National Trust of Jersey has a vision and it is exemplified in the photograph on the wall which Members have been able to look at during this debate. I ask Members to share that vision and to have the courage to do the right thing for generations yet unborn. I move the proposition and I ask for the appel. **[Approbation]**

**Deputy G.P. Southern:**

Could I seek a point of clarification from the rapporteur? In his only speech he talked States funding for this project, can the rapporteur clarify exactly what sums remain unallocated for contingency spending, including those required for the restructuring of public services in 2013 which can be delivered to this project?

**Senator P.M. Bailhache:**

I do not think I can add anything to what the Minister for Treasury and Resources has already said.

**The Bailiff:**

Very well, the appel is called for then in relation to the proposition of the Chief Minister, I invite Members to return to their seats and the Greffier will now open the voting.

<b>POUR: 24</b>		<b>CONTRE: 25</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Connétable of Trinity		
Senator A. Breckon		Connétable of Grouville		
Senator B.I. Le Marquand		Connétable of St. Clement		
Senator F. du H. Le Gresley		Connétable of St. Peter		
Senator I.J. Gorst		Connétable of St. Mary		
Senator L.J. Farnham		Connétable of St. John		
Senator P.M. Bailhache		Connétable of St. Brelade		
Connétable of St. Helier		Deputy R.C. Duhamel (S)		
Connétable of St. Lawrence		Deputy R.G. Le Hérisier (S)		
Connétable of St. Ouen		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy G.P. Southern (H)		
Connétable of St. Saviour		Deputy of Trinity		
Deputy of St. Ouen		Deputy S.S.P.A. Power (B)		
Deputy of Grouville		Deputy S. Pitman (H)		
Deputy J.A. Hilton (H)		Deputy K.C. Lewis (S)		
Deputy J.A.N. Le Fondré (L)		Deputy T.M. Pitman (H)		
Deputy M. Tadier (B)		Deputy E.J. Noel (L)		
Deputy A.K.F. Green (H)		Deputy T.A. Vallois (S)		
Deputy J.M. Maçon (S)		Deputy M.R. Higgins (H)		
Deputy J.H. Young (B)		Deputy G.C.L. Baudains (C)		
Deputy S.J. Pinel (C)		Deputy J.P.G. Baker (H)		
Deputy of St. Mary		Deputy of St. Martin		
Deputy of St. Peter		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		

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

I wonder if I might just be permitted ... I did not want to interrupt the flow to the vote there with something that was not particularly germane to it. But could I possibly clarify something I think

the rapporteur misunderstood when he mentioned my speech? He seemed to be concerned about the parochial element emphasis. That, of course, was in response to the Constable of St. Helier's comments about the Medium-Term Financial Plan. For the record, my concerns were: public health, public safety and education, which are entirely national issues.

**The Bailiff:**

Very well. Thank you.

## **2. Draft Fire Precautions (Amendment No. 2) (Jersey) Law 2012 (Appointed Day) Act 201-(P.114/2012)**

**The Bailiff:**

We come next to the Draft Fire Precautions (Amendment No. 2) (Jersey) Law 2012 (Appointed Day) Act, Projet 114, lodged by the Minister for Home Affairs. I will ask the Greffier to read the Act.

**The Greffier of the States:**

Draft Fire Precautions (Amendment No. 2) (Jersey) Law 2012 (Appointed Day) Act - the States in pursuance of Article 17 of the Fire Precautions (Amendment No. 2) (Jersey) Law 2012 have made the following Act.

### **2.1 Senator B.I. Le Marquand (The Minister for Home Affairs):**

I think this is a very straightforward matter. The States passed the Amendment No. 2 Law on 10th July 2012 and this is simply the Appointed Day Act to bring it into effect from 1st January 2013.

**The Bailiff:**

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

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

Just very briefly. I just wonder, as this law progresses with the protocols that the department will be adopting, I am not sure if the department will publish the progress of the protocols that it is able to adopt as this law takes effect.

**The Bailiff:**

Does any other Member wish to speak? Do you wish to reply then, Minister?

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

I am not clear what it is that the Deputy is asking me, I am afraid, when he is referring to protocols. I assume he is meaning that we will put out information to tell people what they have to do and when they have to do it. But if he means something else, I ...

**Deputy J.M. Maçon:**

I beg your pardon. I am looking at the wrong one. It is for the next one. I beg your pardon.

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

That is debated. I make the proposition.

**The Bailiff:**

All those in favour of adopting the Act kindly show. Those against. The Act is adopted.

### **3. Draft Fire Precautions (Designated Premises) (Jersey) Regulation 201- (P.115/2012)**

#### **The Bailiff:**

We come next to the Draft Fire Precautions (Designated Premises) (Jersey) Regulation, projet 115, lodged by the Minister. I will ask the Greffier to read the citation.

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

Draft Fire Precautions (Designated Premises) (Jersey) Regulations - the States, in pursuance of Article 2 of the Fire Precautions (Jersey) Law 1977 have made the following Regulations.

#### **3.1 Senator B.I. Le Marquand (The Minister for Home Affairs):**

When the Amendment No. 2 law was passed last July I explained that one of its main purposes was to prepare for an expansion of the category of premises which would require certification, that is, which would require fire certificates and, in particular, to deal with the area which we were serious lacking in, which was houses in multiple occupancy. What the Assembly has before it now is the expanded categories of those premises. The core of that is found in Regulation 3 where Members will see that it will be hospitals. That has been expanded so that it is hospitals both in private and public ownership, care or nursing homes; that is expanded so it will be both in public and private ownership. It continues to be a category of a port or airport. Then to paragraph 3.3, houses in multiple occupation, which I will explain in greater detail later if Members so require. Lodging house: where the definition has been expanded so it includes all lodging houses and not just registered lodging houses, hostel, residential school, tourist accommodation. The paragraph 3.3 ones are subject to an overriding condition which is in 3.4, that they only apply where the premises contain or are used or are capable of being used as sleeping accommodation for more than 5 persons and some or all of that sleeping accommodation is above the first floor or below the ground floor or where the premises contain sleeping accommodation for more than 40 persons. Much of the rest of the law is definition which gives effect to all these. I do not think I need to go into that at this point. So I move the principles.

#### **The Bailiff:**

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

#### **3.1.1 The Connétable of St. Brelade:**

On page 5 could the Minister explain (c)(i): what procedures are the Fire Service using to bring these properties up to the required standard and what timescale is being used? On part 2 could he explain why the Regulations do not apply to all flats, not just those in blocks where less than two-thirds of the flats are owner occupied? What I would also like to ask: even if they are owner occupied, if they are not brought up to standard, is it not putting children that live in those flats at risk or other flat owners in the block? I just wonder why all these flats are not included or why all the flats in the blocks are not included.

#### **The Bailiff:**

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

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

First, in relation to the timescales, the position is that if Members look at Article 4 they will see there is an exemption that has been put in there so that where new categories have come into existence there will effectively be an extra 3 months so that the starting date will not be 1st January for the purpose of enforcement but 1st April. The position is that by 1st April those in a new category should have made their application. But they will not need to provide all the detail in relation to the plans and things of that nature until later. Indeed, the Fire Service would not be able

to handle that mass of detail all at once. So effectively, there, will be a period of just over 3 months for people to put in their initial application in relation to the matter. But there will then be a longer timescale which the Fire Service will control so as to have a flow of work that they can deal with over a period of time. I hope that answers the question.

**The Connétable of St. Brelade:**

It does to some degree. Could the Minister give us some idea of what length of timescale this would be allowed over? He says it is only 3 months to register and longer to do the work but what time will that be allowed over: a year: 18 months, 2 years?

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

I think in practice it is likely to be over a 3-year scale to tie in with the fact that all the other categories of premises of 500-plus premises which historically have had a situation in which they had an indefinite certificate but now they have got to do it over a 3-year period. There is a great deal of work here for the Fire Service to do. The law which we have just approved and brought in creates a situation in which there is a 3-year scale in which to catch up, as when all those will be re-certificated, if that makes sense, and a new certificate to replace the old ones. On top of that, of course, the Fire Service will then be dealing with all the new ones coming in. My expectation is that the totality of the 2 things together is going to take them of the order of 3 years. That would be my expectation in relation to it.

[16:30]

Obviously they are going to start, in my view, with those which they see as being the highest risk. If there are blocks of staff accommodation - I think that is a good example - which are high risk and really where there is an urgent need to get on and do something, they will start there and then try to work their way down the less high risk over a period.

**The Connétable of St. Brelade:**

I appreciate that, as long the Minister can ensure that it is the high risk... a lot of this I think comes from the Broadlands fire ...

**The Bailiff:**

I think we cannot allow you to go into a discussion.

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

That is certainly the intention from my discussions which I have had with them. But as I say, there is a lot of work for them to do. The answer in relation to the second question takes us into Article 1(2)(c) which is a category of house with multiple occupation where there is a converted building. That is a building which was not originally built as flats but which has been converted into a block of self-contained flats but where the building work is substandard by modern standards because it does not meet the standards of the Building Bye-Laws (Jersey) 2007. The thinking behind this really was not too create an excessive burden for owner occupiers who are likely to be more careful about their environment and so on and so forth but to create an increased standard where there were a number of flats let out. That is the thinking behind it. As I understand it, we have borrowed some context from the equivalent U.K. legislation. The Connétable may feel that it is irrational we should apply the same standards right across the board, but we have not sought to do that, to alleviate the burden on owner occupiers who are, as I say, likely to be more aware of their surroundings and more cautious of them. That is the answer to that.

**The Bailiff:**

Very well. All those in favour of adopting the principles kindly show. Those against. The principles are adopted. Deputy Macon, do you wish this matter referred to your Scrutiny Panel?

**Deputy J.M. Maçon (Chairman, Education and Home Affairs Scrutiny Panel):**

No, thank you, Sir.

**The Bailiff:**

Do you wish to propose the Regulations together, Minister?

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

I do, Sir. I am in some difficulty. I sense that Members want to get on with this quickly. I have either really got to just plonk them before the Members metaphorically and say: "There they are; please ask me questions" or I have got to go into great detail.

**The Bailiff:**

Put that way, I suspect Members may prefer the former. **[Laughter]**

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

I think Members will prefer the former, Sir, and so I will await questions with interest.

**The Bailiff:**

Very well. Are Regulations 1 to 6 seconded? **[Seconded]** Does any Member wish to speak on any of the individual Regulations? Very well. All those in favour of adopting Regulations 1 to 6 kindly show. Those against. They are adopted. Do you propose them as Third Reading, Minister?

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

I do indeed, Sir.

**The Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading kindly show. Those against. They are adopted in Third Reading.

#### **4. Draft Repatriation of Prisoners (Jersey) Law 2012 (Appointed Day) Act 201-(P.121/2012)**

**The Bailiff:**

We come next to the Draft Repatriation of Prisoners (Jersey) Law 2012 (Appointed Day) Act, projet 121, lodged by the Minister for Home Affairs. The Greffier will read the Act.

**The Greffier of the States:**

Draft Repatriation of Prisoners (Jersey) Law 2012 (Appointed Day) Act - the States in pursuance of Article 17 of the Repatriation of Prisoners (Jersey) Law 2012 have made the following Act.

**4.1 Senator B.I. Le Marquand (The Minister for Home Affairs):**

I need to explain this one slightly more because the law was, I believe, not passed by this States but by the previous States. The intention behind the Repatriation of Prisoners (Jersey) Law is to create a situation whereby foreign nationals who might be in our prisons, particularly European foreign nationals, could be returned to serve their sentence in their home country. But they would then do so according to the parole laws and things of that nature which applied in that country as opposed to in our part of the world. Although I am asking the States to make the Appointed Day Act today,

in order for it to be effective there have to be what are called international arrangements. We have been working very hard and there has been a huge amount of detail required to produce information as to the way in which we would operate this in practice. That information has been sent off to the U.K. to be vetted and approved, and, indeed, I received a message from this last week that we had passed a further hurdle there, although it had now been referred to another department. What will eventually happen once it is approved by the U.K. is essentially the existing convention which the U.K. is a party to, which the Isle of Man is a party to, will be extended to Jersey and then it will become operational. Only once that happens will this system really function. I produced much more detail for Members in relation to this that would be custom in order to brief Members as to updates. There are a couple of countries in which there are sensitivities. In relation to Poland it may well not be possible to be sending prisoners back for some time because they have an overcrowding problem there and are loathe to take their foreign nationals back. In relation to Holland, there is another particular issue which I have mentioned here, inasmuch as Holland is one of the countries which follows the practice of resentencing people. That does concern me because part of the principles behind this is we want a situation in which when people are sent back they will essentially serve a sentence based upon the sentence which is awarded in Jersey. In dealing with Dutch cases, the Minister, whether it is myself or someone else, will need to be cautious to ensure that they are essentially going to serve a similar sentence, albeit according to the parole rules of that country. I highlight that for the benefit of Members as information, but I am sure that can be dealt with appropriately because at the end of the day the Jersey Minister has to make an application for it and therefore has to be happy with the process as well as the foreign equivalent. Those are the details I wanted to bring up to date. One last matter I wanted to mention is I had previously indicated my intention to switch the roles in relation to U.K. prisoners who return to the U.K. from what is called “restrictive transfers” to “unrestricted transfers” at the same time. At the moment if we send U.K. nationals back to the U.K., if they request to go back to serve their sentence they still serve according to our rules in terms of early release and things of that nature. I said to the States when this was passed initially that it would be logical to shift at the same time because then we would have a unifying system for all prisoners that they would serve a sentence in accordance with the parole rules and release rules in the place where they serve their sentence. The U.K. is very keen, in fact, to move in that direction. But this is now causing me practical problems because we have been holding down our recruitment numbers at the prison for some time in order to have an appropriate number. We do not want to be recruiting a large number and then find we are going to have an outflow of people which is going to reduce the number of staff that we need. The uncertainty about this is causing difficulty and it is my intention now to write to you, Sir, on behalf of the court in relation to this matter to check that the court has no objection to my shifting on a fixed date. The fixed date which I have in mind will be 1st February. As I say, that has not directly involved this law but it is a spin-off and a side issue in relation to this law, and, indeed, as I said before, we anticipate that the prison reduction of numbers will be probably greater by virtue of that change than by virtue of the repatriation of prisoners. Those are the additional details that I wanted to provide to Members today and I simply move the Appointed Day Act.

**The Bailiff:**

Does any Member wish to speak on the Act?

**4.1.1 Deputy J.M. Maçon:**

Yes, if I reassert my question it might make more sense to the Minister this time. Regarding the protocols about how each country will buy into, when we negotiate these things, just to explain and publicise and publish every country and how the mechanism works. I know the idea is to connect into a main system and therefore go on that way but I appreciate that the individual countries, as the Minister has explained, there may be individual reasons why they might be different. What I am

asking is: how will that information be published or how will that be put into the public domain? That is what I am interested in.

**4.1.2 The Connétable of St. Brelade:**

Just in regards to point 11, there are savings mentioned here and I know the Minister has just said that obviously he is held back on recruitment. But does he intend to lose any staff and if so has he had any consultation with the office’s representatives in regards to the reduction of any staff numbers?

**The Bailiff:**

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

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

I will take the first point first because it is the easiest. We do intend to reduce the numbers of staff but not by making staff redundant, by simply recruiting a smaller number than we would have done otherwise. That is exactly the reason why we have been holding numbers down at the moment until we were clear as to what the position was likely to be. But there will not be any redundancies in relation to this. In relation to the protocols, as Deputy Maçon said, we will be becoming party to a convention. That convention itself sets out the procedures and the details of how it operates, in addition to those which are contained in the law. Clearly, in relation to individual prisoners, there are requirements in the law to make the system known to them and so on and so forth. That we will be doing. We have already been providing some information to prisoners in relation to this. But essentially it will be vital for this to work properly for engagement between ourselves and the authorities in the foreign country about individuals. Each case is looked at individually by ourselves and also by them. That process may well take some time, in particular in relation to Poland where they may not want to receive them. But I hope that has answered the question.

**The Bailiff:**

Very well. All those in favour of adopting ... The appel is called for then, in relation to the adoption of the Act, Projet 121. I invite Members to return to their seats. The Greffier will open the voting.

<b>POUR: 33</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator S.C. Ferguson		
Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Lawrence		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérisseier (S)		
Deputy of St. Ouen		



Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				

**The Bailiff:**

Just before we come to the final matter can I just inform Members of certain lodgings? First of all, Projet 135, Draft Motor Traffic (Third Party Insurance) (Costs Recovery) (Jersey) Regulations, lodged by the Minister for Health and Social Services. Secondly, Projet 136, Jersey Appointments Commission: appointment of Commissioner, lodged by the Chief Minister and also a report R.143, that is the Statement of Jersey Law: delegation of functions - Economic Development - Jersey Harbours and Jersey Airport Trading Funds, presented by the Minister for Economic Development.

**5. Draft Health Insurance (Amendment No. 14) (Jersey) Law 2012 (Appointed Day) Act 201- (P.122/2012)**

**The Bailiff:**

We come to the final matter of public business and that is the Draft Health Insurance (Amendment No. 14) (Jersey) Law 2012 (Appointed Day) Act, lodged by the Minister for Social Security, Projet 122. I will ask the Greffier to read the Act.

**The Greffier of the States:**

Draft Health Insurance (Amendment No. 14) (Jersey) Law 2012 (Appointed Day) Act - the States in pursuance of Article 12 of the Health Insurance (Amendment No. 14) (Jersey) Law 2012 have made the following Act.

**5.1 Senator F. du H. Le Gresley (The Minister for Social Security):**

This Appointed Day Act represents another step in our steady progress towards a modern primary care system. Amendment No. 14 to the Health Insurance Law was approved last November by an overwhelming majority of States Members. The amendment introduced major changes to the relationship between Jersey G.P.s (General Practitioners) and the States. It establishes a modern governance framework within which local G.P.s can work safely, receive annual appraisals and put themselves forward for periodic revalidation in order to maintain their professional status under the U.K. General Medical Council. Staff have now been recruited to the new Primary Care Governance Unit. The Medical Director for Primary Care has already visited many local G.P. practices and is playing an active role in the further development of primary care in Jersey. Governance of local G.P.s will use a performance list. Regulations for the performance list are being drawn up at present and will be lodged by the Minister for Health and Social Services in the New Year. The second major change provides for contracts to be set up with G.P. practices. The first contract, known as the Jersey Quality Contract, has been negotiated with local G.P.

representatives and will be introduced early in 2013. The quality contract links payments for G.P.s with their performance against a set of agreed health indicators. These changes for the Health Insurance Law complement the decision taken by the States at the end of October this year to agree P.82 Health and Social Services: A New Way Forward, which includes a commitment to develop a new model of primary care by September 2014. This Appointed Day Act brings these amendments into force on 2 separate dates. Articles 8 to 11 both relate to the performance list and these need to be introduced at the same time as the performance list regulations mentioned earlier. I think I have been in this Chamber so long my eyesight is going. If you will excuse me. Subject to the approval of the Assembly today, the other Articles will come into force on 1st January 2013. These will allow contracts to be entered into with G.P.s and will create permanent funding for the Primary Care Governance Unit. I propose the Act.

**The Bailiff:**

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

[16:45]

**5.1.1 Deputy R.G. Le Hérisier:**

I wonder in that list of functions of the new law, I notice the Minister did not refer to control of over prescribing. I wonder if he could indicate how that will be dealt with. Thanks.

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

I am sorry, Sir, I am also going deaf. I did not hear what the Deputy ...

**Deputy R.G. Le Hérisier:**

Hopefully there are no further conditions by which he will need a G.P.'s attention. Before the Minister totally collapses, I wonder, could he comment on whether that set of Regulations covers over prescribing and what provisions are in place to control it.

**5.1.2 Senator S.C. Ferguson:**

As a corollary to this I wonder if the Minister could tell us what the working relationship is between the new Director of Primary Care and the Social Security Department is concerned. For example, if any disciplining of G.P.s is required, will it be Health and Social Services or will it be the G.M.C. (General Medical Council)?

**The Bailiff:**

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

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

In response to Deputy Le Hérisier and his second attempt, over prescribing would be of concern to the Medical Director for Primary Health Care and this would be a matter he would take up with the relevant G.P. practices. In response to Senator Ferguson, any disciplinary matters relating to G.P.s would in the first instance probably be referred to myself as Minister for Social Security. But if it is to do with professional misconduct or relating to their profession, ultimately it would go to, I believe, the General Medical Council because that is the formal complaint route. So, with that, I hope I have answered the questions and I maintain the Act.

**The Bailiff:**

All those in favour of adopting the Act kindly show. Those against. The Act is adopted.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Bailiff:**

That concludes Public Business so we then move to Arrangement of Public Business for Future Meetings of the States and I invite the Chairman of P.P.C. (Privileges and Procedures) to speak to it.

**6. The Connétable of St. Helier (Chairman, Privileges and Procedures Committee):**

The Greffier has drawn to my attention the fact that we have a long list of business for the first sitting of the New Year on 15th January with nothing down for 29th January and I wonder if I could ask the Greffier to approach the proposers of business set down for 15th January and see how much of that could be put back 2 weeks rather than doing the process now when we have our Christmas speeches to be getting on with, if Members would be happy to be advised in due course what business will be done on 15th January. I should just point out to Members that P.108 Jersey Appointments Commission has been replaced by P.136.

**The Bailiff:**

Very well. Does any Member wish to say anything?

**Senator L.J. Farnham:**

Just that I am happy to delay my proposition P.120, if it helps.

**The Bailiff:**

Delay it to 29th January?

**Senator L.J. Farnham:**

Yes, Sir, if that helps.

**The Bailiff:**

Very well. Do Members agree to take the business listed, except for P.120, and then other Members will be in touch with the Greffier to see if any other business can be moved.

**The Connétable of St. Helier:**

I am sorry, Sir. I should add that of the other business that is now going to be added to the list for one of those dates, we have P.134 Higher Education Grants: method of assessment in the name of Deputy Baudains; we have Draft Motor Traffic (Third Party Insurance) P.135, in the name of the Minister for Health; and, as I have already mentioned, the revised Jersey Appointments Commission, P.136.

**The Bailiff:**

That is all for 15th January?

**The Connétable of St. Helier:**

All that, unless they put back to 29th January.

**The Bailiff:**

Very well. Do Members agree to that business? Very well.

**CHRISTMAS GREETINGS**

**Senator P.F. Routier:**

Sir, of course, when I say “Sir”, I mean it, as this year has been a really special year for you, Sir. **[Approbation]** Your knighthood was especially good news, and, on behalf of the Senators, may I express our warm congratulations to yourself and Lady Birt. This is the second year that I have had the honour of offering Christmas greetings to everyone associated with this Assembly on behalf of the Senators. Of course, now the Electoral Commission has published its recommendations, this may even be the penultimate opportunity for a Senator to address the Assembly at Christmastime. I do not know if there is any truth in the rumour that Senator Farnham is so concerned that he may be requesting Durrell to consider placing Senators on the endangered species list. While Senators still have the opportunity, we must make the most of it, recognising, of course, Sir, that you expressed the view today that Senators have gained some notoriety. This year has been very exciting in that we have just completed a full year with many new Members, who have well and truly got their feet under their desks and made a real and significant contribution to our deliberations. I sense that since the elections and with everyone settling into their new positions, we have found a refreshing and collaborative way of working together. This is not to say that everything is sweetness and light at all time but we do now seem to have built up a greater sense of respect and tolerance that was not very evident in the previous Assembly. I am sure Members would wish to have this continue. **[Approbation]** During this week we have had one of our more robust debates which this Assembly has from time to time, and it goes to show how fortunate we are to have the ability to have the freedom to vote without the constraints of party politics. Democracy is alive and well in Jersey. Although we have sat in this Assembly on fewer days; this week was an exception but in general we sat on fewer days this year, I believe that this new way of working is more productive and we are serving our community in a more effective way. During the year the use of electronic devices in the Assembly has been legitimised and trialled with varying success. Some of us have the trusty BlackBerry; however some do now have a laptop or tablet device on our desks. The Bailiff now has another source of raising charitable fines, for inappropriate use of an electronic device in the Assembly. It is with some disappointment that I believe that it was one of the Senators who claims this year’s accolade for the most inappropriate use for an electronic device. Senator Ozouf, as we know, is an enthusiastic Tweeter and it was when he was following one of his political social media colleagues that we were astounded to hear over his iPad that his colleague, the President of the United States, Barack Obama, had copied a phrase used by the Senator a couple of days earlier in the M.T.F.P. debate: “The best is yet to come.” Hearing President Obama’s voice in our Assembly through the Senator’s iPad will have boosted the Bailiff’s charity fund considerably. This is a time of the year when we think of other people and how we can share gifts with them, not only within our own families but also in the wider community. During the last few weeks, our Island, through the Overseas Aid Commission, has once again been reacting to natural disasters and emergencies in the developing world. The Commission has had requests to provide emergency aid to support people who have had their homes destroyed by a typhoon in the Philippines. Also at this time when we will be celebrating the season, there are displaced people in the Democratic Republic of the Congo who are literally starving. These requests for emergency aid were supported, thanks to the continued support of this Assembly in providing the budget. Sir, on behalf of my fellow Senators, I extend Christmas greetings to you, Sir, and Lady Birt, to the Deputy Bailiff and Mrs. Bailhache, to his Excellency and Lady McColl, the Dean and Mrs. Key, the Attorney General, the Solicitor General and to all your families. The Senators are especially grateful for the guidance that we receive from the Crown Officers and hope that we do not cause too many difficulties in our endeavours to keep us on the straight and narrow. As much as we would like to think it, the success of the States is not solely down to the elected Members. The Greffier and his team in Morier House are, I am sure Members will agree, real stars. **[Approbation]** Of course, not only stars in this Assembly but also we have the Greffier today at our Christmas revue. It was fantastic. **[Approbation]** We are, of course, also supported by the excellent law drafting officers and civil servants who work tirelessly and advise us in the

departments and Scrutiny offices in which we work. We also benefit from the services of the ushers, the Hansard recorder and, of course, our tea lady. **[Approbation]** May I express the good wishes of the Senators to all who work within this Assembly. Last year I thanked all the media for the occasions when they do report our actions correctly. I also reflected that it was our duty to express ourselves clearly. This year, in wishing the media our very warm greetings at this time of the year, I do hope that we will have cause to rejoice on all the good news that will hit the headlines and cross the airways in the new year. This Assembly has just completed another year in which there has been some extremely hard work undertaken and difficult decisions made. I do believe that we can look back with a real sense of achievement. We also know that we are heading towards a year that will hold further tough decisions which will need us all to work together even more so if we are to meet the expectations of our own Island community. On behalf of all the Senators, may I wish all Connétables, all Deputies and everyone associated with this Assembly, together with your families, a very Happy Christmas and joyous peaceful New Year. **[Approbation]**

### **The Connétable of St. Helier:**

Recently the Constables have been required to furnish information about the whys and wherefores of the Parish system. I do not know if this effect was intended by the Deputies who asked for the information but it has presented us with a singular opportunity to set out the marvellous Parish stall. A similar opportunity was afforded by the visit of His Royal Highness Prince Charles and the Duchess of Cornwall when the Parishes took over the R.J.A.&H.S. (Royal Jersey Agricultural and Horticultural Society) in Trinity to showcase Parish life in what proved to be something of a great exhibition. The strength of our community with its volunteering and honorary service was seen in all its variety, showing how it enriches life in Jersey and makes our Island so special. The Queen's Diamond Jubilee celebrations were indeed the zenith of this past year and included the following vote of confidence in Jersey from His Royal Highness the Prince of Wales when he addressed us in the Royal Square. He said: "I know Her Majesty will wish me to express how this great Island of rich history and strong loyalties will remain so very dear to her heart now and in the years to come." Of course, we have a bit more work to do with the U.K. Government and the *Guardian* newspaper. Who knows what kind of States Assembly will result from the work of the Electoral Commission, the States debate and the public referendum to follow? As the only surviving Etats of the States of Jersey first convened by the Bailiff in the Middle Ages, the Constables might be reasonably confident of still being here in 12 months' time. We have been here for centuries, after all, whereas the Johnnies Come Lately, the Deputies and Senators, should perhaps be more worried about their future. Whatever composition we arrive at, I am sure we are at one in our ardent wish to see the States of Jersey continue to provide stable government for the Island, embracing at times widely diverging views or I should say wildly diverging views, even between elected Members of the same Parish or I should say especially between the elected Members of the same Parish but always striving for consensus. We address each other as "Sir" or "Madam", or most of us do, outside the debating chamber. Reference has already been made to the great number of volunteers who play such an important part in the running of the Island, whether it is the lifeboat crew or Meals on Wheels, volunteers at Jersey Hospice, the Poppy Appeal, the League of Friends, youth club volunteers or the many groups affiliated to the Island's churches, we are indebted to them for all their commitment and selfless endeavour during the past year. **[Approbation]**

[17:00]

Special mention should be made of the Parish committees and associations, in particular, the Honorary Police, who this year were privileged to have their work recognised in the award of the Queen's Diamond Jubilee Medal presented by His Excellency, the Lieutenant Governor. **[Approbation]** On behalf of the mothers and fathers of the Parishes, I wish all of the Island's volunteers a Happy Christmas, time with their families and friends to recharge their batteries and

prepare for 2013. The Constables also wish our fellow States Members on the Senatorial and Deputy benches a well-deserved holiday, and for His Excellency the Lieutenant Governor and Lady McColl and you, Sir, and Lady Birt, we wish you quality time away from your hard seats in the States. To the Deputy Bailiff and Mrs. Bailhache, the Dean and Mrs. Key, the Attorney General and the Solicitor General and their wives, the Greffier, Deputy Greffier, Assistant Greffier, the ushers, the tea lady and the media, we wish a very Happy Christmas and a peaceful New Year.

**[Approbation]**

**Deputy R.C. Duhamel:**

I have had the opportunity over a number of years to wax lyrical on occasion. I am not going to sing this year but in working out what I wanted to say I did take the time to go on the internet and to pick up a few words from one of my favourite groups, Steeleye Span. For those of us who are old enough to remember them, they started off in 1972. These are the words, and the tunes are downloadable and people can ask me, for a price, to send them the details later. It is normally my habit to try and have the last word and that is always afforded because I am the Junior Deputy here. In relation to the Senators and the Constables we come third in the pecking order. But nonetheless I do try to temper the message that we offer on behalf of the Deputies with perhaps a serious note in terms of a reflection of what has happened over the past year: "With Solstice we will celebrate this sacred time and have much cheer. We will bring warmth and we will bring light unto the darkest time of year. The mistletoe will be cut down with sickle from the sacred tree. A kiss I will give to you, my love, a pledge of friendship made to thee. For greater than the will of man or want of that which can be done, it falls and shines on where we stand beneath the great unconquered sun. For this now our turning point, the shortest day, the longest night. We look unto the months to come when the sun will grow both strong and bright." Some Members will be thinking: "What has that got to do with politics?" I think if we go back to the Roman Festival of Dies Natalis Invicti Solis - if I have pronounced it correctly - there is the birthday of the unconquered sun. For those of you who are interested in religious events, the old pagan festivals were overtaken by the Christian festivals that were overlaid above these events, which took place in northern latitudes on midwinter's day, which has been an important time for a celebration throughout the ages. Although we are not quite there yet; it is next week. On the shortest day of the year the sun is at its lowest and weakest and it is the pivot point from which the light will grow stronger and brighter. It is the turning point of the year. The Romans called it, as I said, the birthday of the unconquered sun. I think the events over the past couple of days have provided us with perhaps a political solstice, a turning point, which has given me great pleasure. I had thought that over the first year of our contributions to this Assembly that perhaps the opportunity for this Assembly to offer light or enlightenment to those on the Government benches was starting to ebb and I had almost given up hope that perhaps there would be an opportunity to turn the clocks back and to move back to a position perhaps not quite where we were before we moved to Ministerial government but to perhaps a point which was somewhere in between which gave all of us an opportunity to play a part in delivering wise and sensible government to this Island and Islanders. I think the events over the last couple of days, irrespective of those who might consider the 24-25 decision as a sad decision and perhaps some will say it would be, if "sad" represented Seasonal Affective Disorder, which is pretty evident at this time of year but perhaps we were not really thinking what we should be thinking. But that said, a number of Members have commented to the fact that whatever takes place in this House, we all remain friends; we are all happy to work with each other into the future and this move towards the brighter times that we can look forward to next year must be something that we should all work hand in glove for the benefit of all. That is probably enough moralising. On that basis, Sir, from the Deputies' benches I am particularly pleased to offer our warmest compliments of the season to you, Sir, and your lady wife. To the Bailiff and Deputy Bailiff and their wives, to the Viscount, Deputy Viscount and all Crown Officers, to the Lieutenant Governor

and his lady wife, the Greffier and the Assistant Greffier and staff, Solicitor General and Attorney General, the Senators and the Constables, and, indeed, the tea lady, the court ushers and anyone I have missed out ... and the media, I beg your pardon. Of course, not least, the one person in the House who does understand perhaps better than most the moral position of a lot of the arguments, the Dean and his lady wife. I think we are all due for a pretty good rest and let us recharge our batteries ready for the off early in the New Year. All the best, Sir, and I will try not to eat too much and not to become a political heavyweight for the wrong reasons. **[Approbation]**

### **The Dean of Jersey:**

It falls to me to give Christmas greetings on behalf of those of us who inhabit this bench here: the Attorney General, the Solicitor General and me as Dean. It gives me a chance to say that I am always amazed at the erudition of my colleagues here and their ability to answer almost any question that States Members put to them. I know because I see their briefing notes and the immense amount of preparation that goes into dealing not only with the questions that Members do ask but with all the possible supplementaries that Members might ask after the initial question. I do think that Members owe them a tremendous debt of gratitude. **[Approbation]** I am delighted that on occasion I am promoted from the office of Dean to the office of book passer to the law officers just here. I want to add my congratulations to all States Members who, it seems to me, have taken on the spirit of co-operation and striving for consensus that the class of 2011 has brought to this Assembly. It does not mean that we always get it right but it does, it seems to me, to be an aim that is much more evident than it was in bygone years because it is only as listening and working together we can get things right. I am reminded of the story of the Catholic priest hearing confession who had a beautiful girl - at least she thought she was - coming to the confessional. She said to the priest: "Father, I look up in the morning and I open my eyes. I look in the mirror and I say to myself, 'Mary, you are beautiful'. Is that the sin of pride?" He said: "No, my dear; it is just a mistake." **[Laughter]** It does seem to me that we all must have to realise that there are areas in which we have expertise and there are areas where no matter how right we think we are, we are mistaken. But it is in working together that that can be overcome. I too am very grateful for being able to have an iPad in the Assembly. I am even more grateful to Deputy Noel, or, more correctly, his daughter, for explaining to him, who could explain to me, how to turn the sound off, without which I would have contributed a good number pound notes to the Greffier Barbados Holiday Fund or whatever it is that we give to. It just remains to say that those of us on these benches do want to thank Members for the camaraderie which they afford to us and whether it is a lunch or whether it is having our opinion corrected in the coffee room, we are very grateful to feel a part of this Assembly. We wish, Sir, to offer to the Lieutenant Governor and Lady McColl, to yourself and Lady Birt, to the Deputy Bailiff and his wife and to all the others who have been mentioned, the ushers who serve us so wonderfully, those who provide tea and take all these wonderful. But I want to say particularly a huge thank you to the Members. I think they have done a remarkable job, not least in these last days. If I may say so, we judge how grown-up we are as an Assembly not by how we go into Christmas when everyone has been wonderfully united but how we go into Christmas when it has been 25-24 with neither despair nor triumphalism but the determination to make 2013 even better. **[Approbation]** I am delighted for the reference to Steeleye Span because it allows me to close by saying: "*Gaudete! Gaudete! Christus est natus ex Maria virgine.*" I am not sure if Latin is a permitted language. But rejoice! Rejoice! Christ is born of the Virgin Mary. As we go into the wonderful Christmas celebrations, I wish all Members a wonderful Christmas and the richest blessings of Almighty God in the New Year to come. **[Approbation]**

### **The Bailiff:**

Senator Routier, the Connétable of St. Helier, Deputy Duhamel, Dean, thank you very much for those messages and for your good wishes on behalf of Members. It has actually been quite a year.

The highlight was, of course, the Diamond Jubilee. It really was heart-warming, I think, to see the outpouring of respect and affection for our Queen. I think the public recognises and admires the fact that she has done just what she said she would at the time of her coronation: she would devote her life to the service of her nation. Of course, we held our own celebrations here in Jersey over that Diamond Jubilee weekend and just as in the U.K. it was a wonderful atmosphere of celebration. My wife and I attended a number of the Parish events and they were really wonderfully happy family occasions and they were a tribute to all those who worked so hard to arrange them. Of course, there were many other events, culminating in the food fair with the thousands of people down at the waterfront and the concert at Fort Regent in which nearly 500 local performers took part, many of them young people. That was really a most encouraging evening, I thought, and the firework display after that. So, all in all, it was, I think, a very special weekend. Of course, the royal celebrations culminated in the visit of their Royal Highnesses the Prince of Wales and the Duchess of Cornwall. There were many highlights of that visit and the Connétable of St. Helier has spoken of one of them, the community event up at the R.J.A & H.S. But in many ways I think the highlight, certainly for us sitting here, was the sitting of the States in the Royal Square. It was marvellous, I think, so hundreds of people could come and witness the occasion which we could never had done if we were sitting here. My own abiding memory of that is when right at the beginning I started my address in a very ordinary way expressing a welcome to the Prince of Wales and also that we were very pleased to welcome the Duchess of Cornwall. This brought a spontaneous cheer from the audience and you could visibly see the Prince of Wales warming, how pleased he was that his wife was being received in this way, and, as I say, the visit went from strength to strength and it was, I believe, a highly successful visit. Other highlights during the year, of course, there were many but the Olympics, the Paralympics, and, more importantly, the very unusual fact that England may be in a position to win a cricket series in India. Closer to home, the States have not repeated last year when a record number of 64 sittings took place. This year the number has fallen to ... I had originally written down 34. I then crossed it out and put 35 and I then crossed it out and put 36 as this debate continued. But 36 is the final number. But interestingly, although there were fewer sittings, the number of questions ... because of course the way in which Members hold the Executive to account, the number of questions has remained broadly similar to 2011, and, in fact, there have been more oral questions on notice than there were last year: 308 compared with 271. Also, despite the fact that we have had fewer sittings, I think Members have already mentioned, a number of important debates were held; to name just a few: the Strategic Plan, the first ever Medium-Term Financial Plan, the adoption of the Health and Social Services programme: A New Way Forward; the establishment of the Electoral Commission, and, of course, the debate which we have just had on Plémont. If I may, I would like to endorse what I think one or 2 other Members have said. This was clearly a matter on which Members felt very strongly. The Island was divided; Members, as the vote showed, were divided. There were powerful speeches on both sides. Sitting here it is easier sometimes to appreciate the ebb and flow and there were some very strong and persuasive speeches. But the debate was conducted without rancour. There were forceful, as I say; people put their points powerfully; they did not pull any punches. There were strong differences of opinion. But it was all done in the way that I believe democracy should function: forceful, vigorous debate but without the need to descend into personal rancour or personal abuse. I commend them. **[Approbation]** On a lighter note, I am advised by the Greffier that, in fact, his charitable fund is rather hard up this year because there have, in fact, been very few mobile phones fines, although there were one or 2 up in the public gallery but we could not identify them. I do not know if that has anything to do with the introduction of other silent electronic equipment. But be that as it may, that is one of the interesting by-products of this year. As always, as other Members have said, the work that the elected Members do and that the unelected Members do really depends on those who serve the States behind the scenes. Tributes have already been paid but I can only endorse 100 per cent all the tributes paid to the Greffier, the



Deputy Greffier and their staff. **[Approbation]** But, of course, as well as that vital department there is the work of the Viscount's Department, the ushers, those who serve in the coffee room and the many others who have been mentioned who help this Assembly perform its absolutely vital role of governing our wonderful Island. On behalf of his Excellency, the Deputy Bailiff, the law officers, the Dean, the Greffier, the Viscount, the Chief Usher and everyone who is not elected but who is here in the States, thank you for your good wishes. I wish all Members a very Happy Christmas, a relaxing time with their families, to return for the challenges that lie ahead. **[Approbation]** Can I just mention one other matter then before we adjourn, just to remind Members that the next sitting is on 15th January. The actual sitting will begin at 10.15 a.m. but there will be a service of dedication at 9.30 a.m. I invite Members to that. Very well, the Assembly will close and reconvene on 15th January.

## **ADJOURNMENT**

[17:19]