

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 16th JULY 2008

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

**PUBLIC BUSINESS – resumption**

**1. Provision of land for lifelong dwellings (for people over 55) and first-time buyers: amendment to Island Plan (2002) (P.75/2008) - continued**

**The Deputy Bailiff:**

We resume the debate on P.75. Does any other Member wish to speak?

**Deputy P.J.D. Ryan of St. Helier:**

May I raise the défaut on the Deputy of St. John, please?

**The Deputy Bailiff:**

Yes. The Assembly agrees to raise the défaut of the Deputy of St. John? The défaut is raised.

**1.1 Senator F.E. Cohen:**

Firstly I would like to begin by congratulating the Assistant Minister, the Deputy of Trinity and the officers for their extraordinarily hard work in bringing this proposition forward. Whether individual Members support it or not, they cannot feel anything other than support for the enormous efforts that the Assistant Minister and officers have put in to getting this proposition to this stage. Furthermore, I would like to compliment the Connétables for all their support in putting together this proposition, which has taken some considerable time and a great deal of effort on their part. I would like to firstly deal with an issue raised by Deputy Mezbourian yesterday. Deputy Mezbourian raised the issue of the conflict between the roles of Minister for Planning and the Minister for the Environment. I wholeheartedly agree with her as the tensions between the 2 roles representing diametrically opposed interests on occasions is often irreconcilable. In this case there are 2 irreconcilable issues. As Minister for Environment I want to defend the countryside and as Minister for Planning I want to provide decent homes for our retiring population. A number of officers at Environment form the rural strategy economy group and they have raised the issue of the loss of farm land that will result from rezoning of a few sites. However, they represent just one side of this debate, that of the effective rezoning specifically on the loss of farm land and nothing else. It is my job to balance all the issues and my conclusion is unequivocal. Having considered all the issues I have no doubt that building our rural communities and providing much needed high quality housing for our retirees prevails in the case of the current rezoning propositions. In this case that means that my planning obligations have specifically prevailed. I would wholeheartedly support the separation of the roles of Environment and Planning Ministers. However, Members must realise that if this is pursued it has very specific implications for the balance of the States. But to reiterate I do consider that the 2 roles are at times diametrically opposed and balancing the 2 will always be just a balancing act. The Minister will have to come down firmly on one side or another. I will now move on to the specific proposition. Our community has changed and it is changing at a rapid pace. As medical advances have benefited our community over recent decades, people live longer and we are just simply not well fitted for that change in our community. Whether this proposition succeeds or fails, that is something that we as the representatives of the electorate will have to deal with. We simply have to provide for the changes in our community and that means people living longer and requiring to be housed appropriately and for longer. That applies whether they are rich or poor. We have heard the comments of the Deputy of St. Ouen who raised the issue of upsizing. He is quite right, there are people who are upsizing but the majority of opportunity here lies in those, and there are many Islanders who are prepared and wish to downsize. We all know examples. However, they are not prepared to downsize into inappropriate housing accommodation. They will downsize into only appropriate housing accommodation that allows them to live with dignity, with some space, with rooms that are large enough to accommodate them

properly and that is what this proposition is fundamentally about. The Deputy has gone to enormous efforts with the Assistant Minister of Housing and the Minister of Housing and officers of both departments to look at the best sort of accommodation that is available in other jurisdictions. This is about delivering even better. If we are able to approve the current proposition this will deliver some of the finest retirement housing. Yes, it will deliver retirement housing that is at a relatively low density but I am afraid if you wish to encourage downsizing, that is precisely what you have to do. It does have consequential effects. It takes up more land per house. But I am afraid there is no answer to that and the alternative concept of delivering small rabbit hutches piled one on top of another, I am afraid will not deliver the sort of accommodation that will encourage people to downsize and provide adequate accommodation for those who are presently desperate to move in into appropriate retirement accommodation. There was, in the early stages, some doubt about demand. I hope that Members will have seen the housing needs survey and will now be convinced that there is demand for at least this number of houses. Do bear in mind that if this proposition is approved by the Assembly that we are probably not going to deliver any houses on the ground for 2 years and more likely 3 years, and some of the sites will be 5 years away. The process from rezoning to moving in is a frustratingly slow process as we have seen with the 2002 Island Plan rezonings. While this may be a slightly less protracted affair, do not expect immediate delivery. But this is about building rural communities. Many of us who have been involved with the country Parish municipalities in different ways will know the profound benefits that have been delivered to those communities by retirement developments. I look particularly at those in Trinity and St. John where I have experience. They really do build the community. It is a symbiotic benefit, those who live in the houses benefit from the community and the community benefits from them. That is also all about providing living space with dignity. The better the living space the better the symbiotic benefit. If you provide good quality houses with proper amenities then you end up with an improved benefit. Indeed it may be worthwhile at some point the Assistant Minister explaining ideas in terms of just how good and how well thought out her specific proposals are in relation to the design of the homes. The Assistant Minister and the Assistant Minister of Housing have gone to great lengths to ensure that they have covered the most important elements of 21st century living. There has been some criticism of piecemeal development. I am afraid that in an Island that has developed over millennia we are never going to place ourselves in the position of, for example, great architects like Le Corbusier when he was he was invited to design new towns. We simply do not have enough space. We have just made the monumentally important decision in relation to the waterfront. That is the biggest space we are ever likely to be able to master plan. So it is thinking that we are ever going to be in a position of holistically providing an overall solution for the Island's planning and for a built up development over decades is simply unrealistic. The Island Plan and the Island Plan review will do part of it but there will always be a need to consider other issues and immediate needs in the intervening periods. I can assure Members that had the Assistant Minister and I not wholeheartedly believed that there was an urgent need for this proposition to be considered, we would have taken an alternative route which would have meant rolling it up into the Island Plan review. But we believe that it is essential that this matter is considered now because we believe we have an obligation to those who have worked in our community all their lives and now desperately need appropriate retirement housing. There is some concern at the level of profitability that some of these schemes will deliver. While that is not a planning matter it is something that naturally will prey upon all of us. However, the schemes can be broken into 2 types, those that are developer profit schemes and those that are driven by the Connétables where the primary benefits will be derived by the Parish. In relation to the former group, the group of rezone sites that will be developer profit schemes, I can assure Members that if I am Minister and if the Assistant Minister has any say in it, there will be extremely robust planning obligations upon the developers to ensure that the maximum public benefit and community benefit is derived out of these schemes. My predecessor, Senator Ozouf, set in place the beginning of planning obligation agreements. This is a real opportunity to show just what benefits for the community we can drive out of planning obligation agreements and take the example of section 106

in the United Kingdom. As far as the alternatives available, if we do not approve the rezoning of these sites there is really little alternative to providing the sort of homes that we would wish our retiring community to live in. There has been issues raised that this, for example, is the result of a restrictive policy on historic buildings, that if we had a more lax policy on historic buildings we would find other existing sites that are far more suitable. However, while I am currently reviewing the historic buildings listing process and will be coming forward with a new listing scheme shortly, that has no effect on this. There are very few listed sites that would deliver the sort of accommodation that we would wish to provide for our retired community. So, in summary, I hope Members will support all the hard work that the Connétables and the Assistant Ministers have put into this scheme, will accept the fact that there is a consequence, that we are using up some countryside land but it is something that is well worthwhile doing if we are to appropriately deliver the obligations that we have to our retired community. I support the proposition and hope others will do the same.

**Senator L. Norman:**

Sir, may I propose the défaut on Senator Walker and Deputy Martin be raised?

**The Deputy Bailiff:**

Yes, does the Assembly agree to raise the défaut on Senator Walker and Deputy Martin? The défauts are raised.

**Senator J.L. Perchard:**

Sir, could I ask the previous speaker to answer a point of clarification. The Minister spoke of brown field sites and in the report agricultural land that has glasshouses built on it is now referred to as a brown field site. Does he maintain a distinction between agricultural land with glasshouses on it, and ordinary agricultural land? Does he think there is a distinction between the 2?

**Senator F.E. Cohen:**

Sir, I do believe there is a distinction between the 2 and I do believe that we have to come forward with a holistic plan to deal with the issue of glasshouse sites, and I intend to do that as part of the Island Plan review. There is a great opportunity in relation to some but not all of the disused glasshouse sites.

**Senator J.L. Perchard:**

Sir, I did not quite understand the answer completely. Point of clarification. Are all glasshouse sites in Jersey now designated by the Minister as brown field sites?

**Senator F.E. Cohen:**

The term brown field is not the relevant term. The issue is that all glasshouse sites are being reviewed as part of the Island Plan review process and the Island Plan review will bring forward recommendations as to how each of the sites should be appropriately treated. As far as the Senator is concerned, some sites will come forward with recommendations that they be considered for development, other sites will come forward with a recommendation that they are not suited to development. Quite which one is which I do not know yet. Thank you.

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

St. Helier is not represented in this current batch of fields for rezoning. That is not because the department did not try and the Assistant Minister worked very hard with the Parish to try to secure a couple, and certainly one site. Indeed one of the sites was approved by the Parish Assembly but subsequently - this is a site up at La Pouquelaye, I think sometimes referred to as the Channel Television site or part of it - this was withdrawn because of pressure from surrounding residents at a public meeting held at the former La Pouquelaye school. So some may argue St. Helier is not contributing any of its agricultural land to this process and, of course, it is often forgotten that St.



Helier has a huge amount of agricultural land and, indeed, until recently I think we had the largest herd of cows in the Parish. Sir, that may leave some Members to say why do I stand this morning to object very fundamentally to many of the proposed rezonings that are put before us. Should I not keep quiet in St. Helier and let the other Constables sort out their own Parishes. I want to say that part of my fundamental objection is that I feel that the Planning Minister is reneging on a very important deal and that deal is if we are going to develop the town as the main residential centre, for all kinds of good reasons, not least because the town needs people to work and to thrive, it needs the life blood of people in it, of all ages and not just certain social types. It needs the community to work. But also because it is sustainable. People who live in town, whether retired or not, do not need a car, they do not need to add to the traffic coming up and down St. Saviour's Hill for example, or indeed any of the other main roads that these sites before us are reached by. So living in town makes sense for lots of reasons. It makes sense for town's own development, it makes sense for the people who live there, who have easy access to all the services they need. The second reason I think, and it is important, is that those of us who live in town have to put up with quite a lot of inconvenience. I am not going to go into all the details now, not even on St. Helier Day. But the fact is there are things we lose by living in town, particularly people who find themselves living in apartments where they would instinctively rather live in bungalows. But they make that decision for various reasons and they choose to live in apartments and we do all that we can in town to make apartment living desirable and comfortable. But these people feel that they have the right to go out of town in the evenings and at weekends and to enjoy what Jersey is famous for, our unspoilt countryside. For me the best route out of town is Trinity Hill. Town is very close to the countryside when you go up Trinity Hill. You are suddenly in unspoilt countryside as you get to the top of the hill. It is for that reason I am particularly sorry to see the Trinity proposals before us today. It does seem to me - and I think one is worse than the other - Field 578, well the notes say it is in a prominent and elevated position. The rural economy strategy group advise it is commercially viable and that it should be retained for the agricultural industry. Transport and Technical Services do not support the development of the site as there is little potential for residents to use methods of transport other than single car occupancy. So Trinity Hill is certainly going to get busier if these 36, I think, houses are constructed on this field. But more important for me as a great lover of Trinity, and I hope the Constable will be pleased of that, it is one of my favourite Parishes to find recreation in when I tire of those various problems that go with town living. I do not want to go to Trinity and find that it is being developed for this kind of housing. I would rather Trinity came to talk to us about how we could provide, in a much more sustainable way, houses for the sort of residents that he is concerned about, because I do agree that people need homes but I do not agree they need homes on a fine elevated field in Trinity which is a very important part of our countryside. **[Approbation]** I believe the comments I have made apply to other sites as well. Of course it is quite possible -- and I am not going to be so idealist that I am going to vote against all of these sites, some of them fit within clearly defined village envelopes and they should be supported. But how can these 2 glasshouse sites outside the village of St. Mary be considered for inclusion in the St. Mary Village envelope? I really do not see it. The fact they have had a glasshouse on them seems to me irrelevant. If they are no longer needed for agriculture they should go back to being in the countryside. So it does seem to me, Sir, and I am not going to speak at length, that Senator Cohen has a far too pragmatic view of the Island Plan. If a piece of land is donated - and perhaps this also applies to my fellow Constables - or comes at a knock down price, that should not make any difference at all. The key questions are whether developing that piece of land is good for Jersey. I like what makes Jersey different from Guernsey. I like the fact that most of our northern part of the Island is not pepper potted with developments and I think the Senator, as he approaches the next Island Plan, needs to consider how important his principles are. Because if we are going to say that we should focus new residential development in the urban area and in clearly defined village envelopes and village settlements, then we should stick to that. Just because somebody offers us some green fields to develop, which is much easier than brown field sites or town sites, we should not be swayed by that and we should stick to our principles. The

Senator also said that there was little alternative to approving these fields. Well, I do not know whether the Senator is missing something but recently we were talking about a whole new potential development, again it is in St. Helier, but that is where it should be, and we were talking about it down in the harbour area of East of Albert. Lots of potential for fine living down there for people for whom we can make houses. Just to give another little example, it does annoy me when I go around town, I see so many sites which have not been developed. There is one near the Archives Centre which at last has been demolished. But that was derelict for some 10 or 20 years and nothing was done about it. That at last, I believe, is being developed but just go around the corner into Don Road and you get to that marvellous construction, Royal Crescent. I have often wondered why no one has ever suggested that the car park which has been left in the hole there has not been replaced. Why do we not rebuild Royal Crescent? How many houses, how many good residential or retirement flats could we get into that area there? I believe there are plenty of spaces, there are plenty of alternatives, it is simply much easier to develop agricultural land. I would urge Members, as they come to each site, to ask themselves how much of the Jersey that we hold special is being eroded by each of these developments. Thank you, Sir.

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

Unfortunately a lot of my thunder has been stolen by the likes of Deputy Mezbourian and now the Constable. But what I would like to state, Sir, is I am very disappointed in the Planning Minister and it has to be said, the role - not the energy shown - played by his assistant. The Planning Minister quite rightly is mad about design and constantly quotes international architects but on this occasion, Sir, he has capitulated. When it comes to spatial planning he is not mad about spatial planning and I am very, very disappointed. I have put this to him from the very beginning; why is the Assistant Minister for Planning, who is tasked, as is he, to be the guardian of the Island Plan, why are people in this role going around knocking people up, so to speak, or talking to people and persuading them to provide building plots? I find that absolutely unconscionable, quite frankly, and a total contradiction in terms of the particular role they are tasked to play. I have made this point several times. Obviously I did not get very far. I have made this point to both the eminently nice Minister and the Assistant Minister. I think it is totally wrong and if there is pressure to be placed it should be come from Housing and the Connétables. They are the promoters and they are the people we expect to be promoting, not Planning who we expect to hold the line on these matters. I totally agree, Sir, with the Connétable and Deputy Mezbourian about the fact that we are chipping away at the countryside when we did have an Island Plan which was meant to hold the line and we have constantly been told, as was one of the big rationales for the waterfront, for example, that we must keep development within the urban areas, partly to keep the buzz in town, so to speak, and partly to keep the countryside pristine. Here we are allowing the very opposite to happen. I do, Sir, have sympathy with the Constables on Parish regeneration, I have heard some very good arguments from the likes of the Constable of St. Martin and Trinity, and it has been very good. But this was never sold - and I notice the Planning Minister never mentioned it - as a Parish regeneration programme. This was sold as an over 55s programme, as I understood it. Well, it came late in the day, Sir, as one of the objectives. The other thing, Sir, I would support the Constable entirely on is the whole issue of allocating fields, if indeed we have to go down that route, is not whether we can find a developer or a seller of fields who will sell them at a reasonable price, thereby minimising the price to the purchasers, because that is not a planning criteria. That was a point made very strongly and needs to be re-emphasised by the Connétable, that is not a planning criteria. Good stuff because the Constables clearly have the local knowledge, they clearly do not want to be involved in brazen developer led projects, so to speak, but it still does not amount to good planning. In fact, Sir, it amounts to the opposite. It was noticeable, Sir, we went to Guernsey last week, we were not involved in spin, a group of Scrutiny went to look at the health insurance scheme and while we were there, Sir, we were introduced to a new employee of their States who has been brought over to do a continuum of care, looking at housing, community provision, and residential and nursing care. The whole idea is to get the whole continuum worked

out to look at everything, housing, the whole works, and what was noticeable, Sir, about their approach and as we discussed different approaches is they are not prepared to let this be a developer led programme. They want it to be very strongly a States led programme based on their analysis of need and their analysis then of how this need can be provided for. It was very interesting to see a very different approach being taken. Like Senator Perchard, who again has taken my point, I was very interested in the shifting definition of brown field that has emerged in this debate. We all thought brown field represented an ex-industrial site and we all thought - although we know there are people waiting and waiting for the change to occur - glasshouses were simply agricultural fields from whom the glass was eventually going to be removed to revert to their pure role as agricultural fields. But somewhere along the way a change of definition has occurred. Which brings me, Sir, at a very difficult point, to the St. Saviour proposition. As I have said before, I do support it and the reason I support it is **[Laughter]** it is in an urban area, you are quite right it is technically a green field **[Laughter]**, technically. It is in an urban area, it fits within an existing urban environment in which there is an infrastructure, there are shops, there are bus services, across the road there is a States development, which, as was said yesterday by our good Assistant Minister, can be further integrated and, Sir, it was the Parish meeting's wish that that go forward but that the other proposal for St. Saviour not go forward. The Parish decided that yes urbanisation had gone on to a great extent in the Parish, they were very worried but they felt there was a need to draw the line to stop the creeping urbanisation between Five Oaks and Maufant. I did support the Cinq Chenes development but for that reason the Assembly itself said it was not prepared to have development past Cinq Chenes and the Planning Department did, to be fair, accede to that. That was why the Parish took a pragmatic line, as I understood it; "yes, we will accept that this fits within an urban context, there is an urban infrastructure but we will not go further beyond Cinq Chenes and try and hold the ribbon development at that point". I did, Sir, perhaps naively, believe in terms of the general projects that have been put forward that this larger project, because it includes a lot of units and it is by far the bigger part of this and it meets the needs of the Housing Minister in that regard, I did think, Sir, in terms of the other developments this would also hold the line. Now this is perhaps naive because we have had an awful lot of holding the line with planning proposals over the years when we have said we will not go any further, we will not break into the countryside any further and we know there has been constant creepage. But I did think, Sir, because of its size, because it was properly designed village development, because it was in an urban setting already, because it could plug very easily and help develop further urban facilities and it was near town where a lot of the over 55s tell me they want to be. They want to have access to services, they want to have access to urban facilities, and they are not necessarily as Senator Le Main, or the Housing Minister has kept telling us. I fail to see all these dozens of people who are desperate to go back, there are some but who are desperate to go back to the Parish of their birth. Particularly if it means living in a small community which often isolates them from the kind of services they need and particularly, for example, when they do not have access to a car and they are reliant on public transport. So that is why I did make, quite frankly, that major exception. I thought that by making that exception it could reduce the pressure on the other sites, as well as my thoughts that as a site it has a lot of merit because it is a properly planned programme of the Rowntree kind that the Assistant Housing and Planning Ministers have been promoting. It stops this bitty, fragmentary development which is going on and on and was never intended to be part of the Island Plan.

**Senator M.E. Vibert:**

May I raise the défaut on Senator Ozouf and Senator Le Sueur, please?

**The Deputy Bailiff:**

Does the Assembly agree to raise the défaut on Senator Ozouf and Senator Le Sueur? The défaut is raised.

**1.4 Connétable G.J. Butcher of St. John:**

I do not intend to talk about the other sites in this projet because as far as I am concerned if the Constables are happy with them I am happy to give them my support on that. I know in St. John we only have Field 605 but I would like to make the Assembly aware of the saga of Field 605 and 608 which dates back to 2004/2005. The owner of these fields - the family do not sell land normally - was approached while he was in a nursing home. He has since passed away. The owner eventually signed an option deal on the 2 fields because the offer that was being made was substantial, to say the least. He signed this deal with a well-known local developer. So the Parish had no direct involvement with this at all. During the option period the developer drew up plans to build 45 lifetime homes on Field 605 and 608. This came before a Parish Assembly in 2006. The turnout, as you can imagine, was fairly substantial with building on green field sites. The reason it came before an Assembly is because it was proposed that the Parish may buy some of the homes at a knock down or competitive price. At the Assembly the attitude of the developers when it was proposed before the Assembly was "it is an all or nothing deal". I quote from the Assembly minutes. They stated that it was not viable to build in the one field, i.e. 605. It was suggested at the Assembly that 605 might be acceptable to parishioners as it was already identified as an H4 site and after much discussion the proposition was made to reject 608 and look further into Field 605. This proposition was carried by a majority. The first option deal on this field was due to run out, because it was a 12 month deal. The developer then asked for an extension on the deal, another 12 months because obviously things had not progressed too far. The owner refused to do that unless a substantial deposit was paid, in which case £100,000 deposit was paid on the site. So, they got an extra 12 months which brought them up to November last year, 2007. The developer then had to buy the 2 fields or back out of the deal completely, and not only would he have lost the £100,000 but there would have been a punitive penalty as well. I bear in mind, Sir, that these 2 fields had no planning consent at all and they knew full well from the Parish Assembly that 605 possibly would be acceptable and 608 would not. The developer still went ahead and paid £1 million for these 2 fields and on that basis, Sir, I have to wonder what signals are being given to developers from the Planning Department [**Approbation**] because that is a very risky thing to do, in my opinion, Sir. Soon after the deal was concluded the developer approached me and asked if I would support first-time buyers on 605 and he would give the Parish Field 608, but, of course, we would have had to develop it then for lifetime homes, which the Parish rejected that. One thing that is in the report here from the Planning Minister, in the last paragraph I am quoted as stating that we did not need retirement homes but we did need first-time buyers. It did not relate to this site, Sir. This was other areas that I would look at within the Parish. Sir, I put out a call in 2007 in the *J.E.P. (Jersey Evening Post)* looking for people that wanted to retire and come back to the Parish of their birth or where they had strong connections. I had only 4 people extra to go on our waiting list. But at the present time we have 70 people on our waiting list for rental and 5 or 6 people that would be interested in purchasing long-life homes in the Parish. At the present time we have 22 units in the Parish, 4 of which are bed sits. We have managed to vacate those and we are converting those into one bedroom units. We had permission to do that, Sir. I recently wrote to everybody on our waiting list asking how many would be prepared to move immediately into homes that we had available. I had 5 replies saying that they would move immediately into things that we had got available, so I think, Sir, in summary we can probably accommodate the Parish need for lifetime homes for rental. What I would like to do, in summary, I am prepared to support field 605 in this projet but only if some assurances come from the Planning Department, and I would like those assurances today or I will not support and I would ask the Assembly not to support it either. I would like an assurance today from the Planning Department that only 16 homes will be built in 605 unless there is some consultation with the Parish and we can change it, possibly. I do not want to end up with a situation where we have 24 being crammed into a small field. The other assurance I would like today is that field 608 will not be included in the next Island Plan coming up because I think that that is the game that the developer is playing and I would not support that, Sir. So I hope the Assembly will take note of that and we will wait for the summing up of the Assistant Minister. Thank you, Sir.

**Senator W. Kinnard:**

I wonder if I may ask a question of the Attorney General. I have had some concerns hearing that particular speech in respect of perhaps the legality or the *vires* of money exchanging hands in terms of reserving fields for this development. It was not clear from the speech as to exactly what the goings on were behind that, Sir, but I wonder whether it is a matter that the Attorney General might be prepared to look into and perhaps give us some advice later on today.

**Mr. W.J. Bailhache Q.C., H.M. Attorney General:**

I was interested to hear the speech of the Connétable of St. John. I think an investigation of the kind that the Minister for Home Affairs is requesting me to make would take longer than the day, and I would need to see quite a lot of documentary material. But it may be appropriate, nonetheless, to say to Members that it seems to me that what we are concerned with today is a proposition based on planning principles and Members should be very keen to distance themselves from anything which involves economic considerations or particular developers.

**1.5 Connétable D.F. Gray of St. Clement:**

I am very pleased to be able to stand up and say that St. Clement for a change supports the inclusion of field 274 in this proposition because I have spent at least most of my 5, 6 and a half years as Constable in resisting any development in the Parish, whether it is on greenhouse sites or gardens or in green field sites. So I am very pleased to say that we would like the Assembly to support us and pass 274. It has already been stated that it has many advantages. It is not a green field site, I emphasise that; it already has greenhouses on it. It is on a very good bus route and a very good bus route both winter and summer. There are regular buses right up until late in the evening and it is fairly near to a supermarket. But I think more importantly for St. Clement is that it is supported by all its neighbours. All its neighbours have signed the petition to say that that is what they would like on the site, so I ask this Assembly to support 274.

**1.6 Deputy I.J. Gorst of St. Clement:**

Nice to be able to follow my Connétable. Yesterday I was accused of being an old man. I am not sure if that gives me a unique insight into this proposition or perhaps I should be declaring a conflict. Western society does not always treat its elderly with respect and the care and deference that I believe it ought to. Other societies do; perhaps if we looked to the east and see how the Chinese society looks after its elderly and cares for them, provides for them, and they are an integral part of community life and of family life. As I said, Sir, I feel that we perhaps can learn something from these other societies and now is a good time to ensure that when we are providing homes for the elderly among us, that they are the very best and meet the very highest standards possible. It should not be that when one reaches one's later years that one should feel that one is a nuisance or that one should settle for second best. So, Sir, lifelong dwellings, homes for the elderly, what ought they to look like? Well, I believe that they should be extremely well spaced, almost if we had the land they should be in a park-like setting. They should be spacious inside. I believe they should have at least 2 bedrooms. Why should the elderly not be allowed to have visitors to stay like the rest of us do throughout our lives? Why should they not have space to allow their grandchildren and children to visit when they wish to? Ideally, elderly units to my mind should be in sufficient number to allow for a warden and to allow for a warden's unit to be provided from the income of the units. They should, of course, be near to facilities, shops, post offices and, as much as it pains me to admit, probably on a good public transport route. I shall return to that, being one of my bugbears, Sir. They should be comfortable and peaceful environments. I note from the Planning Department's list of requirements in appendix 3 they also state that it is Planning's belief that there should be provided community facilities or a community room and I certainly would support that. So, let me turn to the site in St. Clement. As the Connétable just informed the Assembly, St. Clement has been trying to develop sheltered housing for what I believe is certainly throughout the Connétable's term of office but for prior to that as

well, I believe 10 years or even more. Now, whilst the site in St. Clement does not necessarily meet my own list of requirements for sheltered housing, it does meet some of them and it has been, I think, crucially supported by a Parish Assembly. It is supported by the Connétable and, as I understand it, supported by the other Parish representatives, even though it may not be the ideal site and meet, as I just said, the list of the ideal requirements. I would like to turn, Sir, to some of the comments that Deputy Huet made yesterday regarding the taxation of development profits or landowner profits when land has been rezoned and make this point. When we as a Parish say we are looking for a suitable site, a number of fields were brought forward and a number of fields ultimately were rejected, with this particular site being chosen by the Parish. The reason I mention that, Sir, is because one of the fields, while it would not have been the subject of taxation, it would have provided the Parish with a workshop which would have been large enough to house the Parish float. It would have provided a car park to alleviate some of the problems with parking along the inner road by the church. It would have provided ample green space and community space. In actual fact, these facilities would have been of greater value than any form of taxation that might have been proposed or outlined by the Deputy yesterday as her preferred choice of extracting value from these sites. Unfortunately, that site was not chosen, Sir, but there we are, that is democracy in action, as they say. I would now like to talk for a few moments about the process. A number of Members have derided this particular process, how we have to decide on these fields and the process by which we have this proposition before us today. I am not one of those Members, Sir. In fact, I would like to congratulate the Assistant Minister for Planning and, I understand, the Assistant Minister for Housing for the approach that they have taken to this rezoning. They have sought the blessing of the Connétable. They have sought the blessing of Parish Assemblies and they have sought the blessing of the neighbours. Why do I say that I support this? Well, it has been a view long held in my Parish, Sir, that we have been victimised by recent Island Plans that ... I am being told “targeted”, Sir, but I think we certainly feel like we have been the victims even if it was a targeted approach. We have felt that other Parishes have certainly not taken their fair share of development, be it necessary or unnecessary. Therefore, I am grateful for those rural Parishes who, from where I am standing, at long last have seen the need to reinvigorate their Parish life and their community life. Perhaps they are not proposing lifelong dwellings or dwellings for the elderly, but they are proposing dwellings for first-time buyers and I congratulate them for bringing forward these sites and taking some of their share of the burden of development. The other reason that I welcome this particular approach is because I believe that the Planning Department have set a precedent. Why am I so delighted with the precedent that has been set? Well, this is the reason, Sir. I am already aware of a number of landowners in the Parish of St. Clement who are currently and have been writing to the Planning Department getting a little bit excited and hot under the collar, hoping that their particular field might be brought forward in the new Island Plan when it takes place. Sir, I will be against those sites, as I have been against inappropriate development in the Parish since my election, but the reason I am pleased with this approach is because I believe that any future sites that might come forward or that Planning might propose for the Island Plan development will also have to now have the support of the Connétable, the support of a Parish Assembly and the support of the neighbours of the surrounding sites. I believe that finally we might be getting to a point where the ... may I refer to them as such, Sir, the small man, the person that is most affected by development’s voice, starts to be heard and starts to be able to influence the Planning Department and planning decisions to stop what, in my opinion, has been some of the most inappropriate development. Sir, I return now to a theme that a number of Members have spoken about, and that is that field such and such or site such and such is not suitable because it is not on a good bus route. I have long felt that that argument was absolutely madness because it is within the power of Transport and Technical Services or this Assembly to decide where buses will route and where they shall go, and surely the more important thing is to get the ... I see the Assistant Minister saying: “It is all about money”, well, indeed it might be but surely the most important thing is to find appropriate sites and appropriate development, and if those sites are appropriate then we must run public transport to those sites and not the other way round. It seems

that we are making large decisions because there might be a small bus route which costs us a few thousand pounds a year, but we are making millions of pounds' worth of decision based upon whether a bus happens to go anywhere near or past our front door. Sir, it seems to be a chicken and egg situation and it is totally, to my mind, inappropriate that we should be making those large decisions based upon what are relatively small decisions. So, Sir, providing the Connétable and the majority of Deputies support the particular sites - and we have heard over yesterday and today that it appears that most of them do - then I will be doing that also. However, I must say that when the planning applications are submitted I will be studying them and scrutinising them to make sure that the department's own list of criteria for lifelong dwellings is met. If it is not met, Sir, at that point I will reserve the right to oppose the particular developments. But today, Sir, as it stands I will be supporting this rezoning proposition. Thank you.

**Male Speaker:**

Could I raise the défaut on Senator Syvret, please?

**The Deputy Bailiff:**

Does the Assembly agree to raise the défaut on Senator Syvret? The défaut is raised. Deputy Power?

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

There is a view out there with the public and the public are struggling to retain this view that the Planning and Environment Department is the last bastion of protection for the fabric and the countryside of the Island. It is with that in mind that I say this morning that I have some reservations about this proposition. My main reservation is that we are doing it outside the scope of the Island Plan. We are doing it outside the scope of the Island Plan Review, which I have a problem with. At the beginning of this year, the Housing Sub-Panel did look at this in some detail, even though the particular sites that are referred to in the plan were not referenced at that stage. We did do a fairly detailed critique and I just want to quote very briefly from what we said. What we said was: "The sub-panel wishes to stress that it wholly supports the aim of providing suitable accommodation for people as they grow older and their lifestyle and expectations change. However, it also believes that the current initiative is in some ways a return to the bad old days and bad old ways when the States worked in an *ad hoc* fashion bypassing established policies, taking important decisions based on what was then inadequate information and without a clear vision. Time and again the Assembly has stated its wish to see policies properly scrutinised." We also made the following comments that: "The Planning Minister's and the Assistant Minister's action in actively supporting the rezoning of new sites were not consistent with the existing 2002 Island Plan and are probably prejudicial to the review." We also said that: "Harnessing departmental influence on behalf of individual developers' projects is inappropriate and has the potential to undermine public trust in the planning process." Sir, I find it difficult to speak when there is a lot of muttering going on to my right. Thank you. We also said that: "The selection of sites in some Parishes rather than in others appears to be based on convenience and availability rather than any other recognisable plan." So those were some of the comments we made in February of this year and we have now come to a situation where we are asked this morning to support specific sites which has been taken outside the scope of the existing 2002 Island Plan and has been shoehorned in before the review of the new Island Plan. When we look at the figures that are being proposed, we see that - and I am going to analyse these briefly - if I run through the allocations of developed units in the sites, in St. Saviour we are talking about 178 units of accommodation, 98 open market and 80 social rent. We are looking at 34 in La Lourderie, St. Clement. We are looking at 16 in St. John. There are 33 in St. Mary, but that is a mix so I have assumed 11 would be for over 55s, or 8 on the site of Maison St. Brelade, 20 in La Maltières, Grouville, 12 on field 818 in Trinity and 36 as a split development in Trinity on the other site, which is site 578 but I have assumed 50/50. So the yield on this plan is 178 units of development. Now, if we add to that what is being proposed at Belle

Vue, that is another 100 2-bedroom units of accommodation. We are up to 300 units of accommodation for the over-55s, which is outside the Island Plan. There are one or 2 other niche projects which are being developed such as Westmount, which I know is a number of years down the line but what we are being asked to do this morning is approve almost 300 units of accommodation which is outside the Island Plan. I have a problem with stepping outside the Island Plan. I have heard the Housing Minister say that there is a perceived need and there is a large pent-up demand for accommodation for the over-55s and I do not deny that, but if we turn to the Housing Needs Survey that was published in April - and I quote very selectively from that - the Statistics Unit have said that the maximum number of units that we need over a 5-year period, and being very generous and factoring in some known reductions in current supply, a total shortfall representing the upper band of up to 400 dwellings for older persons accommodation becomes apparent. We are doing that now outside the existing Island Plan and the proposed Island Plan and I think that is a serious issue. There were some excellent points made yesterday by Deputy Duhamel and Deputy Mezbourian and I do not intend to repeat that, but I am uncomfortable with what we are doing today. It is like as if this proposition has been taken this morning and it almost needs a kind of a fluffy pink toy on it which is sort of: "Hug me, adopt me and like me." I am just wondering where the fluffy toys are that we have not been given with this proposition. In one fell stroke we are stepping outside the boundaries of the Island Plan and we are, in my view, compromising the review of the new Island Plan. I think that is an issue that Members individually will have to decide this morning when they press their buttons. I also agreed with what Senator Perchard made a reference to, brown field sites. I was taken to St. Saviour about 2 months ago and I saw a completely rejuvenated field that had glasshouses and greenhouses on it and had been returned to agriculture. So when we are dealing with definitions on brown field sites or ex-glasshouse sites or sites that are not suitable for return to the agriculture industry, there is a slide rule out there and the rule is sliding. We have issues with that and I do not think the case is proven. Likewise, we have other issues on if we develop these over-55 housing units, if somebody who is between 55 and 95 buys this unit of accommodation and becomes deceased and they want to pass it on to one of their family who is under 55, there appears to be an issue with that. Some of the developments that are being targeted or being selected in this proposition are very land hungry. They are single storey units of accommodation and that is extremely land hungry on an Island where land and countryside is a very scarce resource. I use as a gauge for the developments of these sites the excellent work that has been recently done by Property Holdings that the elected members for St. Brelade, I think the Housing Minister and Assistant Minister were shown recently, and it was a feasibility study into the proposed Belle Vue development at St. Brelade. It is the second reworking of this scheme and on that site Property Holdings have reworked the original figures of a year ago and they have come up with a possible yield - it is by no means definitive yet - of 100 2-bedroom flats of 85 square metres on that site and with onsite parking. I must say that to look at what Property Holdings have done and what they have included in the development is to me the way we should be going with sheltered accommodation and housing for the over-55s. For instance, they have absorbed B.R.E.E.A.M. - and B.R.E.E.A.M. is not a fish, B.R.E.E.A.M. is Building Research Establishment and Environmental Assessment Methods - sustainability issues and they have at least assessed that it could go to level 3 and perhaps go to levels 4, 5 or 6. I would like to say that when these Parish projects come out of the fields that this kind of sustainability is included in the detailing of that and I would ask the Planning Department to make sure that we incorporate somewhere between 4 and 6 of B.R.E.E.A.M.'s sustainability codes when we come to that. So, we are asked this morning to support what is a perceived need for sheltered housing for the over-55s. We are asked to support a project which takes almost 400 units outside the Island Plan and shoehorns it into a situation where we are now before the revision of the Island Plan is complete and the selection process of some of these sites is, in my view, not acceptable. However, we are between a rock and a hard place and I will wait to hear what the Assistant Minister's summing up is likely to be, but I find this a difficult one because I am uncomfortable with the



challenges it has placed for the Planning and Environment Department. I hope Members think long and seriously about this. Thank you.

### **1.8 Deputy J.B. Fox of St. Helier:**

The previous speaker said this is a difficult one. As one who sat on Planning for 3 years at the time of the Island Plan and doing the new Planning Law from 64 to 2002 that took to 2005 to be implemented, I can assure him it is difficult because we are dealing with people and we are dealing with lots of people. In the old days in the country we had from the large farmhouses to the ordinary sized farmhouses and we had the dower and we had the family, and the family was also part of a bigger family, which was the Parish family. They looked after each other and they looked after their young people and they looked after the old people. The old people used to baby-sit the young people and so you did not need to have people living in outside homes, whether they are independent homes, nursing homes or the like, unless of course they were very bad. In town you had the townhouses which also had facilities for independent living and, again, provided the ground floor or the basement for the eldest ...

#### **The Deputy Bailiff:**

One moment, Deputy. I think we have just dropped below our quorum. Is it 27 or 26? Deputy Duhamel is behind there. Sorry, Deputy, yes.

#### **Deputy J.B. Fox:**

That is all right, Sir. Of course, the world has changed since then and during the time that we were concentrating on the Island Plan in what is only 5 years ago was the fact there was an urgent need for first-time buyer houses, for argument's sake. But there was a recognition that part of providing first-time buyer houses was releasing properties for more substantial families so that we could fill the gap of having 3, 4 and 5-bedroom houses, which again was an important cycle. People needed to downsize and so even at that time, although there was a lot of land set aside for first-time buyer houses, it was recognised that sooner or later we would have to be providing lifelong homes and the sheltered accommodation and over-50s accommodation. It was recognised that all this had to be done constructively and I too prefer things done all at the same time. Having said that, as we know when we are in the States here, that is not always possible to achieve for varying reasons. But one of the things that we must realise is that with times changing that we have now a waterfront that is going to hold 900 units of accommodation, some of which will be family accommodation, some of which will be taken up by people that are downsizing or retired or lifelong, et cetera. They will provide a large bulk facility, et cetera, and we are told it is designed also to reduce the pressure on our countryside and we are very proud in Jersey of having our countryside. If you look to our sister island, I think over the years our planning considerations have worked out better than possibly what theirs have in a way. But, and this is the but, we still are dealing with people. People are talking about that we must put things in denser and we must have it rise higher, et cetera, but it is very hard for especially the older person that has been brought up in a semi-rural environment to be persuaded to go and live in a 6-storey block of flats where they do not know anybody and there is no community and we expect them to be sat there. There are areas around St. Helier, especially on the outskirts and, indeed, in the density, where people are very lonely. They have no community whatsoever. They do not know anybody. They do not feel as though they are part of a community. That is a reflection that we constantly build things to the absolute maximum, but what we forget about is the community spirit and that people are people, they want to live ... People are getting busier now and they are not going to visit their relatives or their relatives are not as important as they used to be. We have to reverse this trend. It is very important that we reverse this trend. I see it starting to happen, but it is probably going to take another couple of generations before it matches. Pillar Close, for argument's sake, and Hodge, which was the nurseries, have single units of accommodation included within the house that the mother or father, the widow, even their teenage child, can be accommodated within a little independent unit of an envelope of a house.

Now, that is good forward thinking. It is adaptable. We tried to encourage this while we were on Planning. There is only one problem. Some people put in an application that: "I want to put a dower on the end of my house to house my dear mother or my dear father" and we give permission. Some honour it, and some immediately throw mother and father out and go and rent it off because it pays the mortgage. That is what happens in the real world, but it does not mean to say that we are going to say: "Oh, we are not going to continue with this policy." What we have to do is make sure that we can close up some of the loopholes so that some of the intentions are still there. We also have to recognise that the developers have a human right. The Constable of St. Helier was referring to the site at Channel Television. Now, when it came to the Town Hall, you had 2 sites, one in the built-up area on the Channel Television site, and one next door which was a huge great big green field site. But the green field site can only be accessed through the Channel Television site. Now, originally when that came up to first-time buyers, the 2 sites were together and they were all for first-time buyers. Now at the Town Hall the same architect, who was a Guernsey man, I think, represented both lots of owners and said: "That is not a problem. The site on the front, the Channel Television site, can be for first-time buyers and the green site would be for first-time buyers and lifelong homes." The Parish Assembly said yes. By the time it got to the planning stage, you cannot have the Channel Television site because it is already a built-up area and the developer can build whatever he likes on it and it is not the same developer and, therefore, we will build category (b) housing, which is not what it was meant to be there for. This is where the problem lies. You get 2 lots of different stories at different assemblies or different places when the residents are being consulted and that is probably why it is not here today as part of ... **[Interruption]** Someone donating £10, are we? The Attorney General. **[Laughter]** You are innocent before you are guilty, Sir, but someone is guilty.

**The Deputy Bailiff:**

Do we have an offender or not? **[Interruption]**

**Deputy J.B. Fox:**

Never mind. Back to the subject, I am not going to quote Parishes because it is not fair, but there are some absolutely excellent developments that are being done by the Parishes or through the Parishes and they should be very much commended for it. But I always remember while we were looking on Planning at the sheltered homes in St. Martin and the Constable was challenging why the Planning Department wanted chimneys put on it. The Constable of St. Helier I think at the time, which is not this Constable, was saying: "They cost £15,000, absolute waste of money." Well, the houses were built and they had chimneys, like the ones in the Parish of St. John. Everybody moved in and everybody kept complimenting the Constable how wonderful these houses were, they felt like they were homes and they were pleased to be able to enjoy their retirement. The Constable made a point of coming up to me and my fellow members of the Planning Committee individually telling us how pleased he was that we stood up for wanting the chimneys because it had gone down extremely well and it was worth every penny. So sometimes you can get it right, which is rather pleasing. Today, yes, it is outside the envelope of the new proposed Island Plan, but this is one that has been brought with a lot of support by the Planning Ministry and the officers - and I congratulate them all - and the Assistant Ministers who have done a tremendous amount of work in their public consultation and support. I think that this proposition with all its different Parishes deserves our support. The areas that there are concerns, obviously these were fully discussed and each individual Member can draw his or her conclusions and vote accordingly. But we have to bear in mind we are talking about people and people are very important. If they are going to have the opportunity to spend their retiring years back in the Parish that they loved and had not been able to before and have this opportunity now to go back into a community, let us make no bones about it, they might live in sheltered accommodation or they might live in ... sorry, in rental or the last time buy, but they do need to be part of the community. The community does need them as well. They provide a useful lift to give the quality of life and

we need all generations to do this. So, Sir, I am not going to repeat what a lot of other people have said, but in general I agree in principle. There is still a discussion to go, so I shall wait until the end of the debate, but in principle I am in favour of what has been said. It has been done by the community and it is being done with a lot of consultation, which must be commended. Thank you, Sir.

### **1.9 Deputy J.A. Hilton of St. Helier:**

I would like to start by saying that Deputy Pryke, Assistant Minister for Planning, cannot be accused of not consulting with the public in the Parishes over this proposition. I find this quite frustrating in that I had the misfortune to be on the committee that had to go through the torturous process in this Assembly on some of the H2 sites: Jambart Lane, we had the site in St. Peter, site down at Goose Green. Even though a democratic decision was taken in July 2002 on this rezoning proposition, we did face great difficulty in trying to get these sites through the planning process. So the one valuable lesson I learnt from that was how important it was to have the Parishes on board. So it was when the new House met back in 2003 and the Housing Minister and myself started talking to the Planning Minister and his Assistant on how we were going to provide these homes that we knew were needed, particularly for the elderly, that we decided that the best way forward was to go to the Parishes, have the Parishes completely on board, do it in conjunction with the Constables because, after all, I think most Members will agree that we feel that the Constables know what is wanted and what is needed in their own Parishes. So, that is why we undertook the process in that way. But it seems to me, listening to this debate, that even though the Planning Assistant Minister has gone away and taken that on board, there is still criticism being meted out for the process that has been followed. I accept that this is being done outside the Island Plan Review, but the reality is we need these homes now. My understanding is that the earliest the Island Plan Review is likely to be implemented is 2010, which would probably put the nearest development away to about 2013. It is just simply too long. We need these homes now. Even if this proposition is approved today, it will still be 3 years before any keys fit into any doors. To be quite frank with you, I find it difficult because almost on a daily basis I receive telephone calls from people either on the transfer list with the Housing Department or on the waiting list wanting to know when they are going to be housed. These are elderly people and a lot of elderly people in the private sector. I find it really, really difficult because I cannot give them an answer. It is a real problem. So I would say we have learnt from the previous rezonings. We have gone to the Parishes. We have spoken to the Constables. I attended all of the ... barring one, all of the meetings that were held in the Parish Halls. We took on board what the parishioners said to us. Certainly in St. Saviour we took 3 sites to the Parish Assembly. There was concern about 2 of the sites expressed at the Assembly and we withdrew both of those sites from this proposition. We did the same in St. Helier. We withdraw a site in St. John and also St. Clement. So nobody can accuse us of not listening to the views of the parishioners at those Parish Assemblies because we did. The site at St. Saviour, as Deputy Le Hérisier has quite rightly said ... and I know some people laughed at him for this because on the one hand he was saying he did not agree with development on green field sites but, on the other hand, he did agree with the site at St. Saviour. Members did laugh at him in the Assembly and I understand his arguments. The site in St. Saviour, I believe, is eminently suitable for housing. It is surrounded by development on all sides. It is on a bus route, it is near the shops, and I cannot think of any other site on the Island that could deliver the number of units that is proposed for this site. I think it is an absolutely fantastic opportunity. The fact that the Parish will benefit from this development by 30 units is an absolute bonus; it is a gift. I think the Constable of St. Saviour said yesterday that it is worth in the region of £4 million. I do not believe people should turn their nose up at that. I am assuming that all the Deputies in St. Saviour - we have certainly heard from 4 so far - support this site. I cannot imagine for one moment that there can be any Deputy in St. Saviour who could not agree to this site, and by going against the wishes of the Parish Assembly ...

### **Deputy A. Breckon of St. Saviour:**

We did not have a Parish Assembly.

**Deputy J.A. Hilton:**

Well, I was certainly at St. Saviour Parish Hall with the Assistant Minister for Planning. It was a very, very well attended meeting. **[Interruption]** Right, okay, but the unanimous view that came out of that meeting was that they agreed with that development and the 2 sites that concerns had been expressed about, the Assistant Planning Minister withdrew from the proposition. So, make no mistake ...

**Senator J.L. Perchard:**

On a point of order ... I thank the Deputy. I was at that meeting, not being a parishioner, but I did speak and that meeting clearly supported some development there, but that meeting clearly supported development for retirement homes, may I remind the speaker.

**Deputy J.A. Hilton:**

They are retirement homes. The St. Saviour site is a retirement village in its entirety. If I have the figures right, it is 90 lifelong homes on the open market, 80 **[Interruption]** ... Either way, it is just under 200 units specifically directed at the elderly, so I would correct the Senator there in his misunderstanding of the situation. The Senator was intimating that it was not as I was saying. The other sites that have been consulted on - and I know there is a degree of concern by Members of some of the sites in the proposition - I do support all the sites because I do support the Parishes. Trinity has been mentioned. If we want our Parishes, our country Parishes in particular, to survive, we need to have some regeneration of these Parishes. If we are not going to introduce any new housing and specifically for first-time buyers, young families, then the reality is our Parish schools will close in the future. Make no mistake of that. The schools are already reducing their numbers. Certainly I know in St. Helier, but I have been told outside of St. Helier as well, the intakes are falling. So we will come to a point at some time in the country Parishes, if there is no regeneration, where we may lose our Parish schools. I do not believe for one moment that that is something that Members would like to see, **[Approbation]** so there has to be some Parish regeneration sympathetically done. The housing proposed in Trinity is right on the main road, near the church, near the pub, and right near the shop: perfectly placed. I am not going to comment on all of the sites in the proposition because the individual Constables have stood up and fought their own corner. I would just appeal to Members to listen to the Connétables and support them on their individual sites. I think there was some mention earlier about the specific criteria for lifelong dwellings. The Assistant Minister for Planning and myself have visited the U.K. (United Kingdom). We have gone to the Rowntree homes; picked up some very, very good information; looked at some absolutely brilliant schemes. The criteria that is being laid down in this proposition I think are going to produce homes that people are going to want to live in. I am excited by this proposition. It is going to provide homes for those elderly people that are waiting to be housed and I support it wholeheartedly and ask Members, please, to support the proposition. Thank you.

**1.10 Deputy S.C. Ferguson of St. Brelade:**

I agree with Deputy Huet. I would like confirmation from the Assistant Minister for Planning that the numbers quoted here will be retained and will be a benchmark. I would, however, remind the Assembly ... I am sorry the Minister for Economic Development is not here, but no doubt he will appear in short order. For any of these projects to succeed in the Parishes and to preserve the Parish system, the local store will have to be retained. Forget the third supermarket; it is a mirage. For these projects to succeed, we must keep the local stores. I would refer to the recent furore in Maufant where the local store has been preserved and competition has been provided. Access to the local store will keep the elderly population independent and in their own homes and together with the pub and the church provides a focus for the community. I would like to see, really, a little more joined-up thinking in the Council of Ministers between Planning and Economic Development.

I am also led to understand that the sales of the land not owned by Parishes is pretty well sewn up. I agree with the Constable of St. John regarding this, with his comments. Those sites that are not owned by the Parishes are extremely vulnerable to developer grab and I think the developers have grabbed. I am concerned at the insistence that 55 is ancient. If it is, then looking round the Assembly I think this Assembly is on its last legs. Perhaps, as Deputy Gorst said, we should have a little more deference to each other for a change. I am also concerned in line with the thinking of the Deputy of St. Ouen that the Parishes need the young as well as the old. If we fill the Parishes with older people, then the Parishes will just wither away. For example, with great respect to previous speakers, the elderly do not have children to go to the schools. The glasshouse question, the uncertainty over this and the sort of “will they, will they not”; glasshouses are not selling at the moment to agricultural buyers because of the development prospects. Is this supporting countryside industries and the rural economy? I think we need to think carefully about that one. I will support St. Brelade and the Connétable with his plans, although I would prefer that it is closer into the centre of Quennevais. I accept that it is conveniently close to Maison St. Brelade, but frankly I prefer Bellevue for this purpose. I agree with Deputy Gorst regarding the size and having a 2-bedroom unit. Absolutely ridiculous to expect just because they are elderly they have to live in a bed-sit or a single bedroom unit. I repeat, I agree with Deputy Huet regarding the numbers. On the basis of my rough calculations, any developer worth his salt would probably look for 18 units on the St. Brelade site, not the 8 that are quoted. I ask for the Assistant Minister’s confirmation that these numbers quoted are absolutely written in stone and will not be acceded. I look forward to the rest of the debate, Sir.

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

Is it not interesting, you must not be young and you must not be old? You have the Constable of St. Helier saying he loves my Parish. Well, I have news for him: there will be a toll gate at Oaklands Lodge tomorrow morning. **[Laughter]** Can I just say, Sir, he does not have a clue about the rural Parishes. If you have lived all your life in a rural Parish and you have served your municipality and you get to a certain age, maybe your husband has died and you are now a widow, you would like to have the comfort to know that maybe you could stay in that Parish to end your days, where your friends are, where your church is. I cannot believe that the Constable of St. Helier said: “Well, we have room in St. Helier.” I am sorry to tell him my parishioners do not want to go and live in St. Helier. They are used to living and they are used to being picked up to go to chapel, to go to church, to go to the Three in One Club at the Parish Hall to meet their friends and stick in a nice community they have known all their life. It is very hard to change your life if you are in your 70s or 80s. I will give you an example. We only have 10 retirement homes in Trinity, which was a struggle for the former Connétable to get through. There are Deputies still complaining they should not be built there. Go and ask all the people that live in those houses how their quality of life has improved. The shop is right next door. For those you do not know, there is a bus stop right outside the gate where they live with a bus shelter, the only one in Trinity, which we have built for them so they could have shelter. Where are we going, Sir? These people, I have a list of 20 on a waiting list. It is a bit embarrassing for me, really. In 2006, April, I called a Parish Assembly because I thought after the initial build in 2002 it is time the Parish moved on and completed field 818. Good attendance at the Parish Assembly; unanimously agreed, yes, let us go forward. To my big surprise, when I approached Planning, they said: “I am sorry, Connétable, only the northern part of the field has been rezoned.” I said: “What do you mean?” “No, we did not rezone the southern part of the field.” I said: “Well, that is news to me.” Anyway, so we progressed and we started on the planning process. Then the Minister for Housing and the Minister for Planning said there was an emergency, “We need homes for the older generation.” Well, right alongside field 818 is another little field which I have managed in the last month or so to purchase part of 873 so that I can add another 2 houses to that existing Field 818. All this is going to do is complete the retirement homes which are in the Parish. So I get 12 more, the Parish will have 22. Now, I do not think that, in this day and age, is excessive. What I did find a problem is we are now

into 2008, 2 and a quarter years after my first Parish Assembly, we are being told it is going to be at least 2 years, maybe 2 and a half years, before we have any more houses on there. Wonderful. So some of those on my waiting list can reckon that maybe they may not get a home because they will be further down the road. Unfortunately, it will be too late for them. I think that is a shame, Sir. I hope the people will support ... I am speaking in part because I know there is a problem maybe with the other field, but this field, agricultural land, it is green. The only access to this southern part of field 818 is through the existing retirement homes, so how on earth do we get ... it is not even viable, is the field. Senator Perchard will tell you the size of the machinery today. Once they have the tractor and the plough in, they will not be able to get the other in, it is not long enough. It is true. So, please, please support the Parish on this. We have consulted. Ideal spot. Close to all the amenities. I think these 2 fields, plus the prospect of adding 2 in 873, are ideal for my elderly people and I hope, Sir, that all the Members will support it. Let us go on to field 578. Now, Deputy Duhamel knows everything, of course. He goes to Trinity all the time. Badly sited. Well, well, well. To the south, 50 yards away, the pub. To the southeast, 50 yards away, the shop. To the west, 50 yards away, the church; 110 yards away Parish Hall; 100 yards away a youth centre which has at least a membership of over 200. We have a school which has space, a wonderful primary school at Trinity. The sad thing is, when I stood for Constable 6 years ago, people said to me: "Is there any possibility of you trying to get something for first-time buyers, Connétable, because you realise none of our children can afford property in Trinity. They all have to leave the Parish." We are talking about people who have given years of service to the Parish. Their children and grandchildren have got no chance of ever purchasing in the Parish. I do not know if you have looked at the property prices in Trinity. There was a 3-bedroom little bungalow just up the road from me the other day and I thought: "This is a nice little place, first-time buyer, built in the 1970s, £6,000." Somebody came to the Parish Hall on Monday morning when I was there and said: "A friend of mine has just bought that nice little bungalow up the road from you." I said: "Oh, that is good. What did they pay?" £680,000. Now, come on, let us get in the real world. How on earth can any youngster today not in high-flying jobs ever have a chance of thinking of affording a house? It so happens I did try and do something about that when I stood for Constable. I said: "I will do my best." About 6 months after being Connétable, I received a phone call at the Parish Hall. A certain person had seen what I was putting out in my manifesto and said: "I might be able to help you with a field for first-time buyers." I thought: "This is progress" so I went and visited this person. I said: "Where is the field?" I roughly knew, because I knew the owners of the land, where it would be situated, and she said: "It is the field opposite the Trinity Arms." I said: "That is perfect." Right in the heart of all the communities of the Parish. I said to the person: "Unfortunately, the only trouble is when we do these first-time buyers, land is very expensive once it got past development." She said: "No, there is no problem, John, I will gift it to you. I will gift it to the Parish so that the younger parishioners can have a chance, with certain stipulations." I said: "What would they be?" "Well, they have to have strong Trinity connections or their parents or they live in the Parish." Well, Sir, I do not know how everybody else thinks. I thought I had just won the lottery because where on earth today are there people who will gift something of 9 vergées for the younger generation to have a chance of a house? **[Approbation]** The majority of people would want it rezoned to sell, but are we not fortunate my retirement homes field 818, gifted to the Parish; this field gifted to the Parish. All my development in Trinity will be Parish-led. We own all the land. The Parish owns all the land. It owns this field for first-time buyers. It owns field 818. What more do the people want? We are fortunate to have people who are generous to give somebody a chance to buy a new house. I was walking out of the Assembly last night and I met this young lady who has been on my waiting list for 4 years. I was walking out - and Senator Norman will bear this out - and I said: "How are you getting on?" "I am still living in a flat with my 2 children and my husband." They are not the big earners. I said to her: "We have passed the other day shared equity. If I can get this field rezoned I think there is a very good chance you might be able to afford one of these houses." She said: "What is the split?" I said: "It is 35/65." She said: "Well, that would be fine. Maybe we could afford one." Here we are debating to try and

help people, regenerate the Parishes, oh, wonderful, when we are all up for: "Let us throw the Constables out." "Oh, no, must not throw the Constables out, we need the Parish community. We have to support them." Fine. When it comes to trying to put some younger people in the Parish, no, no, no, we cannot have that, Sir. It sounds really good to young people listening outside. I hope all you people, all the Members of this House, are very happy when they vote these down. I can guarantee you I am not asking for any more rezoning, Sir. This field is the only one. I am not asking the Planning Minister to put any other fields into the rezoning plan for 2011. If I get this field passed today with a chance of younger people of the parishioners having a chance to live, support the municipality, support the honorary police, support the community, this is what we want. I am afraid today that in some Parishes maybe the community spirit is not as strong as it is in Trinity. In Trinity it is very strong and I work with my parishioners and I try and help them all the ways I can. If somebody comes to me and says: "I am bit concerned, John, where I might be having problems with my housing in years to come" hopefully they can go on a list and if a vacancy comes into Les Maisons Cabot we can accommodate them. In fact, we did accommodate a lady only about 3 months ago who had a slight problem with her health. She has now moved into Les Maisons Cabot. Her health has improved. She is on her own, she has the support of her family who come and see her, but she is independent. It is essential we keep people in their homes as long as possible in a good environment and I hope, Sir, that the Members ... I can see their point, it is a green field, but what is the difference between a green field in Trinity and a green field in St. Saviour? I cannot see the difference. If we can rezone St. Saviour, I cannot see why we cannot rezone Trinity. So, I will leave it to the Members. I hope they give me the support. I will reiterate, Sir, there will be no profit made by any developer in Trinity because both my fields that we have in the Parish's name will be developer-led but it will be run by the Parish and we will be the people who will be doing the development, not the developer. Thank you, Sir. **[Approval]**

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

What a joy it is to speak before the Economic Development Minister speaks. Perhaps, following from Sarah Ferguson, I ought to point out that I am in my 58th year, you know. I am in my 58th year. Each morning I wake up absolutely thrilled at the prospect of living in a place at a time when we have joined-up government. Some mornings I am almost overwhelmed by the sense of joy that I feel. It is joined-up government because since the beginning of the year we have had a concerted effort to persuade us to do several things under a variety of guises but all coming back to the same thing. What I am talking about is the prospect that was kicked off some time ago with Imagine Jersey 2035, which pointed us in the direction of the problem of our ageing society and what we were going to do about it. Effectively, it proposed a solution, which was to grow the population. Never mind that that theory has been disproved and that any demographer will tell you that if you try and grow your way by increasing population out of an ageing population problem, you will just end up with a worse problem down the line. But lo and behold, we were given some scenarios from zero growth to up to 650 - real frighteners - heads of household growth. Lo and behold, what was sitting in the middle attracting the eye of all who looked at it? Just a glance does it: the middle answer, 250 heads of household, meaning around 540 or thereabouts population increase. Lo and behold, here we are, some time later, with a new incinerator. £100 million based on the precept that population will grow roughly at a rate of 250 heads of household or 500 population. In the meantime, our Island Plan has been abandoned for a variety of reasons and the design, the starting point for creating a new Island Plan, is: "It is just rough, it is open to consultation and we are awaiting responses, but the rough guide to how much the population will grow will be, let us say, I know, 250 heads of household." Well, there is a surprise: 500 total annual growth. This is joined-up government. Now we are told what we want to do is amend the plan that we have, not wait for the new plan with perhaps its joined-up thinking of: "You are going to accept 250 heads of household at least" but we have to amend and play with our Island Plan as it is. Now, last week we had the end of season sale, one-third off housing. We do not need any 3-bed housing for social rental any more, no demand at all, we can flog them off. It is the end of a 3-year season. One-third

off. Whoa, that will go down well with the electorate. In a similar way to the way in which we are presented with population growth targets, immigration targets at the beginning of the year in order to cater for our elderly, here we are and here is an amendment to the Island Plan which says: "We are going to rezone for housing." Ah, not ordinary housing, housing for the elderly. Who can object to that? Of course, we must house our elderly. Same argument, all joined up, different targets. At the same time, of course, the Chief Minister is standing there and saying: "I will protect green fields." Apart from these ones which, by the way, in a mishmash way some of them are greenish and some of them are very green and some of them are brownish, but we are going to build houses for the elderly on them. By the way, we are also going to promote green policies, environmentally sound policies, from now on based on a population growth target of 500 plus, which therefore automatically, because it is about growth of population, cannot be green. This sort of joined-up thinking. Of course, the Chief Minister can say that with perfect equanimity and safety because he is not standing and he can guarantee that we will not be building on green fields, apart from these. He can guarantee that our policies will be absolutely environmental and ecologically sound because he will not be here. He can make all the promises in the world. What a wonderful position to be in. In the meantime, of course, we are told that we have to adjust for all the old folk and persuade a number of Constables in particular to rezone some green zones, some green fields and cater for their elderly. The number of reasons and the types of proposals coming forward, each of them is different in their own way. Constables have spoken. The Constable of St. Brelade has talked about sheltered housing. That is what he saw. Other Constables have talked about bungalow developments as appropriate, lifelong homes. Another Constable talked about 2-storey homes with room to put a lift in as and when necessary. Sheltered, over-55s, have we got any unanimity around what constitutes over-55 housing? Is it a bungalow? Is it 2 beds? Is it one bed? No, we have a strange mixture of all sorts of things for all sorts of reasons. What about the allocation criteria? Over-55s, over-60s, retirees? What about the balance between first-time buyer homes? Each one different. Where are they in terms of facilities? The St. Saviour one recommended on one set of grounds, perfect in many ways, that could be a thriving community. Could 14 houses over there in St. Mary or 16 houses over there out in the back of beyond, could that be a viable community? Perhaps not, but that is different grounds. So we have a whole mishmash of a variety of reasons why the Constables should be supporting. Of course, it is very difficult to argue against. How can you argue against housing for the old folk? But here I am, a Deputy in St. Helier, thinking: "What is going to happen here?" We are amending our Island Plan on an *ad hoc* basis and the Parishes have agreed to take some housing on the back of the argument we have been hearing all year: let us cater for the old folks. Already I hear the sound of N.I.M.B.Y.-ism (not in my back yard) around this particular proposition. I hear from the Deputy of St. Lawrence, Deputy Mezbourian, yesterday: "Why is St. Lawrence not in here? Why are we not doing our old folks homes in St. Lawrence? Because we have already taken our share. If you look at that development, we have taken our lot." So there is a Parish that is going to be thinking twice about any further development. I hear the same from the Deputy of St. Clement. Very clearly stated this morning: "I shall be opposing further development on X, Y and Z. I can tolerate this particular development because it is old folk, but any more it will be dead bodies time." I am sure he will be standing and saying: "Over my dead body" when he gets elected. So I can hear the sound of N.I.M.B.Y.-ism coming back in. The target I am sure we shall be persuaded to go for, this 250, will exist. The protection of green fields, well, we have already got those. The barricades are going up as we speak. So, population growth, immigration growth, where is it going to occur? I wonder. I wonder. Let me see. Well, having glimpsed at the prototype new development plan, I think I can see it. It is going to be St. Helier and it is going to be build them high, build them cheap, stack them in. I can see people shaking their heads: "Oh, no, they will be quality developments with amenity space." Will they? With parking space? With amenity space? No, those standards, it is proposed that we reduce them. It will be stack them high, stack them cheap, build in St. Helier. Since the Parishes have already done their bit for the old folk, they will be able to put their hands on their hearts and say: "We would love to accommodate it. However, we have



taken our share.” The Constable of Trinity spent some time talking about his particular parishioners and what he was doing, and very laudable that was, too but when he says these are developments that the Parish is involved with and is committed to, I ask him to look at his population density and compare it with the population density in St. Helier No. 2 where we still have not got an amenity called a town park and we are stacked in already. Examine the population densities and then see how we are going to develop more and grow more in St. Helier. So, there we have it. What we are talking about is a mishmash for a variety of reasons sold to us on the back of caring for our old folk for increased developments - for now - in a variety of Parishes, but the overall joined-up thinking says what we are doing is we are softening you up for population and immigration growth and when we do, we will be doing it to St. Helier. So that is what I see. I vote for this today and I know what is going to be happening tomorrow. I am going to be asked to take high-rise, cheap, pack them in accommodation in St. Helier in order to cater, if you like, for our ageing population. That is the answer. That is the joined-up thinking. So I cannot vote for this mishmash adjustment to the Island Plan and I will not be.

### **1.13 Senator T.A. Le Sueur:**

I am not going to respond in detail to that last speech apart from to pick up one phrase which I thought I heard when the speaker said that he felt the Island Plan had been abandoned. I see nothing of the sort. An island plan is a significant document and it takes an enormous amount of preparation, production, consultation, and it is something that we do not do more often than we need to. But a consequence of that is it has to be to some extent a living, flexible document. Not a document where you abandon principles, a document where your principles may need flexing slightly as times change. Because even as an island plan is produced, it is already out of date. It is an ongoing, living document, or it needs to be if it is going to be of proper benefit. So within this Island Plan and within the last Island Plan there have been clear guidelines laid down about what are green zones, what are agricultural priority zones or countryside zones, and as the document clearly says there is a presumption against development in those zones, a presumption against but not an automatic bar. Exceptions can be made when they are in the public interest. Now, what do we mean by the public interest? To me, that means the people, the people of Jersey. It is in the interests of our Island community to make these exceptions to an Island Plan with good, strong principles. In order to assess whether it is in the public interest or not, one needs to consult. I must pay tribute to the Planning Minister and particularly the Assistant Planning Minister for the way in which they have gone about this consultation process. It has involved the community. It has involved the Island interest. When I hear Deputy Southern talking about the Constables supporting this process, I would suggest to him that they are doing more than supporting this process. In many cases they are leading it, and quite rightly, too. Because they understand what is meant by the public interest and the needs of their parishioners. So I say to Members that this is a policy about rezoning, about making a minor adjustment to an Island Plan which has stood the test of time very well, which will be replaced in due course. But it is not an abandonment of that plan. It is merely an improvement on a good plan, an improvement to reflect the changing needs of a changing community. On that basis, given the consultation, given the support by the parties involved, I have no hesitation in endorsing these proposals.

### **1.14 Deputy A. Breckon:**

I would like to declare an interest at the start, Sir, in that I am 55 years and 8 months. [Laughter] Sometimes after days in here it feels like I am 85 and 5 months, but that is another story. Apparently, Sir, the reason I say that is because of this. It is that on the front of this projet it says: “Provision of land for lifelong dwellings for people over 55.” So 12 months ago I would not have been a consideration, but apparently now I am. So it will be convenient if I have that tag and perhaps I will finish up tethered in a field somewhere which is, I think, where this proposition is going. I say it is about getting planning permission with perhaps a cuddly toy that would not happen if this was rampant development, which to some extent it is. I am gratified, really, by the

comments of Deputy Gorst because I was thinking we must really be kind to older people. I am in this category myself with this particular proposition so I am grateful for the comments of other Members, Sir. But he said things like we will be allowed visitors. Yippee. Older people will be allowed visitors. There will be parking spaces and we might even have a room where we can put an ironing board, where the grandchildren can sleep or something like that, Sir. So it is not all bad news. We are really being up there with it and giving some consideration. I think other Members as well have been equally as kind and patronising to elderly people like myself. So I am grateful for that as a starting point, Sir. But what are we being asked to do? If we get back to the proposition, it says and I will just quote briefly from it: "The States are asked to decide whether they are of the opinion to refer to their Act dated 11th July 2002 in which they approved the Jersey Island Plan 2002 and *inter alia* Chapter 8, Housing, Policy H1, provision of homes and Policy H2, sites to be zoned for category A housing and to agree [and briefly] lifelong homes for people over 55 in response to demographic trends that are altering the make-up of the Island society and, in particular, the increasing proportion of older people within the community." Well, the question I would ask Members is, is that really a surprise? Did we not know that I think Senator Cohen mentioned about medical breakthroughs where we are all living longer so we should be grateful for that, and that was one of the reasons for it. But this is not news that has just come out last year or last month, indeed. Again, Sir, this is not new. We have been here before on similar sites and in similar planning issues, so why are we giving special treatment for over 55s? Why is that magic line drawn there? We have heard other people talk about you do not generate traffic, so what am I going to do, lay in bed all day? How does that happen? People over 55, on the one hand we are saying: "Work longer" and on the other hand we are saying: "No, stay at home, do not go out with your car. These developments, no, will not generate any of that." People over 55 will still have children back and forth, either working, at school, so I am not sure where some of those that are saying that, where the evidence is to support that. I think some of the messages over the months and even the last year has been mixed. What are lifelong homes? What are sheltered homes? Last-time buyers? There are all sorts of connotations to this I think to make it a saleable commodity. I would remind Members, Sir, that there are places like this that exist already. There are developments which have some sort of age limit. I am thinking of perhaps Maison Belleville where there have been places empty virtually all the time. The vacancies change, but it is a different thing, it is a leasehold situation. It has somebody there on site, it has a call system and the like, and this place is empty. Other developments like that, where places are empty. Some Members also, Sir, have talked about downsizing and I would like just to share an experience with Members. A number of people have asked me about this and, in fact, have gone through the experience. Let us just take a couple, 70-ish, with an existing house that they might have bought 40 years ago. I know it sounds daft, but even longer than that in some instances. It might be a 3-bedroom house with a garden and a garage and in those days they were built with some space. The room sizes were definitely a lot bigger than is happening now. The problem is they have a hedge and a greenhouse and it is becoming an unmanageable problem. They were looking to downsize. These are stories that people have related to me and it reflects on what Planning have allowed to happen. Some of the apartments, sheltered or over a certain age or whatever, that have been built are not very big at all. People have looked and when they have looked they have found for, say, £320,000, £340,000, they can get a one and a half bedroom place with no parking space - that is extra, that is another £20,000 or something - and when they have looked at that, what they have decided to do is stay where they are because downsizing is not a very nice alternative. Possessions that they have had for a lifetime they have to decide what they are going to get rid of, if anything, and they look and they say: "Well, maybe we will put a stair lift in. Maybe we will get somebody to come in a couple of mornings a week" and do that, because downsizing, it is okay as a policy for us to dish out to somebody else, but in reality it is not very nice medicine for people to take and the reality is something different. Something I want to refer to in a minute or 2, Sir, is if people do that, then they do need some support to perhaps stay living where they are. In reference to the Island Plan, other Members have made mention but the review is underway. It has been launched.

What we have been asked to do is amend from July 2002, some 6 years. Senator Le Sueur rightly said it is not cast in stone, it does need to move on, but this is a major leap really while something else is on the way. The question maybe we should ask is do we have enough information at this stage to do this and then in 18 months' time maybe to do something else? I do really worry, Sir. Other Members have touched on if we do this now and say: "Well, you knew this was coming because you have already agreed to something already" so this could be one step along a road that we might not wish to take or we might even regret. I did attend all the public meetings, Sir, and it was a mixed bag and some of them were meetings as opposed to assemblies, so I wish to make that clear. It was a mixed bag because in Grouville, for example, there was virtually a sponsor so there was no Parish money. St. Clement had identified they wanted an elderly scheme which they did not have, and generally that was supported. The meeting at La Pouquelaye, there was the N.I.M.B.Y. stuff. There was an interesting planning issue that emerged there where people had bought properties on the understanding that something would happen, and then the owner decided: "Well, actually, I am going to sell the car park. I want to put category (b) housing on there." So it finished up virtually landlocked, so there was some difficulties there. Again in St. Saviour, I did attend that, Sir, and to be clear it was a meeting and not a Parish Assembly. The other thing that I think is important and is a missing link to the review of the Island Plan but hopefully will be something that can be considered is that we do not have recent census data. It has been a real issue in future planning to do that. There are a number of reasons why I say that. One is a census identifies empty properties. How many empty properties do we have? The answer is, I would contend, we do not know. So if we are talking about Island housing issues, should we not embrace the bigger picture? Also, Sir, that applies to occupancy. We do not have an accurate assessment of occupancy per property and although the census does not identify the particular property, it would give us that picture. But thinking of how this report and proposition is presented, Sir, tactically I would say it is brilliant. Absolutely brilliant because to attack schemes for elderly people such as myself is akin to attacking the Salvation Army. Why would you be against this? If somebody is charitable, somebody is donating something, grab it with both hands, that is what we should do. Never mind the consequences, let us get on with it. I think there should be some caution attached to it, Sir. Other Members have touched on there is an indication this might happen; there is an indication and Goose Green is an example. I will come back to that in a minute. The other thing is the way that the Connétables have been sort of roped into this, sort of: "Right, go out and get it." But they were approached to this, to saying we have a housing need, a housing demand: "Can you go back to the communities that we all know and love and see what your needs are there and perhaps you could come back with something" and then some Constables have, some have not. Some have been saying: "Well, where is yours? We are going to have some of this." I see some dangers in that. Some Parishes have some excellent schemes for older people and others do not, but we used to have a method, pound for pound funding, where things were done, developments were done. That seems to have gone by the board so we perhaps abandoned some of the stuff we did. The other thing that I think the flag is being flown, Sir, is to get people back into the Parishes and it will generate this community and fill the schools. Well, it will not necessarily do that with over 55s. The other thing is I would ask Members to be aware of, if I have 2 kids who are 7 and 9 and they are only going to one school, I might not necessarily move them to the school where I move to, I might leave them until their time is up. So it does not necessarily follow that if I go and live somewhere the kids go to the school nearest. That does not happen. The same with there is an assumption that people will support the local shop. Well, that is as may be, but that remains to be seen. It is the same with the community. Some people may be involved in all sorts of things, but I think all the Connétables would admit it is not easy now to get volunteers as perhaps it was in the past. So this does not happen automatically, put people there and you automatically generate it, it needs to come from within the community and people offering themselves to do all sorts of things. The other thing that has been talked about is that people perhaps in the first-time buyer bit are going to be able to do all these things, but if we look at what was proposed on the 35 per cent reduction, people are still going to have to find about £1,700 a calendar month, £20,000 a year, to

buy one of these places. That is at a 35 per cent reduction and that is only the buyer bit, so maybe people will not have time to be doing all sorts of wonderful voluntary things if they have to earn that sort of money. I did hear from some of the public meetings there was the “not in my back yard” thing and there also was offers of other land. Some people came along who perhaps were not as benevolent as the Constable of Trinity is fortunate to have, or the situation in Grouville, but it was a case of: “Why have you not picked my field?” It was not like: “You can have my field.” It was just: “Well, I would like some money as well if you are dishing it out.” The other thing I would like to refer to, Sir, in the proposition is about this over-55s. It says on page 8 at paragraph 1.2: “The proposition seeks to respond to a need for housing and, in particular, the provision of lifelong homes to meet the specific needs of older people (over 55) identified by the Minister for Housing and Parish Connétables and supported by statistical evidence from a variety of sources.” Well, maybe I have missed it. I have not seen that. I have not seen that evidence “supported from a variety of sources.” Yes, there was a housing needs survey but I think perhaps that is pushing the limit a bit. On the same page at 1.6: “Lifelong homes should not be confused with sheltered accommodation, which normally provides an onsite staff to provide first-hand care. The size and design flexibility of the lifelong dwellings will mean that residents will be able to receive care and support from relatives or nursing agencies or Parishes will have the option to use one of the dwellings as warden accommodation should this be considered necessary.” The question I would ask, Sir, is where is that support? It says in there: “... residents will be able to receive care and support from relatives or nursing agencies or Parishes ...” so the question is where is it and how will it happen? Well, the Planning and Environment Minister has said in his comments: “There are no financial or manpower implications arising from this proposition.” Further in it mentions New Directions and New Directions is supposed to provide some of this care in the community. The question is how does it fit? I think Deputy Southern mentioned the joined-up government, but if we are going to say to people we are going to create these homes for you to live which give you a quality of life, which are lifelong homes but give you some support, then where is the money and where is the resource to do that? Are we talking about family nursing? It does not say that. It says: “... care and support from relatives or nursing agencies or Parishes ...” so perhaps a Connétable could stand up and tell me: “Yes, I have facilities within the Parish. I can do this and I can extend it to however many over-55 lifelong homes you wish to build.” Because again, Sir, I do not see in this proposition whether support is there and perhaps another Minister - the Health Minister is not here - the Minister for Health and Social Services would stand up and say: “Yes, I have set aside £2 million which will follow this on” because it is not apparent by this proposition. Again, it is about structure. If we are talking about people living in the community, Deputy Le Hérisier and I visited some of the health outreach facilities about 3 weeks ago and I can tell Members in certain areas the services are stretched already. There are people who are perhaps vulnerable living in the community who are getting support, and what they were telling us is that what they are able to provide is perhaps not enough because they are over-stretched already. So the question is, Sir, how do we put in more - and I would like some answers to this before I am asked to vote about it - to support people who might be vulnerable and are going to be living in these communities that we are creating? I think, Sir, perhaps we may be a bit premature in building in these fields; in the main this is what it is. I would remind Members that we are being asked to amend the Island Plan to accommodate this and to do this and we cannot wait, we were told, we must do it now. But I would also remind Members that not many summers ago when we were talking about things on the waterfront, we were told that what it will do, of course, if we have this housing, quality stuff, the sort of thing people want for downsizing, then it will save the countryside from development. That is what we were told. That is the trade-off: this thing does not look too clever, but we can have some design features and it does not look too bad. Then we were talking about going up heaven knows how high. But I also remember, Sir, and somebody else has touched upon it, about Westmount. Not long ago there was some publicity about that, about creating some housing on that particular site. Also, I believe we have sites in States ownership that are lying dormant that could be utilised: Sunshine springs to mind. I do not know what has

happened to the old Sunshine Hotel. Also, I understand there are other developments: the Rex Hotel has been razed to the ground. There is a development going on there. There are pictures of what the Carlton Hotel might look like and I think the Fort d'Auvergne, so it is not as if nothing is being built. I would just like to say a word of praise about some developers. They can put a deal together and make it happen. If we had been talking on the Jackson site, we would still be negotiating with the bloke from the garage from the back. Things have happened. They have made it happen and they have given people a choice. People might not like them but they have made it happen. They have put deals together which sometimes in the past, Sir, we have been incapable of doing. The question is should we not exhaust these sites and somebody put these numbers in before we go into the countryside? Because I am over 55 does not necessarily mean, with respect, I want to be tethered in a field in Trinity. Not just yet, Sir, anyway. But at the same time, you can have a sheltered or a protected or an environment in a high-rise development. It happens in other parts. There is an excellent one on the outskirts of London that has been there for over 20 years. I think what happens is they have a security issue which they sought. They have a mix of tenancy which they sought. They have community space and they have people go in and provide facilities. So you do not necessarily, I would contend, need to be tethered into a field to enjoy a quality of life in a development. It could be a development of something we own already. Yesterday, Sir, the Housing Minister gave us some statistics about (j) categories, and what it looks like, if you add the numbers up from January 2005 to the present, it looks like we have granted about 500 (j) category ... no, sorry, I will get this right. There has been about 500 properties purchased by (j) category employees. Now, this is driving perhaps the economic growth, but do we not have some priority over housing to give some allocation to perhaps people who have a longer term of residence first? I think what we have done is we have taken a whole tranche of property out that people might have been able to afford and we have ratcheted the whole market up. I think this proposition is to some extent trying to address that. The other thing that was discussed yesterday, Deputy Ferguson produced some figures that suggested where we have produced a development of apartments that perhaps over 50 per cent of them could have been sold outside the Island or to people without housing qualifications.

**Senator T.J. Le Main:**

That is not true, Sir.

**Deputy A. Breckon:**

Those were the figures that were produced yesterday, Sir, by Deputy Ferguson.

**Senator T.J. Le Main:**

If I may interject, Sir, the figures come from Deputy Ferguson ...

**The Bailiff:**

Senator, not unless he gives way.

**Senator T.J. Main:**

Well, they are wrong.

**Deputy A. Breckon:**

I am not saying whether it is true or not, I am saying that Deputy Ferguson produced figures yesterday that said that. The Housing Minister produced figures to say it was round about 17 per cent but he also said: "I have not looked at it for about 18 months to 2 years."

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

On a point of order, what has this got to do with this proposition?

**Deputy A. Breckon:**

That is what he said: "I have not looked at this for about 18 months, I think it is about 16 to 17 per cent" and Deputy Ferguson had been to the Companies Registrar and got some information that suggested it was closer to 50 per cent. I believe this information is going to be circulated to Members, Sir, so if they have a problem that is a debate perhaps for another day. But I would ask Members to perhaps bear in mind that if we are doing these developments, then perhaps should we not put some restriction or rationing on them to say that they can satisfy a need of the people who are already living here rather than let somebody from London or Manchester or wherever buy for investment purposes? I would suggest if housing is, as suggested here, a rare species then perhaps we should protect it a bit more for the population that we have already rather than for people who might come or do come or whatever else next week or next year. So, perhaps the Housing Minister would listen to that and perhaps create amendments which do exactly that, because although there is a cooling period, we are perhaps heading towards some unsustainable situations with growth and the effect that it has on the population. But if you put those figures together, Sir, a rough figure may be that around 800 homes that people could have occupied have been in either a (j) category or apartments have been sold to people without qualifications. Now, if you put that back into the market, then perhaps we have a different market and we are not having this debate. There was a couple of comments yesterday evening from the Deputies of St. Lawrence. They do know the planning issues. It was a situation they inherited. I will say I went down there Monday to have a look at what is being built there, and for £440,000 I understand you are not going to get very much for that sort of money. So that is the sort of climate, unfortunately, we are in. I also was at St. Lawrence Parish Hall not long ago when there was a public meeting about Trent Village. Again, what people were saying there was: "This is very nice, but put it somewhere else." So we are already getting some of that, so as this develops, Sir, I think we are not going to be necessarily kicking on open doors of government if we are going out and saying to the community: "This is what we need to do and you are going to have that there" because there will be, I would suggest, some resistance. Also in St. Lawrence, that is why I would ask some of the younger Deputies than myself to consider this because this is something that is going to come back. Although St. Lawrence do not have it this time, St. Mary we are tinkering with, but there is more of this to come. This is where Members are going to be, so I would ask them to be conscious of that when they think: "Well, it is somebody else's now, let them get on with it." I would just like to say something about St. Saviour. We did not have an assembly and I do not support it for a number of reasons. Deputy Le Hérissier and I had a conversation this morning. I had said, Sir, I would prefer cottage homes. It is lovely in the gardens there. If I was sitting outside there, that is it, I would be happy there. But he said: "Of course you realise that you can use the facilities across the road?" Now, I take it from that it means I might be able to use the cash machine. I am not sure exactly what the facilities are. We are talking about putting a shop when others are closing, so again I am not convinced about all of this at all. This thing has been bubbling away for about 20 years, the fields behind St. Saviour Parish Hall. This is nothing new, it is just something else for us to consider: "All the other Parishes are wonderful because St. Saviour can take a hit for this one; we can handle most of it; it is an excellent scheme." Just to give you a flavour of it, I was at a meeting and a resident said: "Hang on, how close is that going to be to my back garden?" Somebody said: "Oh, no problem, I will cede you 15 feet of land." "I will need some screening. I will need some trees. Are you going to put trees there?" "What sort of trees would you like, Sir?" That is the sort of thing that happens as the development process goes on. Once they get the nod, as we have seen with the Goose Green development, then things can be slightly different. So I would remind Members as well of something that Deputy Huet said and others, and the Planning Minister and the Assistant Minister have distanced themselves: "Well, the price is really nothing to do with us." We have heard a story from St. John about a speculative punt, as it were, on a piece of land. But having said that, we might be able to do something about that. Anyway, that is up to Members to decide, but again the Attorney has advised that price is not the issue. The question then, Sir, is can we wait? Well, people are living somewhere and the thing about this I would contend is we must get it right because we cannot undo it. There are schemes in Trinity and Grouville and whatever else and

I am sorry that they are all wrapped up in this. I think it is unfortunate that they have come out this way. I would ask Members to consider carefully how they vote and consider each and every option because I do not think accepting every one is a given and I do not think it should be. I will listen carefully to how others speak and I perhaps will give some support - I am not sure yet how much - and I will be selective in that. I would ask Members to hopefully think about what I have said because I believe it is relevant and we could be making a very thick rod for our own backs for the future in what is off Island Plan amendment in that we have something else to come, we know the review is on the way. I believe all of this, Sir, could be encompassed in that and, as such, I think this is regrettable at this time. I think it is piecemeal to that extent and I am not quite sure yet, but I may give some qualified support but not for everything.

### **1.15 Deputy G.W.J. de Faye of St. Helier:**

I have a very high regard for the Minister for Housing. He is one of our venerable elderly statesmen and I know he feels very passionate about housing and he can get very agitated if things do not go quite his way. So in order not to jeopardise his health to any great extent, may I inform him before he builds up a head of steam that I am broadly supportive of this proposition but I do think that one or 2 things do need to be said. We need homes now. Those were the words, very emotive words, from the Assistant Minister for Housing: "We need homes now." I do not believe there is any Member in this Assembly who would disagree with that. Of course, even if we approve this today, it is going to take 2, 3, maybe 5 years before these homes will come through, but we need homes now. What does that tell us, Members? That tells us that these decisions should have been taken quite some time ago. What a surprise that they were not. It is the same old story. Maybe some of the Members who have been sitting in this Assembly prior to 2002 may care to tell us exactly why these homes are not here now when they are so quite clearly needed. It is the bad decisions of the past that once again a later States Assembly is having to sort out. I want to pick up on an interesting phrase I heard from Deputy Power, who said: "Oh, this is back to the bad old ways." I have to say I do not agree with that, unfortunately. I rather get the feeling that we are not back to the bad old ways, we still have the bad old ways continuing. Because what we have before us is in some respects the very worst of planning: piecemeal decisions, fields picked out from here, fields picked out from there, all under different precepts. How great a pleasure it is to hear that some have been donated to the Parish, but others are just straightforward development suggestions. So what has changed? Well, I do remember an Island Plan that had something called the green zone in it. The green zone land was very important land. Generally speaking, it was agricultural land or sites of special interest. It was the sort of land that you wanted to preserve and you did not want to build on. Of course, over time the green zone got fudged so we ended up with dark green and light green. Light green land was something that was called "countryside zone". Still green, but it just was not quite as green as the other green. So there was clearly some sort of flexibility had been built in. But do not forget, that was a new take on green zone land in an Island Plan that had killed off the old Jersey practice of reclaiming land. All of a sudden land reclamation was a no-no. So quite how on earth the bright politicians of the day put us in a position where green zone land was still being proclaimed as green zone land, albeit in different shades, but there was no respite by having opportunities to reclaim land any further but somehow we were going to find homes for what must have been known at the time was going to be a progressively ageing population. So I am afraid Deputy Power is wrong; it is not back to the bad old ways, it is the bad old ways continuing. I hope, because I do have tremendous faith in both the Minister for Planning and the way he tackles the task supported by the Assistant Minister for Planning, this is the last of the bad old ways. It is simply on the basis that this is the tail end of the way we used to do things that I find myself in a position to offer a level of sympathy to this proposition. Because let us be realistic. We can call them sheltered homes, lifelong homes. I get the feeling from some Constables that we have honorary service homes, been in the Parish for years homes, twilight homes, any name you like. Any twinkly-sounding name, I am afraid, does not move us away from the basic situation that this is building homes on green zone land. That is what it is. It is

development in the countryside on green zone land or on brown field sites which now appear to include glasshouses; not all the glasshouses, just some of them are browner than the rest. Possibly in a light-greenie area and not a dark-greenie area. This is all fudge. This is building houses in green zone land. Land that years ago we wished to protect, mainly for agriculture. So, this is not some sort of happy day to celebrate in the Assembly although I would agree it probably is for one or 2 of the Connétables. I am pleased to have that off my chest but there is one other major issue that I have with us and it does relate to green zone land, and if you are to build on green zone land what is the best way of doing it? I read, when we look at the specific criteria for life-long dwellings for older people over 55, it says on one of the last bullet points: "The preferred unit type will be single-storey bungalows." I have to say I cannot think of a more profligate use of a piece of land than to put down a single-storey building with a garden at the front and another one at the back. It is a profligate waste of land in an Island desperate for land for all sorts of purposes, not just residential accommodation. I am being advised that this is to do with a brilliant new concept called "downsizing". Let us just put "downsizing" in perspective. There is a demand, so I am told by all the latest research, young families growing up, having children, working hard -- a growing demand for 3 and 4-bedroom houses which are becoming progressively more expensive and out of reach. So, what we will do is that we will find all those 3 and 4-bedroom houses that are no longer needed for families because the children have grown up and left and we will persuade those elderly couples, for want of a better description, to downsize and we will do it in a very nice way, too, because the Minister for Planning -- and I picked up this phrase and wrote it down. I thought, "How charming." We are going to ask those older couples to downsize to "dignified accommodation." Dignified accommodation. Or, to put it in planning terms, a single-storey bungalow built on recently claimed green zone land. Now, it all sounds marvellous but what I am struggling with is, if we need 3 to 4-bedroom homes and we are going to take over green zone land, why do we not build 3 to 4-bedroom homes and do not bother the people who are trying to move out of them into saying: "Well, would you leave your 3 or 4-bedroom home and move to a dignified bungalow?" I am sorry to say but I sense a level of bonkers in this particular approach. If we are desperate for housing -- and who is going to stand up and say we are not, why on earth are we building bungalows to free up 3 and 4-bedroom homes? Let us build some 3 or 4-bedroom homes and if we have to put lifts in the ones where the folk are becoming elderly, I suggest that putting in a lift -- and I will not bring out all the names of the companies that do this sort of thing but I would say putting in a lift is a lot cheaper than building a new house. So, what on earth are we doing? Now, I hear some mumbling from the rear ends of the Constables' benches [**Laughter**] and, I have to say, not for the first-time. There is, in fact, almost a constant rumbling coming from the back of the Constables' benches. I may say that I am very sympathetic to what I thought was the excellent speech given by the Constable of Trinity. [**Approbation**] I thought that was moving and in circumstances where a parishioner has donated land there is a clear need in the Parish where parishioners -- I think this comes in my category of "been in the Parish for years homes", but clearly that was a need that was identified. Then, yes, I think that probably does come within something that I will be prepared to make an exception for which one can, under the more flexible green zone countryside zone rules that we have. I would have to say that I think, in the generality, I would be prepared to make exceptions for all the properties where they have been donations in favour of the Parish and parishioners. That seems to me to be a fair way of making an exception. But we need to be quite clear about exceptions. Where I do start to struggle -- and I have to say, it is where we go through these sites and see the ones where there is going to be a significant number of so-called life-long dwellings that are part of the development, and that is a development for profit where a bit of the money will be swapped around. I am not happy with that and I do say to Members, I question this logic of building these types of homes because I cannot see any other way other than this is a waste of space. We have an area of land and we need to maximize use of land these days, not keep it to the absolute bare minimum, even if it is dignified accommodation. So, I do want to go through the sites. I really have an issue with the enormous site at the back of St. Saviour's Parish Hall. I am pleased to hear that the majority of the Parish Deputies support it. I am



not entirely sure what the reasons are, but this is one site that tells me there are 80 life-long dwellings. So, that is 80 bungalows going in there and I really question whether this is -- well, I may have misread this. Does it say: "80 social rent life-long dwellings for people over 55"? Okay, not necessarily all bungalows but I have a real question mark about that one.

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

Can I just clarify that --

**Deputy G.W.J. de Faye:**

I am happy to give way to the Connétable.

**Connétable P.F.M. Hanning:**

I believe none of them are going to be bungalows. They are all apartments in St. Saviour and, in addition to those, there is going to be a 60 to 75-bed care and dementia unit.

**Deputy G.W.J. de Faye:**

I am pleased to hear that although I have said, on many occasions, that I was of the understanding that St. Saviour did already have a very substantial care and dementia unit that was very close to Queen's Valley Reservoir which is an enormous site. I gather there are some issues about developing that. It may be Crown land but I really would like to have more information on that over time. I do have some concerns. My primary concerns are with fields 274 in St. Clement which I will just go to if I can find it in these papers. The site, it says: "Is located near La Rocque. Is contiguous with the existing built-up area. Is on a good bus route and is in walking distance to shops at Pontac." Well, I have to admit that I am not a great fan of either walking or jogging. But that is, I have to say, a very significant walk to the shops from that particular location, in my view. It is on a good bus route but it says further down: "The site is remote from the church or community hall" and in brackets the comment is noted: "however the site is on a good bus route". Well, regrettably, while the bus route is a good one, it does not go to the church and despite what Deputy Gorst says, I can assure them there are currently no plans to put in a new route to service this particular area for those folk who want to go to the church on Sunday via an inner road route. While on the subject of Deputy Gorst, who appears to be under the impression that one can simply pay a few thousand pounds and conjure up bus services, may I say that I do hope that the Deputy, who I think is a very fine and promising young man with exceptional talent who I have no doubt in due course will receive some level of ministerial preferment. [Laughter] But may I say to Members, on no account put him in charge of the buses [Laughter] because it is quite apparent he has not the first idea about how a bus service operates. So, please just be very, very careful in future about what you do with the worthy Deputy from St. Clements. I am concerned about the way the site is being described and, in fact, what I think is the reality. Similarly, fields 561 and 562 in St. Mary, which is a brown field site, and at some time I will be happy -- because I do not see the Connétable here but I would like to defer to the Deputy of St. Mary just to clear up an issue. It says: "The site is located to the south of St. Mary Village. It is in walking distance of the village amenities and facilities and there is capacity at St. Mary Primary School to cater for children living in first-time buyer homes." Now, I agree, generally, with that statement. I see on the map a Parish church, the St. Mary Inn, I think I know there is an out-post of family nursing nearby. There is certainly the Parish Hall, the primary school and the community centre. But what I would like to defer to the Deputy of St. Mary is that I am not sure where the St. Mary shop is.

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

I am happy to point that out. If you go straight up the road here, turn left, it is just off the map. It is within easy walking distance.

**Deputy G.W.J. de Faye:**

That is the point I wished to clarify. But, nevertheless, I think I should point out the statement from Transport and Technical Services Department which does not support this site as it is stated: "There is little opportunity for potential residents to use methods of transport other than single-occupant car journeys. Pedestrian permeability and safety in and around the site would require careful attention" and so on and so forth. It is worth stating at this point what does that comment really mean and what is the concern of Transport and Technical Services over people using cars on all these various proposed sites? The reason is because they are rural locations and it is the experience of the department that rural locations generate at least 5 times as much traffic movement as locations nearer to town. Those are the 2 sites I have issues with and, as I say, and I did not want the Minister for Housing to become too agitated. I am happy to agree with the rest of those sites but I am going to be faced with a difficulty if I am asked to vote on the whole lot *en bloc*. As I understand that is not going to be a problem. I am content to go with the sites one at a time. But I do want to leave this thought with Members and that relates to this issue of downsizing. I really have yet to be convinced that this is a sensible way of dealing with housing issues in this Island by asking people to free up 3 and 4-bedroom houses and take up new land to build single-storey bungalows on. I really do question the value of this approach because I am concerned that we are wasting a number of serious opportunities here to extend the straightforward total volume of housing units available to the Island, particularly in the 3 to 4-bedroom sector.

**Connétable D.J. Murphy of Grouville:**

On a point of education for the Minister for Transport, he cannot understand the 3 and 4-bedroom syndrome. Unfortunately, there are people who are at a certain stage of their lives can no longer afford to live in these houses. They need to downsize otherwise they just stagnate.

**Deputy G.W.J. de Faye:**

I am grateful for the Constable for that point, which I was well aware of.

**Senator T.J. Le Main:**

These people are not on Deputy's salaries.

**1.16 Deputy F.J. Hill of St. Martin:**

It seems ages ago when Deputy Le Fondré and said he would be guided by the support that individual Parish Deputies were going to give to the developments within their Parish and I thought that would have been pretty well taken as read; that if you were a Parish Deputy you were probably going to support a development in your Parish. Therefore, it leaves very few people, you could say, to be able speak on the balance side, saying, you know -- in fact, I could say for myself as the Deputy of St. Martin, we have no developments in this proposition so I suppose I can speak with a balanced view and I would hope that would help, although I do live in Trinity where there is an application which I will also come to presently. But, can I say I am pleased that with this particular proposition that we are at least allowed to vote on each one individually and that is quite clear. I think that was one of the problems we had in 2002, when we had the Island Plan because quite clearly there were some fields really one should not have given consent to but the way in which the particular proposition was drafted, you either had to vote all or vote everything out. But, again, for the benefit of Deputy de Faye who has just gone out of the Chamber, but the object of 2002 Island Plan, I thought, was going to solve the problem we had of lack of housing. So, we have not achieved that and I can honestly say, even if we approve this today, we are not going to solve the problem because until we have some form of closing the door, it is going to have people -- probably, I will not be here in 6 years' time but, no doubt, you will have another similar one in 6 years' time asking for affordable first-time buy houses. So, I do not want to be defeatist but, really, we are almost wasting our time. The Constable of St. Helier quite rightly talked about the creeping into the countryside and we were given permission to build on fields now being considered which would never have ever been considered in the first place and I have to concur entirely with him.

We have a Rural Economy Strategy Group which was tasked to do a job and yet the recommendations are being ignored and, the sad thing is, they are being ignored by Planning because it is a Planning proposition. However, when it suits Planning to listen to the Rural Economy Strategy Group they will take notice to refuse an application. It is the double standards that I really find very hard to accept and I am glad the Minister for Planning and Environment is here because he knows the battles I have had with some of my parishioners who have looked for the very first-time at buying property.

**Senator F.E. Cohen:**

If the Deputy would give way for a moment, I think it is rather to unfair to imply double standards applied. The issue is that the Rural Strategy Group has a view. The view is considered as part of any decision the Minister or the Assistant Minister makes but the Rural Strategy Group does not necessarily prevail. It is not double standards.

**The Deputy of St. Martin:**

I will explain double standards presently. My concern is that we are here almost throwing planning policy out the window because it suits us today yet on another occasion when one goes to the planning application, one does not receive it. If it helps the Minister, may I look to ask him and ask Members to have a look at page 33 and you will see -- and I do compliment the Connétable, I will not say my Connétable because I have 2, but one of my Connétables on an excellent speech and I think he made a very meaningful case for the parishioners. However, this is the contradiction we have in the decision. If one looks at the application, it is in the green zone. Would one normally give consent in the green zone? We are going to look for a number of one-bedroom, life-long dwellings for social rental and this where I agree with Deputy de Faye, that this is about downsizing. When one wants to downsize, do people really want to downsize to one bedroom bungalows? That is the difficulty we have got. I know the Connétable of St. Martin, we have that development in Court Clos and a number of people, obviously, would have liked to have had 2 bedrooms. The difficulty is we are downsizing to properties which are very desirable. However, they are not really serviceable because I think a lot of people would like 2 bedrooms. If one looks again, we have the Rural Strategy Group's advice: "Commercially viable field which should be retained for life-long use in agricultural industry." I went past the field this morning. It was lovely to see all the calves in there -- and I was going to ask if they were the Connétable's? They were? Okay, there were a number of calves in there and it really was a lovely rural setting there, with the church, the pub and if anyone said: "Look, let us build some houses there", we would say: "No." But because it is given free by the Parish and I can fully understand if the community has not really done its share of building but one wants to say: "Is that the right spot?" Health protection advise -- I am a bit weak on this one, I have to confess, they should not be really upset about church bells. I would have thought that is part of rural life but they are showing a negative side there. But the important one is the Transport and Technical Services do not support development on this site as: "There is little potential for residents to use methods of transport other than a single car occupancy. If the scheme were to go ahead, then the development should fund a number of important infrastructure improvements. Provisions could be made to relocate the shop." Well, those who use the shop will know what a death trap that area is because there are no pavements along there apart from a little bit outside the shop which most of it is taken over by the shop keeper himself using it as extension to put some of the goods outside. So there is not very much there at all. Also: "A pedestrian refuge should be created to assist pedestrians in crossing Rue és Picots which would require a degree of road alignment. Entrance to the site should be sited away from La Rue de Presbytère and roadside pavements should also be provided whenever possible and appropriate." Well, if anyone walks from the church to the shop, that has to be one of the most dangerous paths one can ever think of. Again, it is a death trap, an accident waiting to happen. It even says here, this is a good one for those people in Trinity because in St. Martin we have a tremendous number of green lanes, but: "Request a 20 miles per hour speed limit along the stretch of the road." Well,

you may have difficulty in Trinity because they do not agree to a 15 mile speed limit in green lanes. And, of course, there is another over the page. One has to look there. It says, "Could the Parish help the first-time buyers to buy flats at Highfield instead?" This was an opportunity probably lost where a commercial decision was taken to develop Highfield that could have made property for first-time buyers but, no, we are going to use the field. I have very mixed feelings about this because I know it is desirable to have first-time properties in Trinity but, I have to say, it is unfortunate that the offer is there for when everything else would say no, but because it is being given free, we can throw policy completely out of the window. What I would ask Members to do is to look at each field individually and vote on it. Do not, please, vote just because we are rubber stamping something because, really, a number of these developments would never, ever receive planning permission if it was not coming under a planning proposition. I am not going to upset the Minister but, really, that is what I mean about double standards. There are applications today in here which normally would never receive approval but because they are coming from Planning, they are going to be approved.

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

I would like to start by endorsing some of the comments, not all of them, made by Deputy de Faye with regard to field 274 which I will come back to in a minute. Of course, he is perfectly correct about the bus route. The number 1 bus route is an excellent service. Unfortunately, the bus route along the inner road where the church is located is not at all good and, quite frankly, trying to go from field 274 to the church could be quite a difficult process. In fact, on a Sunday it would be virtually impossible. I would also state that he is quite correct in talking about the walking distance, or putting a question mark to that because I did check it out. It is about five-eighths of a mile which is fine for most of us but if you are elderly and infirm it could be quite a long way. I would also endorse the opening comments of the Constable of St. John, if I may, because when he said he was not qualified to comment on the other sites in the proposition outside of his own Parish, that is the view that I am taking as well. I am not qualified to debate the issue which other Deputies have clearly taken an interest in and I am not familiar with the sites. Of course, it was true that the 2001-2002 consultation - and I think presentation might have been a better word - on the Island Plan was a disaster. Much better, in my view, to have the Parish's proper input into what goes on in each individual Parish and, again, as Senator Le Sueur said this morning, this proposition we have before us today is led by the Parishes. I do have a caveat to that because this process is not without its problems because we are being asked to allow more building outside of the built-up zone without first deciding -- I think it was Deputy Southern who mentioned this, on immigration levels. In my view, the latter has been fudged and it now appears we are building, as a consequence of immigration on top of, of course, the natural increase in population. That way, if we are not careful, will lead to the scenarios which I think most Island residents are concerned about and that is covering our Island in concrete by stealth. So, my caveat here is that building sheltered houses should not end up as a device to enable other land to be freed up that otherwise may not have been. Going back to field 274 in my Parish of St. Clement, it is an H4 site and the Parish has over a number of years unanimously agreed that the Parish should have its own sheltered housing. But, of course, because we are the smallest Parish on the Island by far and in the 2002 Island Plan took an enormous amount, in fact more than any other Parish, of redevelopment and rezoning. Parishioners are most anxious that we should not be opening the door to yet more fields being rezoned. So, this building of Parish sheltered housing does come again with certain caveats. It was, I think, a couple of years ago now that the Parish of St. Clement arranged presentations for Parish sheltered housing on possibly 4 sites and various developers or owners were invited to make presentations. Field 274 was one of them but parishioners did, at that time, choose a different site ahead of putting field 274 into second place, albeit by only one vote. The original site that did find favour would have provided the Parish with the 20 or 25 sheltered units that we required at a turnkey price of £160,000. I think my fellow Deputy has already established that we would also have had a much needed free 55 place car park for our church and a new Parish shed which may

not mean much to some people but it is vital to us. We may, in fact, after this year the Parish not be able to build its Battle of the Flowers float any more and we are also paying at the present time rent on another shed which we would not have to if we did have that free shed. However, following that decision, there was another Parish Assembly which overturned that previous decision on the basis that we would investigate using the old Parish school as flats for the elderly, which I thought was a waste of time and money. Of course, as was expected this was eventually found to be totally unsuitable. So, our default position became field 274. I would like to say that while, obviously, it can provide sheltered housing for the reasons I have already said, that it is not that close to the nearest shop and post office and, of course, elderly people may be widows or widowers and wish to visit the graveyard and may wish to go to church, and they are going to find considerable difficulty if they do not have their own transport in doing that. It is, according to my measurements, approximately five-eighths of a mile to the shop and quite some distance to the church. What does also concern me is, as far as I know, and certainly not at a Parish Assembly have I been told whether the proposed units to be built on field 274 would, in fact, be sold to the Parish or, indeed, at what price. I do not know. Another consideration is one of numbers. The site we have been told might provide 34 homes. I did at one time have sight of the proposed plan. 34 homes split between rental and purchase. But there are overlooking issues and there are pedestrian and vehicle issues with this site. We may end up with perhaps slightly less than that which has ramifications because it would mean that the Parish would probably only get a dozen or maybe 14 units of accommodation, as I have already said, at an unknown price. The problem I have with that is that may be an uneconomic number for the Parish to administer because people who know far more about administration of rental accommodation -- in fact, I was on the original Parish committee which evaluated the need and other issues. Those people that know about these things advised us that from a management point of view, a minimum effective number is 20 otherwise the management fees start to be out of kilter with the income. It is inefficient. Also, if the homes are really to cater for the elderly as long as possible, they really need a warden preferably with a bell system, and that, again, does not work, it is not efficient, on a small number of units. The ideal number is really a minimum of 20 because that is not available from this particular site. Furthermore, going back 2 or 3 years ago, the Parish's original analysis of need was, in fact, nearer 50 units. We decided to start with 20 to 25 and expand later if required. But, again, field 274 does not provide that ability. So, whether or not it becomes Parish sheltered housing is not known at the moment. However, on balance for the reasons set out when I started, I will be supporting the proposition on the grounds I am not qualified, nor would I presume to tell other Parishes what they should be doing in their own territory. Really, we do need to stop talking about caring for elderly and do something about it because, let us face it, if this proposition is passed today, and I hope it is, then it is going to be at least a couple of years before any of these houses are ready to move into anyway. It could be much longer than that. I am talking about those sites which have plans at a fairly advanced stage already. Finally, I would like to quickly address the call by some that these properties should be 2 or possibly even 3-bedroom. Well, yes, of course that does have advantages. Not all elderly people sleep in the same room, for example. Maybe one partner snores very loudly. Some elderly people might wish their children to stay with them occasionally, or perhaps their grandchildren when they come on holiday from university. This all looks very good but we should not forget, an extra bedroom not only pushes up the construction price, it also pushes up the cost of rent as well. So, there can be a situation where some people may not be excited about paying a higher rent for a room they either do not use at all or might use only very occasionally. Lastly, I have similar concerns about the -- I think it was Deputy de Faye who was quite keen on blocks of flats. I have never considered these to be suitable for the sort of people we have in mind because, really, elderly people, especially if they are infirm, spend most of their time at home. They are not out of their home, driving around, going to work, and this sort of thing. So, the ability for them to sit outside in quiet surroundings where they can chat with fellow citizens is more conducive in my view to a quality of life and being cooped up, almost imprisoned, in fact, in a flat.

## LUNCHEON ADJOURNMENT PROPOSED

### Senator J.L. Perchard:

Just before we do adjourn, could I ask the Attorney General over lunch to consider a question that is relevant to this debate? It is about the human rights compliance with regards to the over 55s stipulation of somebody owning a property being able to live in a property if they are under 55 and it is just a question of compliance with regards to human rights.

### Mr. W.J. Bailhache Q.C., H.M. Attorney General

Would the Senator tell me more precisely what the question is?

### Senator J.L. Perchard:

I beg your pardon. If a person who owns a property who happens to be under 55 -- if we approve this proposition today, one of these properties -- if they happen to be under 55 years old and they inherit a property, are the under human rights legislation not able to live in a property to own and if they have housing qualifications are they not able to live in a property which they have inherited?

### The Bailiff:

The adjournment is proposed, then? We will reconvene at 2.15 p.m.

## LUNCHEON ADJOURNMENT

### PUBLIC BUSINESS (continued)

#### 1.18 Connétable K.P. Vibert of St. Ouen:

I could not really let Deputy Southern's speech this morning go unchallenged because of all the speeches he makes in the House, that one was an incredulous offering. I think that is the only way I can explain it. He mentioned quite a number of times "N.I.M.B.Y.-ism" and the only thing I can say is that it, obviously, takes one to recognise one because over the years I have heard the same Deputy rise from that seat and criticise and criticise again the Parishes for not wanting to take on any development. **[Approbation]** Yet, here this morning, the same Deputy, sees a sleight of hand in this proposition. He thinks that the Connétables have agreed to come forward with this proposition in order to have something to beat him about the head when the next proposition for building in St. Helier comes along. He needs to realise that I, and I am sure most of the parishioners of the Island, have great confidence in their Connétable's ability to identify and product a good deal for their parishioners. I think that this is what these propositions are about. Deputy Breckon said that this was a major leap. I am sorry, Deputy, this is not a major leap. This is merely putting your toe in the water. I agree that probably further propositions will follow but if they are in the interests of the Parish and the parishioners, then I think they should be supported. There was mention about the fact that this was changing the Island Plan. I have been involved in some development of my own property and the one thing I found was that once I had the plan and started building there were things which immediately became apparent were not going to work and, therefore, the plan had to be slightly altered, and I think the property itself gained by the slight alteration. In the same way, I think the Island Plan can gain by allowing slight alterations to it. Deputy Breckon went on to challenge the Connétables to demonstrate to him how Parishes can support the people who move into either sheltered housing or life-long homes or whatever. I can say that as far as the Parish of St. Ouen is concerned, we have 35 years of experience of administering sheltered housing. We do employ a warden to look after the needs of the people in the homes. We know how to do it, and I would invite the Deputy to come along and see how it can be done just to prove to himself that it can work. Deputy de Faye was **[Interruption]** --

### The Deputy Bailiff:

That one was so loud one feels it almost ought to be a double fine. **[Laughter]**

### **The Attorney General:**

Can I just record it is not the Attorney General's. [Laughter]

### **The Connétable of St. Ouen:**

Deputy de Faye said, Sir, that he very much liked the contribution by the Connétable of Trinity and I have to say that I agree with him, that the Connétable of Trinity made much more sense than Deputy de Faye did. I think that I would ask Members to have the same confidence in the ability of the Connétables to produce something which is for the good of their own Parish. For the good of the people who live in their Parish and, at the end of the day, they will be answerable to those same parishioners if what they are proposing is not right. So, I would ask Members to support this on the grounds that the Connétables have worked very hard to be at this stage and I think to pull the carpet from underneath their feet now would not be the right way forward. Just before I sit down, I would also like to tell Deputy Breckon that as he has now reached the ripe old age, I am prepared to consider a house for him in St. Ouen and I would also throw in an electric mobility scooter so he is able to go to and from the races at Grosnez.

### **1.19 Deputy A.J.H. Maclean of St. Helier:**

I am a little bit concerned about what appeared to be almost bribery and corruption appearing from the Constables' benches. I am sure that was not the case. I, like a number of other Members who I have listed to during the course of today's debate and, indeed, yesterday have, understandably, a number of concerns concerning this particular proposition. That really is not that surprising when, frankly, we are being asked to move outside of what is normal territory, Island Plans and normal policy. I can accept that. My concerns are, and I do not want to go through points that have been raised by Members already but issues such as agriculture -- and there are a number of these proposals, 2 in particular, the Trinity proposal and the St. Saviour one, specifically, which are large agricultural fields, good agricultural land. I think from an industry point of view we have to have a degree of concern about the effects that it may have on that and I would ask the Assistant Minister for Planning when she sums up if she could just give a little bit of detail in terms of the consultation process with the agricultural community with regards to the loss of these particular fields. One-off development decisions such as this, having said all that, does not necessarily mean we should not be going down that particular route if we can prove the case. There are many reasons and I have heard a lot of them also today as to why we should not be doing this. But then again we often hear in this Assembly reasons why we should not do something. Quite frankly, it is making difficult decisions. The reasons that we are here is to make difficult decisions. I am not so sure that just because we are outside of policy and so on that it is that difficult and that wrong to be considering a move as important as I believe this one is. I have got a degree of comfort from the process that has been undertaken to take us to this particular point. I think credit should certainly be given to the Assistant Ministers of both Planning and of Housing who have both worked on this particular proposal. It is clear that it has been an inclusive process. It is a process that I welcome. I think we should see far more of this type of process when we are making or putting forward difficult decisions. I like the fact that the Constables have been involved. They are absolutely key to any decision of this nature. We are talking about housing in individual Parishes. The Constable is clearly the father of the Parish. They are key to this working and the fact they have been included, and the majority seem to be in favour, I think, speaks volumes with what has gone on with the particular process. Indeed, I should add that it also appears that the Deputies of the said Parishes are showing a great deal of support. It is interesting that some Deputies are giving support of the scheme in their own Parish but not so enthusiastically elsewhere. I am looking in the direction of Deputy Le Hérisser, for example. But the facts, nevertheless, are pretty clear to me that housing is needed, is desperately needed, especially affordable housing. It is affordable housing for first-time buyers. We dealt clearly with the Homebuyer scheme last week and this life-long scheme this week is for the elderly. Both sectors of the community who find it equally difficult to find appropriate and affordable housing. It is a clear community need. Are the schemes perfect and are

the proposals that are contained within them perfect? Absolutely not but, frankly, do you have a perfect deal, if you like? You do not. There is going to be a matter of compromise and I think that is probably one of the key issues, here. There is compromise. I think we all have to accept that there has to be a level of compromise but the principle for both schemes is, in my opinion, absolutely right. However, a word of caution. If we are going to effectively deal with supply issues in the housing market, then I do believe that the Planning Department need to apply a slightly more relaxed and, dare I say it, in some instances a common sense approach to the process of application determination. I accept that there are resource issues as far as planning is concerned and I also accept that these, indeed, need to be addressed. But planning and building controls do, in many cases, take far too long and in some areas are too prescriptive. Yes, of course we need better standards. We need safer and more environmentally friendly houses and yes, we strive with the Planning Minister towards high levels of architectural merit in the buildings. But over regulation and unnecessary bureaucracy leads to delays and, indeed, to frustrations that restrict supply and, I have to say, add to house price inflation. Developers are perceived as greedy, profiteering individuals that come, perhaps in some Members' views, from the dark side. I add with the greatest of respect to our own colleague, Deputy Troy, in this regard. However, they do deliver much needed homes and, in fact the Minister for Planning applies a number of obligations on developments, particularly publicly owned land, which requires developers to provide much needed development benefits as part of the process to ensure that the public extract the maximum return that they possibly can and the decision and process that the Minister for Planning has entered into in this regard should clearly be applauded. There is a lot of misinformation that I hear concerning house prices. The one thing that I agree with is that prices have risen excessively over the recent years. This has sadly been -- and I do not think anyone would argue here, to the detriment of first-time buyers and, indeed, many other Islanders. There are many reasons for house price inflation, but what I can assure Members is that the Homebuyers scheme and, indeed, this life-long homes proposal will not in any way contribute to house price inflation in the Island. In fact, it will have if anything the opposite effect. House price inflation is blamed, as we heard at question time earlier on this week, on a multitude of different areas including inward migration, (j) categories, the strong economy, shortage of supply and many other reasons. But by far the worst, and I rarely hear it mentioned, particularly in this Assembly, is the fact that lending institutions have practised loose-lending practices for a number of years. Low interest rates and an orgy of free and cheap credit have contributed, without any doubt at all, to the very excessive house price increases we have seen not just in Jersey, and it is an important point to make. It is a fact of life that the excessive house price inflation that we see has occurred all over the globe in recent years. In many cases, I believe, this is going to end in tears and, in fact, as we see the credit crunch unfolding and possibly only at its early stages, we are already beginning to see the effects of that. I do not believe in all the proposed sites. I can find complaints with a number of sites in this proposed proposition and we have heard, as I said earlier, a number of the reasons why we should not do this site or we should not do that site, and in some respects I do wish the proposition was going *en bloc* and not site by site because I believe that the housing need is so clear, the need to deliver these 8 sites, all 8, and to deliver the 337 homes that they are going to create, that we should be looking at this as *en bloc*. We should not be trying to pick it to pieces. Yes, there are faults. Yes, not all the sites are perfect but they deliver 337 houses. If we start knocking one or 2 of them out it is going to start defeating the whole purpose of this project. I really do urge Members to consider it as a whole, accepting the fact -- I see Senator Perchard shaking his head but I am accepting the fact that there are imperfections with some of the sites put forward. However, in this instance, I believe that the case for delivering 337 homes, the fact that if we make the decision today it is going to be at least 2 years before the first resident can move in, there is a blockage issue here that we need to try and resolve and I believe that a bold and courageous decision by Members in the House today to take all these site and realise that we are talking about 337 homes, to give ourselves some breathing space to put the Island Plan in place, will deliver what the public of Jersey deservedly want and



deservedly need which is affordable housing in the sectors that I have previously mentioned. I would urge Members to support the entirety of this particular proposition.

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

This Assembly cherishes its traditions. One tradition is very clearly now long debates in the last sitting before the summer break. [Laughter] However, it is important that this debate is a detailed and a searching one and that we do have a debate on all of the issues in a proper way. There is another tradition which is also quite clear to me that no matter what the Executive, the Council of Ministers, bring forward, Deputy Southern will oppose it. A new tradition is that it appears that the Minister for Planning has at least shaken off, and his excellent Assistant Minister has shaken off, the poisoned chalice of planning. One of the often used situations in the last few years has been for those last sittings of a States sitting before an election in July to have rezoning debates. We have had them before and, my goodness me, have they been difficult and lessons have been learned. I have to say that I think the Assistant Ministers for Planning and Housing, with their Ministers, have done a great job in relation to this proposition. They have been tough. They have been consultative. They have worked together with the Constables. They have to deliver a very difficult situation. I heard the Minister for Planning speak this morning about the need to shake off, or at least separate, the responsibilities of environment. I understand those challenges. The proposition before us today in relation to a rezoning proposition needs to keep 3 plates spinning; the plates of environmental considerations, the situation of social considerations, and the economy. It is not fair to say that Planning is driving the demand for housing numbers. Members seem to forget that the demand has been dealt with in the Housing Needs Survey. Members need to understand the process in which planning decisions are made. The demand is set out and Planning need to respond to put the appropriate supply in place and they have done so. It is erroneous to suggest that this proposition is to fix the Council of Minister's secretive population plans. Deputy Southern was a teacher, as I understand it. I think he should go back to school. He should go back to school and understand the issues.

**Senator T.J. Le Main:**

They do not want him back!

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

Maybe they do not want him back, I am told. [Laughter] But maybe I would take him into the Ozouf School of Mathematics and tell him that the reality is that for a given 1,000 people in 2008 you need more homes than you needed in 1968 and we will need more homes for those 1,000 people in 2058. Society is changing. People are living longer, people are staying in their homes longer, there is divorce rate, people are getting married longer, single people, there are more of them in our society. Also, Deputy Southern can have his world of low house prices but he would not have an economy. The fact is that a prosperous economy means that people's expectations in their homes and, rightly so, are rising. Many people would have read the *J.E.P.* today and seen and perhaps questioned the size of units that some of our community are living in. There is work to be done and continuing work to be done in delivering the right kind of accommodation for our society. This proposition is based upon good empirical information about demand. That is the figures side of it, but there is a social dimension, too. It was a delight to see the Constable of St. Peter yesterday on television leading his community in finding a solution to those homeless people in St. Peters. [Approbation] The Constables are at the heart of our community. They understand what they need to do to strengthen their communities and what have we in this proposition? We have a proposition and an opportunity to strengthen our Parish system and our Parish communities. A lot has been done in some Parishes in terms of delivering senior citizen accommodation. Poor old St. Saviour and St. Clement and St. Helier could not afford to invest in senior citizen accommodation like Trinity did. Trinity ratepayers did not have a free lunch in terms of the non-existent welfare burden. They invested in senior citizen's housing just as St. Ouen did, and I am going to miss out a

few Constables, but they are responding now to their community needs. St. Saviour does not have their own senior citizen accommodation. This proposition will give them that and it will give the other Parishes, with the exception of St. Helier who need some work to be done on that issue, that opportunity. It is a delight that St. Saviour residents wanting to downsize, wanting to stay in their own home, in their own Parish, will be given that opportunity if this Assembly approves this proposition today. Those traditional debates about rezoning in July have resulted in the months and years afterwards - and it is years - in some difficult debates following. It is important that this Assembly understands what it is deciding upon and what the decisions that are capable of being retained by this Assembly and what is effectively the legal responsibility of the Planning Panel and the Planning Minister. I have to say that I have some degree of concern over the mismatch between the planning law and what Members are saying and demanding of the Planning Minister, and what is a reality of what Planning can propose and promise today. There have been some comments, I think some well-intentioned, but some concerning comments, about financial considerations. There are some difficult issues. I am afraid that financial considerations in site collection are not relevant to planning decisions and Members must discount that to a great extent. As I said previously, the demand comes first and then comes the supply. I also want to deal with the difficult issue of yield. Yield is a very interesting issue. I am afraid that I believe, as Deputy de Faye said, that in an Island which has scarce land resources and has a limited supply of available land, we must ensure that we deliver the best type of accommodation on that land. I think the Assistant Minister and Minister's proposition in appendix 3 of their proposition is excellent in terms of setting out generous homes with the right amount of space for wheelchair access, for enabling people to be able to remain in their homes in, sometimes, the twilight of life when they are requiring care. It is also right that there is accommodation for grandchildren and for visitors or overnight nursing care. But I am afraid to say that I do not agree that there is necessarily a design standard which sets a minimum or effectively a yield. I am afraid there has to be consideration of each site on its merits in terms of delivering the best amount of units for the amount of scarce land resources. The Assembly, I think, must understand that these are indicative yields that are subject to the planning process which will follow this rezoning proposition. I am at one with Deputy de Faye in wanting to see an appropriate use of scarce land resources to deliver the amount of units on the sites - that is a difficult issue. Having set out the reasons very clearly, that there is sufficient demand and that there is social need, is that good reason for this Assembly to simply blindly approve any proposition to meet those targets? There are some really important lessons that this Assembly has to learn and is in fact, I think to a great degree, learning today on previous rezoning propositions. I think back to a rezoning proposition in 1998 for land at the back of Victoria Cottage Homes, among others, that was rezoned for category A housing - an example of well-intentioned, but unthinking, not thought through policy. It was category A housing with an option of delivering either social rent and first-time buyers. Developers are not stupid; given the option they will profit maximise. That is not a bad thing, but we needed rules to ensure that those units and the appropriate units were demanded. We did not get, I think, one single social rented unit at the back of Victoria Cottage Homes, in fact any of the units in the 1998 proposition. We, therefore, put in place the obligation of a 45:55 per cent split in terms of the tenure of social rented housing and first-time buyers. We heard siren calls that it was not possible to deliver that. We also heard siren calls from developers that said we were not going to be able to deliver on planning obligations. I believe that with the right to develop comes the responsibility to at least mitigate against the cost of that development the cost associated with that development for the Jersey community, and I think comes the obligation to provide the right sort of accommodation and improving community facilities. I do not mind saying that I have been a thorn in the side of developers and indeed, in a nice way I hope, the Assistant Ministers for Housing and Planning in relation to planning obligations. I am a hawk; I want to see a lot of that planning obligation work improved upon and strengthened. I want to see community facilities; I want to see transport facilities; I want to see care costs; I want to see innovative terms of tenure such as user structured housing delivered as part of this scheme. I want planning to be tough; I want them to be understanding of the economics of the consequences of the decision. It is no

exaggeration to say that in respect of the St. Saviour site we are effectively putting in place an uplift of up to, and probably more, £20 million on that site and out of that £20 million - and it is probably more - I want to see planning obligations effectively operating as what Deputy Huet wishes, which is the alternative to a land development tax. It is a planning obligation and it is a way of investing and ensuring community facilities. We have heard siren calls that these obligations push up the cost of housing. We have heard from the Assistant Minister, Deputy Maclean, who I think understands the housing market very well, planning obligations reduces the cost of land value. It does not push up the cost of housing and it does not necessarily decrease developer profits. This debate is about the uplift in land costs and this Assembly in the past, I do not think, has been sufficiently alert or aware of the opportunities that uplift presents to invest in our community. I would like, if I may ask, for the Assistant Minister to give an undertaking that she will ensure with Housing the toughest approach in relation to planning obligations and that if the planning obligations that are set out in the report can be improved upon and that they will. So lessons have been learned in respect of rezoning propositions - it is not perfect yet. We have moved from 45 to 55 in terms of first-time buyers and social rent to putting in place an alternative shared equity scheme arrangement. That is great for Trinity - I support that. A lot has been done in improving the design of homes. I think many Members of this Assembly would agree that some of the site selection and the design in previous rezoning have been lamentable. We could have done better with rezoning propositions. I support all of the Parish schemes because they have the support of the individual Constables. I would urge Members with great respect not to cherry pick. It is important. I think the last rezoning proposition went *en bloc* - *en bloc* because there a consistent approach in relation to that planning obligation. I would urge Members, while they have every right, and the Assistant Minister has said that she will take each site on its merits, they need to think. The demand requirement has been set out and if we fail to deliver on some of these sites we will not be able to deliver that total demand and we will not also be able to have the consistent approach that is required on planning obligations. I would ask the Assistant Minister to give, in her summing, some confirmation that financial aspects are not directly relevant to planning matters. I would ask her please to confirm that the yields are indicative and that she cannot guarantee yield maximums. As difficult as that is that must be something that is dealt with through the planning process, but of course we have a Planning Panel and Minister who will listen to relevant respective considerations and that she will be as tough as old boots, with good advice in relation to the negotiation of planning obligations. I say that with the spirit of encouragement, but also with the knowledge that previous rezoning have been approved by this Assembly and then on previous occasions have come back to this Assembly when there has not been clarity in the decisions that have been made. I congratulate the Assistant Minister; she has done a great job and deserves our support.

**Deputy R.G. Le Hérisier:**

On a point of clarification, could the Minister explain why planning obligations lead to a decrease in the price of land and his inference that they should not lead to an increase in the price of property?

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

It is very simple and this is by way of direct example. A first-time buyer unit is not set by reference to costs. All pricing decisions, whether or not they are a good in the supermarket or whether they are a house or whether they are a service, are priced according to the level at which a customer will bear. The first-time buyer price is a function of the market not of the costs. A developer is a profit maximiser so effectively if you are incurring additional costs on first-time buyer construction that is not going to end up costing the first-time buyer more because effectively, as Deputy Maclean said, that is a function of the overall market and he is right to say that credit is a function of that. Effectively, additional obligations - additional design standards, telecommunication systems and double-glazing and all the other standards that the Planning Minister is absolutely right to do -

comes out of not the developer profit because that is just the building cost, it comes out of the residual land value. That is at the heart of planning policy across the developed world - with the right of planning comes the obligation to put something back. It is a tax; it comes out of the land value and it is a free opportunity for this Assembly to invest in the community.

### **1.21 Deputy A.D. Lewis of St. John:**

This report has been in the public domain for some time and obviously some Members have found it controversial. I have had no calls about it, not like G.S.T. (Goods and Services Tax) and other such debates which I thought was quite interesting because it is a significant piece of work and has a significant impact on the Island. I would hope that means that the public are generally supportive of the need for more homes done sympathetically and within the planning regulations and everything else, particularly for the 2 sectors we are talking about: first-time buyers and the elderly part of our community. I would like to think that it has a lot of support. There will be the N.I.M.B.Y. element - of course there will with any development in any small community, but largely I believe it does have support and I do hope it gets the support of this House. Deputy Martin yesterday suggested the Rural Economy Strategy Group were against it. I would expect them to be against it because that is their job. They are there to protect the rural economy; they are there to protect the rural landscape. I would expect them to have objections to elements of such a plan; that is what they have to do. But what we have and what we must endeavour to do is to have a balance in our community and not least in the Parishes. That balance has not quite been right for some time and Trinity, I think, is a very good example of that and I thought the Connétable's speech spoke volumes about the issue of keeping the Parish community strong by having new people coming into it and that could be achieved by these types of schemes. I listened with interest to my own Constable's speech about the particular rezoning proposed for St. John. I am going to deviate a bit from my Constable's view on this and I do hope that the Assistant Planning Minister takes on board what I am about to say. We looked at a scheme in St. John that the Constable described which involved 2 fields: 605 and 608. It went to Parish Assembly and in the normal democratic way it was voted against, but that was because we had a bit of a N.I.M.B.Y. problem. We had a rent-a-crowd; we had a lot of people there that were objecting for perfectly legitimate reasons not to develop a particular field. That is their right and that is what the democracy we live in is about. However, looking forward, if one looks at the map on page 23, it is very clear that piece of land being right opposite the other development we currently have, Maison Le Vesconte, is an ideal site for potential future development of our facilities for the elderly in our Parish. I am not talking necessarily about homes here; I am talking about other amenities for that group of people. I am talking about community facilities, maybe a bowling green or other such facilities, so I really do not think that should be stopped, that possibility in the future be stopped. Yes, of course, we must talk to our parishioners about it as well, but one of the risks of developing only one small field is the risk of density, and the objections from neighbours was about density. Once you have a smaller field the fact is you will have to have, to get value out of it, greater density. I think Members should be very mindful of that, if you start cherry picking as the Minister was just suggesting people should not do, and you end up with smaller field; you end up with a higher density if you are going to get any kind of value and result from the development. My view is we should keep our options open in St. John, not go gung ho and suddenly develop it. I am not suggesting that at all, but I really think our options should remain open so we can plan for the future and we can do it in consultation with our residents and ensure that we get low density in the countryside, not high. I am not completely against some higher density though and I was talking to Deputy Huet earlier about schemes that she has seen elsewhere whereby you can achieve 2-storey for elderly people and you can get greater value out of the site yet still have low density, in other words green fields or green zone around it, so you have amenity space around it by simply going up one storey. That can be engineered and designed into such buildings and I do not think Planning should shut their eyes to that one. On the issue of planning obligations and I am delighted that the Minister for Economic Development mentioned this so strongly because I feel much the same. However, if planning

obligations are going to be successful they have to be genuine and they have to be monitored and measured. There have been stories about planning obligations being agreed to and they should have been fulfilled in their entirety. I would urge the Planning Minister and others to make sure that any obligation that is agreed is met and there is evidence that it has been because it has not always been the case in the past. I think the Assistant Minister and her team have done an excellent job here, as others have said. I really think it should get the full support of this House. We have a huge opportunity here, not just now, but in the future as well when the Island Plan finally comes to the Assembly as well. That is another opportunity to look at other sites, not necessarily green field sites - I hope that spends more time looking at brown field sites and it is brown field sites that interest me particularly because I believe Jersey has a real opportunity to develop a lot more housing without any detriment to the environment at all. Brown field sites have been referred to in a number of speeches today and yesterday and I would like the Assistant Minister, when she sums up, to clarify her understanding of what is a brown field site because I think there is some confusion and misunderstanding in this Assembly about that. Is a green field site a brown field site? In some people's eyes it is not and I would like some clarification on that. More supply into the market place, of course, will help the whole market and it will reduce the price over time provided we keep the momentum up. I am not suggesting we build all over the Island - far from it. We must try and meet the demand that is clearly there from our own people. These are not people coming into the Island; they are our own people who want to get on the housing ladder. The Chief Minister made reference to the terribly small amount of percentage of our population who own their own homes. This is another step closer to that and we really must grab the opportunity. But do not stop there; we keep going and we make sure that as many people as possible - our own locally born resident population - have the opportunity to purchase their own home. This is just one small step towards that and we must keep that momentum up, but bearing in mind the environmental issues and the desire whenever possible not to build on green fields. That is a principle that has my support, but there are opportunities to do it sympathetically and when there are we should grab them. This is an opportunity for this House to be positive, to show that we really believe in giving people the opportunity to own their own home and to live in accommodation that is perhaps more suitable for them as they get older which in turn will release other accommodation for young families to buy or even to rent. It gets my full support and I wish the Minister, the Assistant Minister in particular and her team, well with progressing it and I look forward to seeing planning applications going in very soon.

### **1.22 Deputy P.V.F. Le Claire of St. Helier:**

I think we have had more consultation on this particular plan than any others that I have seen in the Assembly since I have been here and I think for once we have had something that has genuinely gone out to genuine consultation. I too have some concerns about developing in the countryside and the loss of Jersey's beautiful countryside, but I also have cognisance of the fact that if somebody was to come to one of the Constables this afternoon and ask for some disabled accommodation because they needed to be housed, those Constables would have a difficulty and these proposals are attempting to address that difficulty. I think it would be easy, as has been suggested by some Members, to pick and choose one or 2 that we do not like and to come up with all kinds of explanations as to why we do not support it but I do agree with what Deputy Maclean and Senator Ozouf said earlier that this is a package and it is not necessary that it hangs together, but it is a policy that will not be sustainable unless we commit to supplying it. These homes and the homes within the Homebuyers' Scheme will deliver approximately 120 first-time home buyers homes. We know already from scratching the surface of the home survey that was conducted recently that we have an identified need of 1,115 homes, first-time buyers in Jersey; an identified existing need, desire, real need, real people, 1,115 homes required. This is going to deliver 120 in 3 to 5 years. Therefore, if we continue at this rate it will be 27 years before we meet that need, and that is suggesting that nobody else comes to Jersey which we all know is just not going to happen. The 337 homes that are being built on these 26 acres of land represent a clear address from the

States of Jersey to supply the need from the demand that the States has allowed to occur through its immigration laws and planning policies over the last 20 or 30 years. I think the Constables have done their level best in coming forward with proposals to meet the needs as identified by the Housing Department and to help us adapt the Island Plan accordingly. I am going to put aside my concerns today for the things that need to be worked on so that I can agree the whole package and spend my time working on making sure that what is built is of the best quality, the most environmentally sound and the most affordable property that we can achieve. There is a comment within the proposition that has been accepted in regards to one of the properties which I think we need to have cognisance of also, and that comment that has been accepted recognises from one of the consultees that if these plans are accepted today then neighbouring properties - and this is quite important - will have to be, in their minds, considered as built up zones in the future and the Island Plan will have to be reviewed accordingly. The Minister has accepted that concern in his comments or the Assistant Minister has accepted that concern, so it is going to be not only these properties, but the adjacent properties that will be affected in changes to the Island Plan if we are going to follow through with the words in this proposition today. I do not know what Jersey is going to look like in 40 years' time, but one thing is for certain - if I am alive - well, Senator Perchard is telling me it is in my hands. Okay, well, I do not own one property or one piece of land so I do not suppose I am going to have that much difference. I do not have a mansion or a cricket pitch or anything else somebody is telling me. I will still be talking. Yes, it is easy to say: "I am all right, Jack." We do not need any more houses when you are living in a great big one and that is what a lot of people do; I am not suggesting for one moment that that is what Senator Perchard does. I was not referring to Senator Perchard. I was referring to the fact that a developer told me that he had been involved in a consultation with 60 homes that had been recently purchased and built and 90 per cent of those who had occupied them objected to the next development and I find that rather rich that somebody who was waiting for a home a year ago can suddenly be opposed to somebody else having one. I think we have got to support these in totality and I hope that Members will support them in totality because if Members do not want this and if Members want to save the countryside in Jersey they are not going to do it by opposing this. They are only going to do it by addressing the immigration policies and the levels and numbers of people and the types of activities that we are involved in, in Jersey. Because if we just continue to drive for economic growth, I am sorry, there is a lot more of this to come. Unless Jersey is to take St. Helier and bulldoze it as they did with Paris, it is going to be difficult to redesign the town. You cannot necessarily cramp everybody into flats and expect them to be happy about it and you cannot necessarily take people that have grown up and lived in Parishes all their life and expect them to come to the waterfront and live in a flat. Now, I thought one of the best speeches today was from the Constable of Trinity and words of truth rang out when he said: "They do not want to come to town", and I know a lot of people that are like that. If they come to town they normally wait 3 or 4 days to have 4 or 5 things to do before they come. They do not find it that attractive. I live in town; I grew up in town and went to school in town; all my family lives in town; all my brothers live in town; our whole family lives in town. It is overcrowded; it is noisy and we have bells that make noise too and sometimes, although I do live 3 houses away from the church, at certain times of the day if the wind is coming in the right direction we can even hear those bells in town from the construction noise of the buildings that are going up around us. So, let us get real, we have got to provide homes. Home ownership is at 50 per cent in Jersey and that is abysmally low. The cost of homes as we all know is becoming further and further and further from ordinary people's reach, and alarmingly 50 per cent of people leaving have those much sought after housing qualifications that everybody else here is complaining they do not have. Only 24 per cent of those people returning have them. Something is going drastically wrong. These sites are not going to scratch the surface. They are going to provide some village rejuvenation, disability provision and 120 of the first-time buyers' homes in association with the Homebuyers' Scheme because there are only going to be about 60 involved with these sites all together and then we are still going to need, as I said before, first-time home buyers alone, 995 more identified. Within the next 3 years the States of Jersey are going to have to

make much, much bigger and much, much tougher considerations than this one, and if we shy away from 20 or 30 houses here or 20 or 30 houses there then those States Members had better get real about doing something in terms of immigration and population growth because you cannot have us all living in flats and you cannot have us all living in cramped conditions. It is bad for our health and it is bad for Jersey.

### **1.23 Senator T.J. Le Main:**

Now, where do I start? I think I have had about 3 duodenal ulcers this afternoon and today. Sir, this Assembly and its Members has a social conscience. You all say and support low earners, the elderly, by approving the Strategic Plan; it is in the plan. Absolutely guaranteed and supported by every Member in this Assembly. I do not think anybody voted against it. Now, Members have a chance to show the Island your commitment to Jersey people. Sir, these are the people that have worked, lived, raised their children, many of them through the dark years of the occupation; many of them living in abject poverty for years upon years and now with a buoyant, excellent economy with excellent first-class health and social services, support agencies and education, but the housing issue is still a main problem for a lot of people, Sir. Sir, I do not think there has been more consultation, and I have had arguments with the Connétable, not arguments to fall out arguments, but they have barracked me on finding facts and figures and disbelieving me. We have argument upon argument and consultation upon consultation on the issue about providing figures and whatever for the provision of homes, particularly for the elderly. Sir, I cannot think in all the years more consultation has taken place than what has taken place with the Connétables, and the co-operation and understanding by the Connétables has been something, Sir, that has been well admired. I would loathe the day when I hear Members say: "We must get rid of the Constables from this Assembly." Sir, I do not think this Assembly would be what it is today had it not been for the parochial input into the decisions that we make. Sir, the Planning Minister, my Assistant, Deputy Hilton and the Deputy of Trinity - particularly the Deputy of Trinity and Deputy Hilton - have worked tirelessly. They have been to the U.K.; they have had meeting upon meeting with interested parties and at the end of the day, Sir, the decision has been still the desperate need to find homes for people to live in. Sir, we have visited with the Planning Minister, and I am not sure if the Deputy of Trinity was there. We have visited many of the H3 and H4 sites. We have been out on site and we discounted some we did not feel again particularly -- one in St. Saviour and one in St. Helier which were discounted on the basis that we did not feel that they were in the right position for sheltered housing, but with the co-operation of the Connétables and the support and the consultation with the Connétables. Sir, this is a long-term commitment. We currently have, Sir, something like 360 people waiting who are real people who have been assessed for need to be accommodated in lifelong homes. Sir, I do not believe that those 360 that we have visited probably do not have any bearing on the people that are waiting for the Connétables. I think most of the ones the Connétables have got on their list - the people - the elderly - are not on their housing list. Sir, can I just say that only yesterday I had 2 calls. One, a message was left in the Members room to ring a gentleman who had just had a stroke or had a stroke a few months ago - and my Assistant Minister and I have already visited this gentleman - a very well known gentleman who needs rehousing, unfortunately living in a one bedroom flat in the lounge with his daughter because we cannot house him. Another one that came to my attention last evening; a French lady in her 70s who is looking after a totally disabled grown-up son of 30-odd and she has now had a stroke. Can I be permitted to read an email I received this morning, Sir on my Blackberry: "I have a friend who had a stroke 2 and a half years ago. Unfortunately, during this time she has not been able to recover as quickly as what everyone has hoped. The reason being, she lives up 4 flights of long stairs which is impossible for her to get up and down these stairs so much so she has to be carried down and up by the ambulance people when they collect her to go into hospital. Earlier this year she realised she was not going to improve while living where she was and she put her name down for housing. She was told she was not an urgent case." I am not going to read the remainder of it. Now, that is the reality of it. That is the reality of the people we are dealing with and I know, Sir,

that my wife working for health in the wards where stroke patients are coming in and out on a daily basis, that there is an absolute desperate need. Sir, I keep hearing about the Rural Strategy Economy and the farmers and I saw the letter in the *Post* from the Farmers' Union the other night opposing - and I looked at my dear friend, Senator Perchard, on my right who was nodding his head like the nodding dog in the back window this morning and a nice chap he is; but I have to remind the farmers that the land in Jersey does not belong solely to them. It has to be shared with the people who work and live in this Island. I know most Members will agree with me that some of the developments taking place by the farming community in this Island where mansions have been built in fields, open countryside with huge carbuncles of sheds have been an absolute abuse of the planning situation, quite honestly. They are the ones - I am not having a go at Senator Perchard - but they are some of the ones that do not want any development anywhere within the countryside. Well, I say shame on them. Sir, I listened to many other speeches this morning and the one that really rankled me, similar to the one that rankled the Connétable of St. Ouen, Deputy Southern; Jersey demolition. Votes against everything the Housing Department or the housing needs; believes no one; does not believe it; supposed to be the representative of ordinary hardworking people; supposed to have a social conscience. I made a note here, Sir: "Deputy Southern, the voice of ordinary Jersey people; the voice of reason; the voice from someone who knows it all; the voice of a loser." Sir, he makes any excuse - Deputy Southern - to vote against anything that is reasonable. He voted against the Property Plan; he voted against the Homebuyers' Scheme; he votes against anything. Now, if this is a Jersey Democratic Alliance, well, I just cannot say, Sir. It is unbelievable. Sir, I have a duty as Housing Minister to come to this Assembly to barrack the Planning Minister, Assistant Minister, the department and my Assistant Minister is dealing with cases virtually on a daily basis. I can look a dozen Members in this Assembly and they have been on to me over the last 3 years pleading with me where they have a case or 2 where people are desperate to be housed because they have medical needs or medical adaptations. Quite honestly, I have got my lovely house at home and most of you have got your lovely homes and thank God I can leave here at night and go in my home and close my door and live in decent comfort. I make an invitation if any of you want to come to see one or 2 of these people that are living that we cannot house at the moment. I shall ask them and I am sure they will welcome you to show you. I was on the Planning Committee under Senator Quéree and Deputy Layzell when we went through all these arguments about the Island Plan, Sir. I can remember very well how we considered and we agonised over planning issues, and it was always said again; in fact I saw one of the planning officers walking down the road at lunchtime and I reminded him and he agreed with me that the 2002 Island Plan document was not set in concrete. It was a living document, Sir, that could be changed as we went along and tweaked as we went along and this is what we are doing now. The unbelievable change in people's needs in the last 5 years medically; the amount of people now that, in my view, never saw that in 2001, 2000 when I was Housing President. The amount of people now that are having heart attacks and strokes and medical issues in the last 5 or 7 years is something incredible. It has increased no end of time. Sir, we cannot wait. I plead with Members that this has been a fully consultative document and the issues have been so well discussed with the Connétables. Sir, the Connétables are committed to playing their part in assisting with the problem that it finds itself in at the moment. Sir, we cannot wait any longer. What we are saying is: "Please can you assist us now. Please could you just" - I do not want to see open fields built on; swathes of open fields and I am pretty certain, Sir, that the Planning Minister - whoever he or she is in the next 3 or 4 years - within the Island Plan will make sure that swathes of agricultural land are not taken. I come from a farming family. My parents; that is their living - farming - and my grandparents before them and I understand the need to make sure that land is not built on. In fact, Sir, it was years ago, Sir, when I owned some property in Gorey I put conditions on when I sold the land. It could never be built on and in fact my mother has some land and it cannot be sold on her demise because she wants it retained in the family because she believes one day we may need to grow our own vegetables and things. It is probably coming to fruition with what is happening now. I have even shown the land to Deputy Le Claire and we have been and visited it. So, there is no one more



than me that when I went on the Planning Committee with Senator Quérée, because he thought I could be of some assistance as Housing President, I made it quite clear that I was not prepared to see development at any cost and, in fact, I am being barracked at times by developers who have looked at H3 and H4 sites and, in fact, as I say, the Planning Minister and my Assistant Minister we have been out and we have rejected - and Deputy Hérissier knows - one at Poplar Avenue on a glasshouse site. We have rejected those sites as unsuitable because of Connétables; the parishioners do not want them and issues like that. But, Sir, I urge Members today to please allow us to, as I say, not have this 2002 Island Plan set in concrete. We need, at times, to be able to meet the needs of the people we represent. I only hope, Sir, that I can do that and I certainly can assure Members that if they would like to talk to me privately I can give them many more instances of people in desperate need. The way we are going on, these people are going to live for many years in abject poverty because of their medical conditions. Of course be forewarned because within the next few months there are going to be some dramatic surprises, particularly in costs of heating and all that sort of thing. We need very much, Sir, to be able to provide homes that are up-to-date, that meet the needs of today's standards because the way the oil and the fossil fuels are going up it is going to be prohibitive for many low earning families and elderly. So, I urge Members today to please support the Connétables, to support the Planning Minister, and I would like to give a great thank you to the Deputy of Trinity for the amount of work and heartache she has had in conjunction with my Assistant Minister in putting this forward today. Thank you.

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

It will come as no surprise that I am saddened that the Planning and Environment ministry have brought this proposition forward. I am saddened because this proposition, in my opinion, utterly compromises the Island Plan where the Green Paper was released only last week. But more over this proposition seeks to target 60 vergées of our countryside as the easy, cheap answer to satisfy this apparent unforeseen and sudden housing need. I accept what Senator Le Sueur was saying this morning about the Island Plan being an evolving document, but this, Sir, I am afraid drives a horse and cart through it. The Island Plan is and should be the root and branch review which will be debated by this Assembly next year, and I would be more than happy to see it brought forward if we have this urgent need said as Senator Le Main has just alluded to. The Island Plan is comprehensive, extensive and it is scheduled. It takes many factors into account, reviews all the options, considers the facts and seeks to find solutions in a coherent planned manner. The Island Plan is the document which should shape provision of the Island's housing needs for the foreseeable future. But what we have before us today is a haphazard piecemeal proposition to quickly slip through and rezone 60 vergées of agricultural land. It is conducted entirely outside the Island Plan review. It totally flies in the face of keeping Jersey green or special or whatever the initiative was called recently announced by the Chief Minister, and the same Planning and Environment Ministry also presented it a couple of weeks ago. It is not comprehensive and we should not be debating it today. In this proposition certain parcels of land have been identified by certain Constables, some of whom I accept have had land gifted to them for a certain purpose. But in proposing green fields in this way, they should be saying all other possible options have been thoroughly investigated. But have they? When was this review advertised to glasshouse owners or developers or landowners? How much account was taken of current buildings going on in the Parishes and who it is being built for? We learned from the Housing Minister last week when he answered a written question that he had established that there are no robust statistics for housing units granted planning permission or under construction in 2008. My proposition earlier this year asked for a policy to be brought forward similar to section 106 of the U.K.'s Planning Gain document requiring developments over a certain size to provide an amount of first-time buyer or retirement homes or a mix if they proved to be in a suitable location. That part of my proposition was overwhelmingly supported by 41 votes to 4. So, where is it? Where is this policy asking developers to provide a percentage of their build for community need? Yet we are seemingly prepared to carry on regardless, rezoning our countryside as the first port of call without any call

being made on large scale developments to provide a percentage for social need or planning gain. Developers have been permitted to build in some cases huge amounts of housing of the type that maximises their own personal gain without paying tax and without even being asked to contribute to community need. Never let it be said that I am trying to thwart the provision of homes for first-time buyers or retirement because the opposite is true. I have asked for this and other policies to be brought forward that would provide many homes. The planning obligations require that large developments provide a social component, often on site, but in the case of commercial development it does not have to be, and I do not accept Jersey cannot provide this. This policy should be developed and implemented as a matter of urgency before any land is rezoned, because the longer it is delayed the more this island, our community and, in this case, our countryside lose out. This Assembly is also waiting for the exit strategy for glasshouse owners. That part of my proposition too was overwhelmingly supported, asking for Planning to make decisions on the many sites that, owing to the increase in oil prices, are going to become redundant in the very near future. Most of these sites will hopefully be required to be returned to their natural state, but there may be one or 2 whose location is appropriate to accommodate some first-time buyer and retirement homes. In Grouville, for example, as well as much development going on now, and in the future when the 57 units of accommodation will be built on the Jersey Pottery site, there are 4 huge glasshouse sites. One such site is located beside the shops on the main bus route and fit every criteria going for a good mix of first-time buyer and retirement homes. I was speaking to another glasshouse owner in my Parish last night, who has been told that the decision will be made on his site in October 2009. If there is an urgent need, and his site is suitable, why the wait? If it is thought to be unsuitable then the man ought to be given a decision so he can get on with his life. There is the glasshouse site also in Gorey Village which was designated an H3 site in the 2002 Island Plan. Is this going to be developed as well as the agricultural fields identified in this proposition? Because if it is I would suggest that there is no reason whatsoever to rezone field 148 on Chemin des Maltières, and that is where my concern lies, Sir. I notice too this proposition suggests that the whole area around field 148 abutting the marsh and S.S.I. (Site of Special Interest) is to be considered as built-up zone if passed, and I am afraid I do not share my Constable's agricultural analysis of this field. I do not believe the land is poor, marginal and just let for rough grazing as long as the tenant does the branchage. The field was bought by a property developer a few years ago, who only would let the land to the farmer on a year-by-year basis, and then eventually gave him notice to quit last December. They have not used it for rough grazing this year but have, as a gesture of goodwill, mowed the weeds and done the minimum of branchage after their last crop last year. The land is productive early, reasonably light, and can successfully produce any crop that you would expect to grow in Jersey. The predominant crop that has been grown is potatoes, but the field has grown courgettes and lettuce as well as the grazing of cattle on rye grass grown after the potato crop. The majority of the field, as the Rural Strategy Advisory Group have said, is good quality land that will be a loss to the agricultural industry. The other item this Assembly has yet to receive from the Housing Minister is a criterion for the Parish waiting lists. As far as I can make out each Parish seems to operate on a different criteria for putting names on the list, and in some Parishes there is no criteria at all. Again, a request to have this formulated and produced was supported in my proposition earlier this year. In clause (c) I asked that the Minister for Housing, in co-operation with the 12 Parish Constables and other stakeholders, develop and establish as a policy a rational and consistent criteria for determining admissibility to waiting lists for housing on rezoned land. This was supported by 40 votes to 6 so where is it? Where are --

**Senator T.J. Le Main:**

Just for your information, the Social Housing Investigation Review, being looked at at the moment, is addressing that point and will come back probably at the end of this year.

**The Deputy of Grouville:**

Okay, but I think it would have been very useful for Members to know who we are rezoning this land for. For starters, I think it would be good that we should have established what a desperate need is. What kind of living conditions people are in at the moment? Do they own their own homes? Will they be selling them? Are they perhaps better placed to move into the open market? How long will they have to reside in a Parish before they become eligible? Will they be moving from States rental homes because Housing have decided to sell their home? What constitutes a need as opposed to a want? I can perfectly recognise as well that there is a need for homes in this Island, but I equally recognise that the net population growth that Deputy Martin and I inadvertently discovered had been factored into our infrastructure during last week's incinerator debate, is not going to do anything to alleviate this need. In fact it is putting more pressure on our housing stock, pushing house prices up and driving young local people out of their own Island. A migration of 250 heads of household, which give an estimated increase of 540 people per annum, or 11,000 over 10 years, were the numbers factored into the new incinerator capacity, and I do not accept this is all natural growth. This is growth that has been calculated as an increase to our existing population, and that is why we now have an urgent need, and our young cannot afford to buy homes. The 371 (j) categories we learned of yesterday need larger houses to live in and our local elderly population, if you can call 55 elderly, are being re-housed, or that is the idea, in smaller retirement homes. But, like Deputy Breckon, I agree that tactically asking for land to house (j) cats would not quite have the same response as for retirement homes. So when the phrase urgent demand is bandied about one needs to establish how this urgent demand is being created. I am sorry I do not buy into the latest spin, if you like, that letting more people into Jersey and settling them into rural Parishes will revitalise country life. Sir, 20, 30, many years ago when I was young, when there were far less people in Jersey and living in the countryside, the Island's small corner shops, Honorary Police Service, and Parish life thrived. So the scenario being put forward of having a larger population will revitalise Island life is flawed because the facts prove the opposite to be the case. It is our society today which pings on our active participation in the community. As for the latest bit of scare -- I can only describe it as scare mongering from Deputy Hilton this morning about closing our Parish schools, this is utter rubbish. There is no intention of closing Parish schools whatsoever, and with the immigration policies that we have we are going to be increasing our population, and obviously numbers fluctuate and sometimes Education has to move from one form to 2 to 3 in a year and then back down again. I believed as well, Sir --

**Deputy J.A. Hilton:**

Is the Deputy prepared to give way?

**The Deputy of Grouville:**

Yes.

**Deputy J.A. Hilton:**

I am sorry, Sir, I do not accept that it is utter rubbish because if the Parishes are starved of new blood the obvious consequence of that is less numbers going to the school, which in turn will mean -- I understand the Auditor General is already calling for the Education Minister to start closing schools now, which is correct, so my point is if those school rolls fall far enough then the States are going to come under enormous pressure to close Parish schools.

**The Deputy of Grouville:**

I do not accept that argument for one moment. The Auditor General can call on whatever he likes. We still have to make a political decision in this Assembly and it is not going to happen. There have been 3 baby booms since the war and the numbers of young people fluctuate, but we are not going to reach the scenario of closing Parish schools, I can assure the Deputy. One of the strongest messages to come from the Imagine Jersey 2035 consultation was that 76 per cent of the attendees did not want development on green field sites until urban and brown field sites had been exhausted

first. With urban sites in mind, on 12th February 2008 I asked Senator Le Main a question about the Hopkins Masterplan which constitutes urban development of a grand scale. I asked how the new accommodation was to be allocated and what input he, as Housing Minister, had in drawing up the terms of reference in respect of the Island's accommodation requirements. In his response he said, and I quote: "I have not had any input in this at all and all the issues are being dealt with obviously by the Minister for Economic Development and/or the Minister for Planning and Environment." I find that quite an incredible state of affairs and admission from the person responsible for our housing needs. I then asked the Chief Minister in April that because there was very strong opposition to any form of building on green field land in Jersey how was he going to secure this priority. In his answer he said: "Last week I met with the relatively newly appointed Chief Officer of our Property Division, our Minister for Housing, the Minister for Planning and Environment and others, and I was delighted to see how many brown field sites, as they are defined, are potentially available, and many of them in States ownership." He went on to say: "I believe that we have a very strong possibility, a very good chance of securing the housing needs of Islanders on the one hand, and doing so with the minimum of intrusion into our green fields." So what are we doing today? Debating a proposition to rezone 60 vergées of green fields, and to be clear I am not saying we will not have to ever build on green fields to satisfy the Island's housing needs. But my objection is this. We have a comprehensive Island Plan review taking place as we speak where brown field sites, glasshouse sites, unused houses and all other options are going to be considered. We have a message from the public to use green field sites as the last resort, and only when all other possibilities have been exhausted. Sir, this is not a case of one or 2 individuals complaining or N.I.M.B.Y.-ism or anything like that. There are a number of very prominent and key local organisations, who form the Island's bedrock, who have serious misgivings about this proposition and the timing of it. We also have considerations that I have mentioned before, and will repeat again, about the price of oil and how it will continue to rise making agricultural land a valued resource in the not too distant future. Yet some Members of this Assembly still regard agricultural land as the cheap alternative for building. Even Jersey Royal, the largest farm in the Island, are extremely concerned at the level of loss of good agricultural land, and I shall be very interested to know how Economic Development are going to vote today as they have responsibility to agriculture, not just the finance industry. A plea: can we please stop pretending this is an unforeseen and sudden housing need. It is this Government's lack of population control, housing policies, influx of (j) categories [**Approbation**] and economic growth incentives that have created this need. When we make a democratic decision in this Assembly about if and how much net migration we may want we, at the same time, need to consider how much this Island can sustain, and sustain so we can still enjoy our green and pleasant land. We cannot have it all and we have got to start to appreciate - we live in a small island - balancing everything is very difficult. We want economic growth but we have a limited amount of space. When accommodation is built it has got to be planned carefully and well thought out, all the options considered and targeted first to local people, not provide (j) cats, self catering, and then: "Oh, shock, horror", sudden need because we have got nothing left for our locals. Our first-time buyers cannot afford anything, and our elderly need small homes to live in. We need to take responsibility and plan for our future in a proper coherent manner. Rushing through the rezoning of green fields in the countryside to satisfy an apparent unforeseen urgent need, while the comprehensive Island Plan review takes place in parallel is planning at its absolute worst. Even though some of the sites in this proposition may have their merits, and I accept that there are a couple that do, which obviously includes the Constable of St. Saviour's, as I have mentioned before, and Trinity; for the sake of consistency I cannot be a part of this kind of cavalier attitude to our countryside, and this piecemeal sort of decision making. I shall be voting against the proposition in its entirety.

### **The Connétable of Grouville:**

Sir, excuse me, Sir. I am sorry. I did not want to interrupt the Deputy while she was speaking but on a matter of correction, can I just explain to her that in my speech yesterday I did say there is

glass in Gorey but it is not for sale. Secondly I never used the term rough grazing at all. Thank you.

### **1.25 The Deputy of St. Mary:**

Well, so many points have been raised in recent speeches I hardly know where to start. So I am grateful to Deputy Le Fondré for having asked for the Deputies to give their support to their individual parts of the propositions because that gives me at least a grounding. I have to say I support entirely the St. Mary's part of this proposition. It has been the result of a great deal of constructive and collaborative work between Planning, Housing and the Parish. The public of St. Mary have been involved through that great bastion of democracy, the Parish Assembly, and their views have been taken on board. Here I must also thank the Planning Minister for succumbing to my gentle but persistent nagging and removing the words "at least". The public generally have also been able to comment and now, of course, States Members are doing so. So I would just like to address a couple of points that have been raised. Firstly, the Minister for Transport and Technical Services, well, Minister for Catch-22, that is what I say, because it says here quite simply that Transport and Technical Services do not support the site as there is little opportunity for potential residents to use methods of transport other than the single occupant car journeys. Well, who is responsible for that? The Minister, I said to him this morning: "You could do something about that. You could give us more frequent buses", and he said to me: "Well, you cannot have more frequent buses because you have not got enough people." But now he is telling me I cannot have any more people because I have not got enough buses, so I think there is something quite wrong there. The Minister was very concerned this morning that Deputy Gorst should never be allowed anywhere near the bus service. As most Members will know Deputy Gorst is by previous and current trade an accountant and I just wonder if he applied all his accounting principles to the bus route maybe he could explain why there are not any buses when you need them, and then 2 buses cross each other in the narrowest part of La Grande Rue in St. Mary's every hour on the hour throughout the day, because we have a clash between the yellow route and the route 7. Now, it does not take much thought to see that there is probably a way to reorganise that and give us more satisfactory and more evenly spaced bus service, so I am afraid I do not understand the Transport and Technical Services comments one little bit. Now, where else can I go with that? I am not quite sure really. Moving on to another point that was raised, of course Deputy Duhamel picked up the fact about the transport links being lacking as well, and he also went on to say that the development in St. Mary's was in the wrong place, that it should be closer to the village. St. Mary's of course is not very big. It is not particularly big from one end to the other. Village development, the actual St. Mary's Village is at one end and there are other sort of developments along the main road. But what I would say here is the site in question is very close to the Parish Church, which is important to a good number of the community, it is very close to the pub which is close to hearts of other sections of the community. It is very close to the most recent other development in the area. It is not far from the Parish School, within easy walking distance. The Community Centre is next door to the school. The pre-school is next door to the school. In fact the only other thing we have really in St. Mary's as an amenity is a small shop. Unfortunately we lost our post office some years ago, but there is a small but very adequate shop at the filling station, and that is closer to this development than it is to most of the other developed areas in St. Mary's, so really I do not understand Deputy Duhamel's comments there at all. Really, it is almost a, sort of, hamlet development. There is a cluster here in this proposed area and each way you look from any of the proposed houses there you will still look on to a green area which, if you are looking on to someone else's green area that you are not responsible for, take it from me, it is a great amenity and it does not cost you anything. I would like to draw, what I consider to be, the most important thing about this whole proposition, and here I am going to take exception with a number of things other people have said. One of the most important aspects of our particular development in here is the regeneration aspect. It is a mixed development and it is absolutely vital that we have a balanced input into the community. St. Mary's is not the happiest Parish for no good reason. We have a

fantastic community spirit there across all sections of the community, and it is very important that we keep the balance of different sections of our community to enable the harmony that we have developed. It has not happened by accident. It is a good concerted effort this community that we keep it viable. We work hard for our community and we understand the balance that is required. Certainly in St. Mary's I can tell you that the Constable and I are united on at least one thing and that is that we do not subscribe to minimum values in planning. We always think minimum is the very, very, very least you should expect, and it is not what you should aspire to. It is the very least you should expect which is why when we were discussing this with the Parish, and we did do this as a united front, we put over to them that we should put in what we considered to be a viable number of units but no more, to ensure that they were not crammed in. And the Minister has taken that on board, and I understand that it cannot be cast in stone here and now, but we have made very powerful representation of what we consider the units to be, and it is in the plan what we would like to have. I can tell The Minister, I can tell the rest of the Assembly now, that provided I am still in this House I will be pursuing, even if I am not, I will be pursuing the planning stage of this all the way through to make sure that our views as a Parish are taken on board, and that is the time to do it. I have to say that I was really quite astounded, well twice; once this morning while Deputy Hilton was speaking I showed my support in the customary fashion for what she was saying about the Parish schools. I would like to say it again. I support exactly what you said, Deputy. Now that earned me a rebuke from Deputy de Faye who said I would be making him cry, claiming that I would be telling about all the little children queuing at the gates with tears in their eyes. Obviously he has given up the red nose and is going for the violin at the moment. Well, this, I am afraid, just shows his total lack of understanding of the importance of the school in the community as a whole. Of course the primary function of the school is to educate the children. That is obvious. But the secondary benefits to the community cannot be over-estimated. How many friendships are forged at the school gates? How many times do you meet people for the first-time because you have a common interest? You have a child at that school. You speak to people that you might otherwise not meet. You realise you have something in common. You are given an invitation to help with the Parish float. You hear about a barbecue going on in the community. You start to feel included and that is absolutely vital. I am probably one of the only Members at the moment who has got a child in primary school but this Friday is a momentous day for me. Oh, I am sorry, I thought yours were too young, but there you go. Of course, we have been here for 3 years now and our children have all grown up, but this Friday is a momentous day for me. It is the very last day that my child, my youngest child, will be at that primary school, and I am already starting to feel extremely sad that I am going to lose that contact with the school. In fact I am already taking steps to make sure that I do not lose that contact with the school because it is vital. I think that there are so many ways that that community, the school falls in to the community whether it is through the school fête, whether it is through fund raising, we all participate. It is just an incredibly easy way to feel involved in that community, and I cannot stress it enough. I think that as well as Deputy de Faye's lack of understanding of that, the Deputy of Grouville really does not understand where these comments are coming from, and that is astounding for someone from the Education ministry. Of course there are demographic fluctuations, they go up and down, I understand that. There are schools at the moment that have 3 streams that can be 2 streamed and then brought back up to 3. The point is it has already been shown by the Comptroller and Auditor General. I have already had meetings in Scrutiny with the Minister about this. There is a distinct concern shared by the Parish that the viability of St. Mary's School will cease because it would probably make better economic sense to educate our children in another school where there is capacity if our number of children drops below a certain point. I would stress here again that the school also suffers due to the lack of a States nursery unit attached to it. There are all sorts of things stacked against St. Mary's School. Now we have a very good private nursery in the building next door but, of course, it is not a Parish one.

**The Deputy of Grouville:**

Sir, could I just --

**The Deputy of St. Mary:**

I will give way.

**The Deputy of Grouville:**

Thank you. I understand perfectly well the arguments. The point is there are economic arguments but it will be a political decision, and I cannot see a political decision deciding to close a Parish school. I certainly will not vote for it and I am sure the rest of this Assembly will not, so that is what there is to decide. It is not just an economic argument.

**The Deputy of St. Mary:**

Quite, Sir, it is not just an economic argument but there are those in the cold light of day who look at economics. There are some people here whose jolly good responsibility it is to look at the economic argument, and I am saying do not even let it get that way because the community thrives, because the children thrive at the school. Anyway, I would continue by saying that I am looking forward to the Education Minister's continued attempts to resolve the inequitable status which he has acknowledged, and which I know that he has acknowledged for some time, and to hope that things can be resolved by the public-private partnership. But there are all sorts of reasons why the regeneration of our community and the increase of the Parish are necessary, in fact essential, to our community life. I would say once again the community spirit in St. Mary's is something that other Parishes envy. It is something that is much easier to maintain than it is to start, and it is ever so easy to let it die. This morning Deputy Southern highlighted the differences in schemes and seemed to be thinking that this was a bad thing, but of course all Parishes are different. They have different amenities. They have different facilities and above all they have different needs. All I would say is that democracy has taken place in these Parishes. The Constables in most cases, and also their Deputies, have gone to the electorate and found out what they want. Deputy Southern is always telling us how the people want this and the people want that. Well, I am just saying here the people have evidenced what they want and it should be borne in mind. I would like to say however, concerning the green field sites, I would like to make it clear that I do not support the random wholesale rezoning of these areas. I believe that this must only be done where there has been full public and Parish consultation, and where there is a proven demonstrable public need, in fact where the needs of the Island as a whole can be seen, and can be seen to be the paramount consideration. Now, I consider that in this case the consultation has been undertaken. The Island Plan, Sir, is a framework which sets general but rigid guidelines for development. Anything outside those guidelines must be supported by this House. The Island Plan does not say, I do not think: "No rezoning", but it says: "No rezoning without the States approval." That is what is happening here today. This is not wholesale junking as was said of the current plan. This is a long thought out and consulted upon adjustment of the framework to ensure that it meets the common current need. The Deputy of Grouville has said that she will be more than happy to see the Island Plan review brought forward if necessary. Well, that is extremely generous of her but totally impractical if the full consultation process is to be allowed to happen. However, the parcels under consideration today have been fully consulted upon. I can only speak, as I say, in detail about the St. Mary's process, but I do know that we looked at every possible available piece of land when we considered this one. You will be glad to hear, Sir, that I think I am almost there. Yes, Sir, I would just like to end by commending the Deputy of Trinity for her hard work. I will obviously be supporting the St. Mary's portion and I believe I will be supporting the others. There is one that gives me more concern but having heard today that most of the Deputies of the area having spoken and the Constable having spoken to explain more I think probably I will be supporting them all.

**1.26 Senator J.L. Perchard:**

I did, just before we went to lunch, ask the Attorney General a couple of questions. I could be specific as to the questions I would like him to answer. I wonder if he would be able to answer them. [Aside] Yes, thank you. Sir, I was not specific but I am now. I have 3 questions really for the Attorney General. They are all similar in the sense that they relate to the rights of a person who may be residing in a house with a designated lifelong dwelling certificate or designation. What are the rights, Sir, of a person under the age of 55 in a life-long dwelling home when that person, or if that person, becomes the sole owner of the property? That would probably happen as a result of the unfortunate death of a spouse. But if the person was under 55 what are their rights? Secondly, Sir, what are the rights of a person under the age of 55 to reside in a life-long dwelling property if they inherit the property and are insistent in living in it? Thirdly, Sir, does the Attorney General have any concerns about the life-long dwellings proposal and that it may not do exactly what it says on the tin and could be challenged quite easily by an owner? Maybe if the Attorney General could answer that and I could carry on after?

**The Attorney General:**

I wonder if it would be convenient if I return to those questions in a moment or 2, Sir?

**The Bailiff:**

Are you able to continue your speech in light of that?

**Senator J.L. Perchard:**

Yes, Sir, I will continue. I would like to join, Sir, the tribute paid to the Assistant Minister for Planning and the Assistant Minister for Housing because this has been an extremely hard long trail to bring this proposition to the House today. I believe they have ventured here in one of the toughest areas of politics, the rezoning of green zone land for housing. It is extremely difficult and I have reservations. I pay tribute to their efforts. It is a difficult job. Sir, I also need, as has been pointed out by Deputy Le Claire, to declare an interest. I am a landowner, I live in the countryside and I live in my own house, but I do not think, Sir, that prevents me from contributing in this debate. I am a country man. I have worked in the countryside all my life, and I have a passion for the countryside in protecting it, and I have worked to that end every day since I joined the family business, which was a farm. Sir, today I think we have heard 4 speeches I would like to remind Members about that I think have really nailed this debate. The most recent was the, sort of, pure clinical analysis by the Deputy of Grouville, and I think that while she said lots that people did not want to hear it was an absolute precise clinical analysis of where we are at, and I think she should be congratulated. She is one of the few Members who have drawn our attention to the facts here. I would like to remind Members of the Constable of Trinity's speech and Deputy Gorst's speech, who both spoke about the importance of recognising our responsibility to our senior citizens, and that they should have the opportunity, and they deserve the opportunity, to live in a quality environment in a development that offers them protection and accessibility to local amenities. I think they both spoke very compassionately and accurately to that effect. I would also like to remind Members of the speech made by the Constable of St. Helier who spoke about the importance of valuing and protecting our countryside. Both arguments are, of course, right. But the proposal that is being put forward by the Assistant Minister goes further than that, and this is where I am concerned. I urge Members to be absolutely clear in recognising that we have got 2 distinct proposals being put forward by the Assistant Minister here. Both involve the rezoning of a vast tract of agricultural land, 60 vergées of green fields. We are making a huge decision here today, but the 2 distinct proposals revolve around the social rented and open market purchase of 280 properties for over 55s retirement homes, and the other, of course, Sir, is the 45 properties of first-time buyer properties which has sort of slipped in under the wing of the main proposal of providing retirement homes, and I have a concern about that. The 2002 Island Plan, Sir, may not have predicted accurately the profile of the ageing demographics of our population, and consequently the document was deficient, I suspect, in being able to plan or suggesting how we can



plan for such a huge amount of retirement homes. But it was not deficient in suggesting or promoting land for first-time buyer developments, and it is odd that while the Assistant Minister comes forward with a proposal for much needed retirement homes in the Parish community and environment that she chooses to ignore the 2000 Island Plan blueprint for first-time buyer homes. I am concerned that we are being asked to ignore the 2002 Island Plan in that respect, and I am not sure as to why we should be asked to approve green zone development on Trinity 578 and St. John 561 and 562 when we have identified first-time buyer sites in the 2002 Plan. So, I want to ask the Assistant Minister when she sums up, with respect to first-time buyer homes, why the departure from the Island Plan in respect of first-time buyer homes as I have just outlined, and I would also like to ask the Assistant Minister to explain to the House, as has been suggested by some speakers, how, if retirement homes are to be built around a Parish village or a Parish nucleus that would mean, as has been suggested by the Deputy of St. Mary's and Deputy Hilton, that the number of young families would decrease and therefore the demand on primary schools would decrease? Surely it would be the reverse. We are not demolishing family homes in the countryside. We are building retirement homes, and the families that live in the countryside will continue to live in the countryside and populate the schools, and the families that move into the retirement homes, those homes would be populated by families. So to pretend that the rural country side needs repopulating is a nonsense, and the schools will perish without this building is a nonsense. It is another distraction from the facts. I just want to know, Sir, really from the Assistant Minister when she sums up, the departure from the existing Island Plan, which I accept was deficient with regard to the provision of retirement homes, but the departure with regarding creating sort of high density super villages along the lines of how St. Clements presumably started, as red houses presumably started, if we are looking at Trinity, a super village round the church now; is this the new plan? Is this the Island Plan by stealth? I am very concerned, our excellent Minister for Planning and Environment, our Minister for Masterplans, has not forwarded a masterplan for the development of the countryside, and this is why I congratulate the Deputy for Grouville in saying: "Where is the masterplan for this development?" But the Minister for Masterplans, who I have got a lot of time and respect for, where is the masterplan for Jersey rural development? That is why I am very uneasy about this ad hoc development that is being proposed. I understand the need, I am really sympathetic, I hear what the Minister for Housing has said and I understand, and I want to support this but it is ad hoc. I can understand the need for, as I say, sympathetic retirement village around the centre of the Parish where our seniors can be accommodated in the Parish where they have lived and worked all their life and thereby vacate their family home to families to keep the Parish vibrant, but this, and I call it by stealth, the rezoning of, as I say, the Trinity field and the St. John 561, I just cannot support I am afraid. So, Sir, with that I wonder if the Attorney General can reassure the House that the over 55s proposal as being promoted does what it says on the tin in the event of a death or an inheritance, and that Members can go forward with confidence, if they choose to support this proposal, that people living in these homes will be over 55?

### **The Attorney General:**

Sir, before the Senator sits down perhaps I can answer the questions, and then if he wishes to continue he can continue? The first questions were human rights based, and probably it is as well to go back over the general approach which courts take when considering human rights objections to an administrative decision which has been taken, and in this case the administrative decision which I think is going to be an issue is probably the attachment of an occupancy condition to the planning permission which has been granted for the development of the sites in question. The alternative would be the administrative decision taken in relation to a planning obligation agreement which has been made and which continues to bind the land in respect of successive owners of it, but it is that sort of administrative decision which will come under the scrutiny of the courts. What the court then does is to look at the legislative framework, which in this case is going to be the Planning and Building (Jersey) Law 2002 in the Island Plan, and it will decide whether or not that framework inevitably breaches the European Convention of Human Rights and therefore

the Human Rights (Jersey) Law 2000. As far as I am concerned, my advice to the Assembly is that the Island Plan and the 2002 law is consistent with the European Convention of Human Rights, so I do not see it as being likely at all that the court would seek to strike down the legislation. That is never the end of the question however. The court always does have the ability to look at the way in which a public authority, which includes the Minister in this case, a public authority is applying the statutory powers which he or she has, and that consideration will be very much dependant on the facts which are involved in any particular case. So in the 2 particular instances which the Senator has put to me, what happens if somebody is living in the house and is under 55, and the person, presumably the co-owner, dies or they get divorced and that person moves out what happens to the person who is under 55? Is he or she required to go? I think the answer to that is it may well be difficult to say. That person would have these convention rights, the arrangement engages these convention rights. First of all it engages the right to property. Secondly, it engages the right to respect your private and family life, and one can certainly see that there could be, on the facts, some quite strong arguments put forward as to why somebody who is under the age of 55 in particular circumstances would say that his or her convention rights had been trespassed upon by a decision not to allow the occupation to continue. So I would certainly not say to the Assembly that there will never be circumstances where persons under 55 will be living in these properties. There may be and the Human Rights Law may enable a person to require that he or she be allowed to stay. The third question was whether or not I had any concerns about the proposal. I have been listening carefully to what Members have been saying, and some of the speeches have troubled me a little bit in the sense that I was not sure whether perhaps there was a misunderstanding as to what amendments were being put forward to the Island Plan. But I think it is worth reminding Members that the basis upon which these amendments are being put forward in designating land is that the designation is coming within Article 4(4) of the 2002 law which I will just read to Members: "The designation may include designating land to be used to provide residential accommodation, whether it be accommodation for renting or accommodation for purchase; for persons who would otherwise have financial difficulties renting or acquiring residential accommodation in the general market for residential accommodation prevailing in Jersey." So the basis for this amendment to the plan is that it is to provide affordable housing in the same way for category A, for first-time buyers, as now for persons aged over 55. That being the basis for it, the structures which will have to be applied by the Minister must ensure that the arrangements which are made are targeted at affordable housing for those who are over 55. In other words, these properties should not become available to those who are over 55 who can afford other things. That is the basis upon which the amendments to the Island Plan must be understood by the Assembly, and it seems to me from a review of the arrangements and discussions with the Minister and with officials that that is intended to be secured by planning obligation agreements. I think that is more a matter for the Minister to say than for me, but that is my understanding of how it is going to operate. So have I any concerns, I think, was the question. I have been concerned at some of the contributions that have been made because I am not sure Members have focused on the *vires*, the basis upon which these changes are being promoted. It clearly is important, if the Assembly adopts these changes, that the Minister ensures that there are mechanisms in place to ensure it is for affordable housing for the over 55s. That being so I have no other concerns.

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

I think Mr. Attorney, I am not sure if you have covered the point about occupation after inheritance, whether an under 55 who inherited a property would be entitled to live in it.

**The Attorney General:**

Yes, I hoped I had covered it because I think the position may still be heavily fact based. The Convention Rights which are going to apply are the rights to respect the private family life, the right to property under Article 1 of Protocol 1. These sorts of arguments are heavily fact based and I do not discount the fact that somebody might be able to put forward a convention-based argument

to say that it was disproportionate for them not to be able to reside in a property which had been inherited. It is not to say that such people will always be able to live in those properties, but I certainly do not discount the possibility that on the facts there may be cases when it is possible.

**Deputy C.J. Scott Warren of St. Saviour:**

Can I just ask for clarification, please, from the Attorney General regarding the Island Plan and the first-time buyer homes provision? Is that falling, because you mentioned the other category being important that it is the others that are affordable? Can I ask for clarification on what is being proposed for first-time buyers, please?

**The Attorney General:**

I am sorry. I think I need clarification. I was not clear that there was an amendment to the first-time buyers as such, although there are extra properties. I was not clear that there was an amendment to the existing structures about first-time buyers.

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

Sir, may I just seek a clarification because the Attorney General has given a definition of Category A housing? Now, I am very much content with the issue of a gate keeper situation, that the Attorney General is effectively saying there must be a filter on top of, but I would point out respectfully to the Attorney General that there is not such a gate keeper in place for first-time buyers. You do not have to have an income criteria in order to get on to a first-time buyer list. In fact if you just simply qualify as a first-time buyer irrespective of your income then you can buy in the same way as over 55. Now, if he is saying to the Assembly the Planning Minister must put forward an obligation then that meets everybody's requirements and we can be lawful. The previous ones sound as though they might not be but they certainly can be made up and worked. Is that right, Attorney General, please?

**The Attorney General:**

I think this is becoming a rather wider question than this particular debate contemplated, and I think probably I would need notice of that. My understanding is that in very many cases the first-time-buyer regime is operated in practice so as to provide affordable housing in many cases. I am certainly not aware of many 1(1)(k)s that qualify on that basis, but I think I would prefer not to deal with that wider issue today because it does not seem to me to be in quite in point here.

**Deputy A. Breckon:**

Sir, I wonder if I may ask a question from the Attorney developing from what he said under Article 4(4) of the Planning Law. I might have read this wrong but my inference was that he was saying that the designation of homes were for social purposes, and the question I would like to ask from that is how would that apply to somebody who would be downsizing who might have a considerable cash surplus and, in his opinion, would that fall under Article 4(4) as he described when he gave the background to the surplus. A great deal of weight has been put on people downsizing into these over 55s, and my interpretation of what the Attorney said was not what has been said by others, Sir.

**The Attorney General:**

The question is whether or not the arrangements are providing affordable residential accommodation and that is, for example, a condition which is legitimate under Article 23(2)(d) of the 2002 law and, I mean, I can see many arguments available on the facts, but it may well be the case that a person who has a fairly valuable house but does not have the means to live needs to realise some capital in which to provide an income for them to live from. So that may well fall within the scope of what has been proposed.

**Senator J.L. Perchard:**

Sir, I am concerned. The Ministers around me are busily trying to reassure me off camera, so to speak, Sir, and I am uneasy after having heard what I have just heard from the Attorney General, and I really would like clarification of the position before I vote on this. We may be supporting the proposition to develop 270 homes on green fields and we cannot, any of us, hold our hand on our heart and say: "In 2 generations time these properties will be providing accommodation for senior citizens of the Island." Can anybody honestly tell me that that is what we can say because the Attorney General did not reassure me? If we are genuine about wanting to, and I am genuine about wanting to provide sheltered accommodation for our seniors, if we are genuine about doing that we must be absolutely sure, as I say, Sir, it does what it says on the tin and I am not certain.

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

Will the Senator give way? Sir, it may assure the Assembly that I have done considerable work on planning obligations. I plead guilty of inventing the 45, 55 and doing all the work in relation to planning obligations. If I may say to the Senator that the issue of planning obligations gives the Minister considerable flexibility. The Attorney General has said that the affordability issue must have some sort of gateway criteria to ensure affordable homes. That is a policy which needs to be worked up, which has been worked up successfully in the past and will be worked up again. In fact, I think the Attorney General has been very useful in fortifying the arguments that I was trying to say, which was that the planning obligation must be negotiated with a real sense of the Minister having the cards in his hand. He has those cards in his hand if the Assembly approves this because he will be able to make a planning obligation designed to deliver those homes to people who need it and a gatekeeper criteria which some would think that we have argued for for many years about first-time buyers is the key to it, it has to be worked up, it is a tough negotiation and subject ultimately to the Planning Panel and to the Minister's decision. I think the Assembly can have confidence that we have experience in the past in dealing with this, this is a new area and we will do it again successfully building upon the considerable experience we have.

**Senator T.J. Le Main:**

Could I just say, as Housing Minister, I am very much prepared to work with the Planning Minister and Senator Ozouf on making sure that the assurances are there for the Senator.

**The Connétable of St. John:**

Can I just have a point of clarification, please, from Senator Perchard? He stated earlier in his speech that he would not be supporting field 561 in St. John, 561 is in St. Mary [**Laughter**], we have no plans afoot to invade just yet. If he could clarify.

**Senator J.L. Perchard:**

Members will remember while we have had a brief interlude, it was a point that Senator Ozouf wanted to make, and I gave way. I hear what Senator Ozouf says, and I am partly reassured. I also heard what the Attorney General said quite clearly was that we have conflicting legislation here. The Human Rights Legislation and any gatekeeper legislation that the Minister may want to promote to protect his initiative here. I go back to my original question; does the human rights of a person to reside in a home they inherit prevail? If it does, are they allowed to rent it to who they wish as long as that person is over 55 but maybe not needy? There are so many unanswered questions, I am uneasy. I wish the proposition would have been able to reassure me here. The issue of the human rights of a person to reside in a property they own is not something that has just cropped up this afternoon, it has been ongoing. [**Interruption**] It is the Trinity 578 and I have jotted down the other site, and I beg the Constable's pardon if I have the Parish wrong, but it is the field that involves social renters. I think it is 561, St. Mary's.

**1.27 Senator M.E. Vibert:**

I think a lot has been said but a number of people have asked me to comment as schools have been mentioned. I will comment, just having listened to Senator Perchard who wants absolute assurance

on everything, wants a masterplan, I have heard other people talking about wait for the Island Plan and wait and wait and wait. I feel that there is a danger that all that is a recipe for doing nothing or not doing anything for a very long time and I believe the need is there now. The Constables know their Parishes. They have come forward with these sites and I believe we should recognise that. That to me is about the best assurance I can have that they are the sites that should be developed, and I believe people would have to have very good reasons for not supporting the people who know about where they need housing in their Parish. I think it is vital for the Parishes. It is all very well trying to stuff everybody in town, develop everything in town, put all the housing there. If we do that what happens to the Parishes? Will we have any Parish life to speak of eventually? We need regeneration in the Parishes. We need to keep the Parishes alive and we need people of all ages in the Parishes. We do not want to see our Parishes develop into commuter belts where people drive out from there in the morning and drive back there in the evening, as in some villages in the U.K., and there is no life there otherwise. The way to ensure that is to ensure that we have a complete mix of ages of people in our Parishes. Turning to schools. As I have said before, I do not believe, and I have no intention of looking to close any schools, any Parish schools or any other schools at present despite what the C. and A.G. (Comptroller and Auditor General) might have suggested in his review of there. I do not just look at the cost, I look at the value of things as well. To me our Parish schools are incredibly valuable, not just to the children but to the life of the Parishes. There is no suggestion that any of those schools are anywhere near at present a situation where their future would be put in jeopardy. But, if we do not ensure that there are young families in the Parishes in future, yes, there could be a threat to these schools. The threat would come when there were so few children that we could not offer an adequate education, then we would have to start looking at that. I never want that day to come. I want to ensure the Parishes stay alive, the schools stay alive. I urge Members to consider, we cannot preserve the whole of the Island and every green bit in aspect because if we do it will be dead and the Parishes will be dead. We need to be realistic. The Constables have come up with sensible suggestions for some limited development where it is needed and we should be supporting them, Sir.

### **The Attorney General:**

I was asked whether I had any concerns? I expressed myself, I hoped reasonably clearly, but then Senator Perchard after I had spoken said some more things which made me think I ought just say one further matter. With all these exercises of administrative discussion by the Planning Minister or the panel there is of course an appeal to the Royal Court. The court will decide in relation to particular appeals whether the Minister has acted unreasonably. I was explaining to Members about human rights and the way that that would work. Of course, exactly the same principles apply in this sense, that if at some point down the line circumstances change in relation to an existing planning obligation agreement or an existing planning condition it would be open to a person to apply to the Minister for the condition to be removed, and if the Minister refused unreasonably it would be open to the court to overrule the Minister's decision. I say this in the context -- I think after I had spoken Senator Perchard said we want to be satisfied that for the next 2 or 3 generations this will always be over 55 accommodation. It would not be fair to Members to say that that can be guaranteed because circumstances may change and a Minister may be asked at some point down the line to remove the condition. It may, at that time, depending on the facts, be unreasonable in relation to that particular property for the condition to remain. It is just important Members recognise that.

### **1.28 Senator F.H. Walker:**

I will be very brief because much has been said, but just making a basic couple of points. Many political decisions hinge on a balance. Many political decisions mean taking a difficult choice. We are all accustomed to that; that is what we, as States Members, do. We are all committed to protecting the countryside; all of us are committed to that. I have absolutely no doubt that the Planning Minister and the new Island Plan will achieve that aim and Jersey's countryside will be

protected. Sometimes, just sometimes, very unusually a circumstance arises which requires a change in direction, a different approach, a different thought process, a different decision. This, in my view, is unquestionably one of those occasions. We basically have no alternative means, no other way, of providing these much needed homes and at the same time creating, cementing, improving, enhancing the community spirit in our Parishes and regenerating in most cases the sense of community and the Parish spirit as well. The Deputy of Grouville mentioned brown field sites; of course brown field sites will be used to meet the demand that we have from many other people in Jersey. There is no question of that. This is a one-off situation where we are looking at providing homes, generally speaking for retired members of our community, not exclusively, and enhancing the community of our Parishes at the same time. I would endorse totally the comments of Senator Vibert; this proposition is fully supported by the Constables of the Parishes concerned. They know their Parishes, they know the needs of their community and they are saying this is a proposition, after a huge amount of consultation this is a proposition we support. Any suggestion, as the Deputy of Grouville made, that this is being rushed through is clearly not the case. This has been consulted on and consulted on and consulted on and has the full support of the Parish Constables. That means a lot, as it does to Senator Vibert, I hope to other Members, that means a lot to me. If this was coming through against the wishes of the Parish community, or the Parish Constables, I would have a real problem with it. It does not, it is coming through with their full support. Of course, as other speakers have pointed out, there is no question, as Senator Perchard suggested, of changing the Island Plan by stealth, how can a States debate on the back of a proposition be by stealth? Of course, it is totally consistent with the Island Plan in that the Island Plan in this context can only be changed after a States decision has been taken. That is exactly what we are doing here. This is not against the Island Plan, this is totally consistent with it. I would absolutely endorse, and certainly having listened to the Attorney General, the comments of Senator Ozouf about planning obligations, and I accept this is not perfect, but we have to give these mainly retired people, and others who cannot currently find a home they can afford, the opportunity to do so. We owe them that. We have to move forward, but I endorse Senator Ozouf's comments on planning obligations. I believe they will play necessarily a very important part in providing these homes according to the law and in the way in which we wish to do so. I would also endorse his comments and those of others about not cherry picking this proposition. All these sites have the support of the Constables of the Parishes in which they sit. We should pay huge recognition to that and I urge Members to support the proposition in its entirety.

**Deputy I.J. Gorst:**

I just wanted to ask for a further point of clarification of the Attorney General. I do not know whether now is the suitable time in light of his subsequent comments to Senator Perchard. He pointed out that it would not be right for him to say that obligations on age restrictions on an inherited property could necessarily be upheld for a number of generations. Would he not also confirm that with all planning obligations or permits they are liable to appeal in the Royal Court? That is a normal position and not unusual.

**The Attorney General:**

Yes, I can confirm that. The language of Senator Perchard's comment was seeking some guarantee that these would always be available for over 55s, and that is a form of guarantee that one cannot give.

**1.29 Senator B.E. Shenton:**

I am going to be very brief, the Chief Minister asked us not to cherry pick this proposition but I am afraid I probably will cherry pick it when I vote. There are 4 locations that I do have concerns with. Field 605 in St. John, I probably will support this but the Constable mentioned that he had concerns that the adjacent field would also be developed, and asked the Assistant Minister to confirm in the summing up that this will not be the case. I would be quite happy to make a bet with

the Constable after the debate that if this field goes through that the adjacent field will eventually get developed. The field in St. Mary, again I will probably support this one simply because it does have the support of both the Constable and the Deputy of St. Mary. I think if you look at it coldly on a map I think it has been chosen not for of its location but because it is a greenhouse site and I wonder whether that is the best way of choosing land. The 2 fields I have a lot of difficulty with are the 2 fields that are very good agricultural land. The field 148 in Grouville, I am not sure which way I will vote on this but this is good agricultural land, certainly no one can say that Gorey needs regeneration, we have problems with the kids down there, not a shortage of them. I wait to be convinced but at the moment I am erring against. I do not think that we should be building on good agricultural land. That is why I certainly will not be supporting field 578 in Trinity which is exceptional agricultural land, as a raised location in a lovely Parish and I do not think that Trinity deserves to just become a sprawling suburbia as it will if we pass this. I can see no justification whatsoever of passing this field.

### **1.30 Senator S. Syvret:**

I think barely a week goes by without this Assembly demonstrating to an ever greater extent that most of its Members think the public are a collection of a damned fools. Some of the arguments we have heard in this debate and the discussions which are tragically similar to those that I have experienced routinely over the past 18 years, are just manifestly absurd. Take the speech of the Chief Minister. He said: "It is not true to say that this is a proposition that is being rushed through, it is not rushed through." He would have us believe. Sorry, we have a major fundamental review of the Island Plan commissioned so that we can properly judge these things on a coherent and joined up basis and instead this proposition is being rushed forward and being debated and decided upon before the Island Plan debate. I am sorry, it just does not wash. It may wash for most Members of this Assembly but it certainly does not wash as far as the average member of the public is concerned. Likewise, the same assertion made by the Chief Minister to the effect that: "We all believe in protecting the environment." That is one of those motherhood and apple pie political clichés that everyone adheres to. We all like to protect the environment, we all want to have lower taxes, we all want to have a better economy, et cetera, et cetera, it is one of those things that no one is ever really going to disagree with. How often are you going to get a politician standing up saying: "I want to destroy the environment"? It is not going to happen, is it? The fact is we hear those kind of remarks that we are all committed to protecting the environment in a debate which is nothing but a brazen another example of environmental destruction writ large. It would not be so bad if Members were at least open and honest about the decisions that we are going to take today. I listened with interest to the speech made by the Deputy of St. Mary, and it embodied so much of the intellectual bankruptcy that I have heard so often in this Assembly in 18 tedious and desperate years; once it is out in the *Hansard* I am going to reproduce it and provide a running commentary and translation as to what it all means in reality as opposed to political double speak. Senator Le Main interjected in another Member's speech and asserted that the housing survey will be done by November. As though this were a good point that supported his argument. Of course it does not, and only an idiot would think that it did. The fact is we are being asked to rezone precious open land right now and we do not have a Housing Needs Survey completed and we will not have it until November. It just is absurd. This is supposed to be competent government, is it? Rushing these things through ahead of the Island Plan. No properly formulated Island Plan review. No up-to-date finalised review of housing needs. Absolutely no idea really about the criteria that will be used in assigning these properties, because let us face it, while in certain quarters the decisions that the Assembly are going to make today, inevitably, are going to be very popular with certain cohorts of the population, the plain fact is a lot of this particular demand is driven by people who own their own large properties who are now retired, who want to liquidate their assets, get a cash windfall and move into a nice cheap little bungalow somewhere down the road in the same Parish. That is the case with an awful lot of these people. It is worth pointing that out because Senator Walker and others like to stand in this Assembly and say that they are the politicians who are realistic and

strong and not afraid to make tough and unpopular decisions. Not populist. I am sorry, but this kind of debate demonstrates the complete opposite. This policy, this decision being supported by the Council of Ministers is shallow, short-term, ill-thought out, populist nonsense. If we were exhibiting leadership and some long-term thought for this community we would be saying, no. We would be recognising that there is a physical limit to how much we can develop our Island without fundamentally destroying its character, its culture, its heritage and its environment. That is a tough message for some people out there to hear, and they will not like it, but it is the truth. That is the kind of political leadership that we ought to be expressing a little more often. The Imagine Jersey farrago, even though it was essentially a rigged manufacturing consent exercise, even that came out with a very, very high, very high demand on the part of the population that the Island's environment and its open land should be protected and preserved. Instead we are here today debating this proposition, another weak, wet, directionless, ill-thought out, ill-planned, sticking plaster approach to a perceived need, a need that we have not even had convincingly demonstrated to us by hard data at this point. That is the fact. This is just more of the same. Eighteen years I have been in this Assembly and these kind of debates happen with tedious monotony about every 18 months or 2 years. We are told: "Just have a bit more rezoning here and there, just a bit more building in the green zone, just that final extra push, then we will have solved our problems." That is what happens and then 2 years later we are back with the same kind of proposition we have before us today. When will this process end? When we are perhaps building houses down the cliff faces of the north coast? When will the time come when people have to say, enough, and face the inevitability? We also have to ask ourselves, how wise is it to want to be developing agricultural land at a time when we are hitting peak oil, global food supplies are stretched, the price of food is rising astronomically, and we are going to have to, as a lot of other communities are going to have to, clearly start growing a lot more of our own food. That is the inevitability we face at the moment. Likewise the global economy which is failing at the moment in a way largely driven by peak oil, in addition to the fact that most of it is just a kind of vast Ponzi scheme. I do not think Members really grasp just how serious the global economic situation is and just how much that bears upon whether it is sensible today, knowing what we know now, to be wanting just to carry on with the same kind of policies we have pursued for the last 30 or 40 years just building more and more of the countryside. There is an American kind of economic commentator whose work I like to read and a post on his blog site described the situation that the American economy finds itself in at the moment, and what happens to the American economy happens to the world. It is worth just reading this: "There is a particular moment known to all baby boomers when Wile E. Coyote, in a rapture of over-reaching, has run past the edge of the mesa and, still licking his chops and rubbing his front paws discovers that he is suspended in thin air by nothing more than momentum. He turns a nauseating shade of green, and drops, whistling, back to earth thousands of feet below, with a distant, dismal, barely audible thud at the end of his journey. We are the Wile E. Coyote nation. Is there anyone in the known universe who thinks that the U.S. (United States) financial system is not 50 feet beyond the edge of the mesa of credibility? Nothing will avail now. Not even if Sirhan Sirhan were paroled at noon today and transported directly to the West Wing with a .44 magnum in each hand and a taxi driven by the Devil waiting outside to take him to the U.S. Treasury and the offices of the Federal Reserve." That is the state of the world economy that we are facing right now. It is absolute madness to be developing and building on our precious remaining countryside at a time when we are going to have to be growing more food, when we are not going to be having the kind of population growth we have had for decades. It is time that Members started recognising and accepting the limits and the boundaries of a 45 square mile island and stopped doing the populist stuff, the sticking plaster quick fixes, the kind of brush it under the carpet policies, like just build a few more houses in the countryside or we will just let another couple of hundred people in this year; it is exactly the same kind of policy that the States have been pursuing for the last 2 or 3 decades and it is the kind of policies that have got us into the mess we are in today. I have heard it all before. There is no excuse available to Members today to vote for this policy. It is clearly poor government; it is not properly evidenced; we have an Island Plan review underway; we do not have



an up-to-date housing survey. On the one hand we have Members, such as the Chief Minister and others, who stand here and make assertions about their burning desire to protect the environment and then a matter of a couple of weeks later come here in support of a proposition just to rezone a bit more land, develop a bit more of the countryside just to try to keep the political pressure off in one or two very small temporary and ineffectual ways. The situation of the Jersey polity is that it too is 50 feet beyond the edge of the mesa of credibility. Most Members, of course, will not agree with that, and will not see it. I am afraid this kind of policy that we have before us today, the kind of decision we are being asked to make which is so ill-thought out, short-termist, incompetent, not properly evidenced, speaks volumes about the competency of this Assembly. All I can do is say, God help this community.

**Deputy A.J.H. Maclean:**

Could I just ask for some clarification from the Senator? His speech was as usual quite enlightening and frankly rather depressing, but I wondered if he would be very kind, having given his comments about the proposition, to give us a view on what the solution might be for young families and the elderly who are looking for homes in the Island?

**The Deputy Bailiff:**

I think, Deputy, that is not a point of clarification.

**Senator Syvret:**

Demand side economics.

**The Deputy Bailiff:**

Very well, I call upon the Deputy of Trinity to reply.

**1.31 Deputy A.E. Pryke of Trinity:**

I am sure Members would want me to be fairly brief and to the point. I would like to thank all Members who have spoken today, and I think the Constable of Trinity reckoned there was well over 40 had spoken. Thank you for that. I would like to thank the support of the Minister for Planning and the Minister for Housing and the Assistant Minister and the officers for all their support in getting this proposition to where it is. I will try and go through some points but I shall keep it fairly broad if I can. Consultation has been important. We have gone out to everyone as necessary; focus groups, public consultations, anybody who wished to come and see us, I have seen, including representatives from farmers, age concerned, across the board, whoever wanted to come and see, I have done it. From that this proposition has come forward. The Constables have been an important part to this proposition. They are the father of the Parish, they know the Parish need. Much has been said about that but in reality that is what it is all about. It is about the Constables identifying the need and us responding to it. Much has been said about the Island Plan; going out of the Island Plan, should we wait for the Island Plan review? Any plan has to be a living, working document. We cannot put people into boxes and hopefully they will remain there from one Island Plan to the next Island Plan. That just does not work because people have different needs, they change as the years go on, and we as a planning have to respond to that. There has been a lot of evidence done right back to the Island-wide ageing strategy and up to more recently the Housing Needs Survey which came out end of November, I think, recently anyhow -- I have lost control of time. We identified the needs on these particular sites, 12 sites went out to consultation and I believe that if it is going out to consultation you need to listen. The Assistant Minister and I have listened to everybody and come forward with these 8 sites. The other sites as said will be going into the Island Plan review. That is the whole point of consultation. I would like to just break the sites into perhaps 3. The main site which will do most of the need for over 55s is the St. Saviour site. We have got the size there that we can do something very, very good in it. Having gone up to Joseph Rowntree in Hartrigg Oaks, what they have up there is world renowned. It is something very, very special and we can do it. St. Saviour can do it. St. Saviour has the size

of land that they can achieve it. It is something that we should be proud of, that we should go for and we should aim for. The other over 55 sites, they are small sites because it is out into the community, out into the particular Parish needs. St. Saviour has a big catchment area whereas the other sites have not. It is down to that particular size. They are part of the heart of the community, we have made sure that they are on a bus route, facilities, shops, et cetera, et cetera. That is the whole point of when you get to a certain age you want to be able to access everything easily. The first-time buyers is on the particular site at St. Mary and Trinity. Much has been said about first-time buyers, there is no need. But these 2 Parishes are small. Those 2 sites have not got loads of brown sites. Most of it is all in green zone or countryside zone because that is where they are. Anything you are going to build there is going to be, unfortunately, on countryside or green zone. As the Constable of Trinity said, he is only looking at the one site, that is it. That is all the need that a small Parish needs but that is important for first-time buyers. We need to regenerate the Parish otherwise those 2 Parishes could be a Parish of over 55. We need the young as well as the old. Much has been said about planning obligations and I would like to thank Senator Ozouf because he has taught me a lot about the importance of planning obligations. I think they are wonderful. With these sites our planning obligations are going to be so important. They are going to be worked up with the Connétables to make sure at the end of the day that it is of great community benefit. I am not into developers earning millions and millions, they might on the old one. But the most important thing is that the community get something out of it. We can do that through planning obligations. The yields talked about are indicative and we have put that, because you are doomed if you do one side and you are doomed if you do the other. We have put numbers on each site as indicative, as I have said. Then when each one goes through to the proper planning application, because they will go through due planning process, there has to come up with a good reason why they should go against what has already been suggested. At that point, and all the way through, the Constables are still a very important part of every application. Their views will not be put aside; their views will be a material consideration to any application that goes forward. I know that Deputy Gorst is a very welcome visitor to planning application panels, and he fights vigorously for his parishioners. I hope the Deputy will say that the planning application panels do listen. The Constable of St. John mentioned about reassurance that it is only 605. He and I have had many phone calls, many discussions over the other field that he was talking about, 608. Rest assured, Constable, that is not included. If, by any chance, it does further down the line in the Island Plan or wherever, raise its head in there, I hope the Constable, and I am sure he will, will be fighting hard to say: "I do not want it in because of the reasons." Like anything else, we will listen to what the Constables have to say. I hope he is reassured by that. A lot has been said about the community spirit. I just want to go on to that for a couple of minutes. Community spirit is important, you cannot buy community spirit; you cannot plan for community spirit, it happens. People live in a community - however hard you like to try - and they want to be part of the community. By building houses, first-time and over 55s it enhances that. It gives life to a community. That is what we are trying to do. Much has been said about design. The Minister and I, as I am sure you are all well aware, have been trying to raise the standards of design in all the planning applications and I hope the Assembly agrees that we are slowly succeeding.

### **The Connétable of St. John:**

Just a point of information for the Assembly. I have been reassured by the comments that have come from the Assistant Minister, as well as the comments from the Planning Minister earlier today outside, I will be supporting field 605 in St. John.

### **The Deputy of Trinity:**

Thank you. Going back to the design. It is important that it will meet all environmental green, et cetera and it will have nomination rights. The list is there in appendix 3. Over the page on specific criteria for lifelong dwellings for over 55s there is a long list there of what the criteria that these dwellings will have to meet. It may seem a bit innocuous but these criteria are extremely important

and, in my previous life, as a nurse on the community, the very basic things like having wheelchair access with shower wet room, I would like to say most men, perhaps, so what? With my nursing hat on, that was the most important thing looking after a person at home. It maintains their independence, it keeps them at home, the shared dignity of being able to wash yourself at home and have no one else to help you, just by having a wet room, can be the change from someone staying at home to someone having to move into residential care. It is as simple as that and as important as that. I am adamant that these over 55s will meet all those criteria to keep people living at home for as long as possible. Someone has mentioned - I think it was Deputy Breckon - about the monetary side of things, about keeping where it is going to cost people more at home. I beg to differ. If you are able to have those included in your life-long homes, it prevents people living at home, they can look after themselves at home, and that has to be cheaper than putting someone into a residential home or nursing care home. It is as simple as that. With that point, Sir, this is about meeting the immediate needs. If we do not do anything the problem is not going to go away. The problem will still be there in 2010, 2011, 2012, by the time we have done the Island Plan, sorted all that through, looked at the rezoning and come back with plans. By not approving this we are just putting it off for 3, 4, 5 years down the line. Meanwhile, people are still ageing, that does not stop. People still needing to go into small accommodation because they cannot afford where they are, or whatever reasons, because there is a lot of reasons why. That problem is not going to go away.

**Deputy D.W. Mezbourian of St. Lawrence:**

Sir, I wonder if I might ask the Assistant Minister to give way for a moment because she did indicate a moment ago that she is about to finish her summing up and I did ask a specific question of her yesterday. I wonder whether she can advise me whether she will be replying to that? It might help the Assistant Minister if I do repeat the question, Sir. I referred to page 9 of the proposition and section 2.3 which refers to a planning tool rather than a definitive statement which was the survey of housing needs. The 3 bullet points there, Sir, the first one refers to a 5 year shortfall of up to 400 older persons homes and the third bullet point says that about two-thirds of people are looking to move in the next 2 years. I inquired of the Assistant Minister yesterday whether those two-thirds of people looking to move are two-thirds of the 400 people looking for homes?

**The Deputy of Trinity:**

Thank you, Sir. I apologise to the Deputy, I can give her the answer. We have checked with the Strategy Unit, it is two-thirds of all those including to move over the next 5 years, intended to move within the 2 years and the reasons are varied for a number of reasons. Sixty per cent of the potential shortfall in owner/occupier properties is based on households desiring accommodation over the next 2 years. So it is not only the 400 life-long homes, it is the whole survey sample, and that is important. Sir, with all these sites there has been full support of the Constables and I thank them all for their input. The Constable of St. Helier with a big grin over there, I am glad he enjoys going up to Trinity but he is very fortunate to have room in his Parish to look after his elderly and to look after his young people. In some Parishes we just do not have that. This is where the rezoning is so important. We are an ageing population but by approving these sites we are responding to this need. As it has been said by many speakers, please, please, do not cherry pick, all these sites have gone out to consultation over very, very many months. I call for the appel.

**The Deputy Bailiff:**

Do I understand, Deputy, that what is requested is that we have first of all the vote on paragraphs (a) to (c), which I suppose are the principles? Then we will have separate votes on each paragraph of paragraph (d) and then we will finally have a consequential vote on paragraph (e); is that right? Very well I invite members to return to their seats, and the first vote therefore is on paragraphs (a) to (c) of the proposition which are the introductory paragraphs setting scene. The Greffier will open the voting on pour or contre paragraphs (a) to (c)

<b>POUR: 38</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Deputy A. Breckon (S)		
Senator W. Kinnard		Deputy J.J. Huet (H)		
Senator T.A. Le Sueur		Deputy of St. Martin		
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator M.E. Vibert		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy S.C. Ferguson (B)		
Senator T.J. Le Main		Deputy of St. Ouen		
Senator B.E. Shenton		Deputy of Grouville		
Senator F.E. Cohen		Deputy D.W. Mezbourian		
Senator J.L. Perchard		Deputy S. Pitman (H)		
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy P.J.D. Ryan (H)				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

The next vote is paragraph (d), the introduction and number (12), fields 516, 516A, 517 and 518, St. Saviour.

<b>POUR: 40</b>		<b>CONTRE: 9</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Deputy A. Breckon (S)		
Senator W. Kinnard		Deputy of St. Martin		
Senator T.A. Le Sueur		Deputy J.A. Martin (H)		
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator M.E. Vibert		Deputy P.J.D. Ryan (H)		
Senator P.F.C. Ozouf		Deputy of Grouville		
Senator T.J. Le Main		Deputy D.W. Mezbourian		
Senator B.E. Shenton		Deputy S. Pitman (H)		
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy J.J. Huet (H)				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

The next matter before the Assembly is paragraph (13), that is field 274 La Lourderie, St. Clement.

<b>POUR: 37</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 1</b>
Senator L. Norman		Senator S. Syvret		Deputy G.C.L. Baudains
Senator F.H. Walker		Deputy R.C. Duhamel (S)		
Senator W. Kinnard		Deputy A. Breckon (S)		
Senator T.A. Le Sueur		Deputy J.J. Huet (H)		
Senator P.F. Routier		Deputy of St. Martin		
Senator M.E. Vibert		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy P.J.D. Ryan (H)		
Senator T.J. Le Main		Deputy of Grouville		
Senator B.E. Shenton		Deputy G.W.J. de Faye (H)		
Senator F.E. Cohen		Deputy D.W. Mezbourian		
Senator J.L. Perchard		Deputy S. Pitman (H)		
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

The next matter is paragraph (14), that is field 605, St. John.

<b>POUR: 38</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Deputy R.C. Duhamel (S)		
Senator W. Kinnard		Deputy A. Breckon (S)		
Senator T.A. Le Sueur		Deputy J.J. Huet (H)		
Senator P.F. Routier		Deputy of St. Martin		
Senator M.E. Vibert		Deputy J.A. Martin (H)		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator T.J. Le Main		Deputy P.J.D. Ryan (H)		
Senator B.E. Shenton		Deputy of Grouville		
Senator F.E. Cohen		Deputy D.W. Mezbourian		
Senator J.L. Perchard		Deputy S. Pitman (H)		
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

The next matter is paragraph (15), that is fields 561 and 562, St. Mary.

<b>POUR: 34</b>		<b>CONTRE: 15</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Senator J.L. Perchard		
Senator W. Kinnard		Connétable of St. Helier		
Senator T.A. Le Sueur		Deputy R.C. Duhamel (S)		
Senator P.F. Routier		Deputy A. Breckon (S)		
Senator M.E. Vibert		Deputy J.J. Huet (H)		
Senator P.F.C. Ozouf		Deputy of St. Martin		
Senator T.J. Le Main		Deputy R.G. Le Hérisier		
Senator B.E. Shenton		Deputy J.A. Martin (H)		
Senator F.E. Cohen		Deputy G.P. Southern (H)		
Connétable of St. Ouen		Deputy P.J.D. Ryan (H)		
Connétable of St. Mary		Deputy of Grouville		
Connétable of St. Clement		Deputy G.W.J. de Faye (H)		
Connétable of Trinity		Deputy D.W. Mezbourian		
Connétable of Grouville		Deputy S. Pitman (H)		
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

We come next to number (16) which is land north east of Maison St. Brelade.



<b>POUR: 41</b>		<b>CONTRE: 8</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Deputy R.C. Duhamel (S)		
Senator W. Kinnard		Deputy of St. Martin		
Senator T.A. Le Sueur		Deputy G.P. Southern (H)		
Senator P.F. Routier		Deputy P.J.D. Ryan (H)		
Senator M.E. Vibert		Deputy of Grouville		
Senator P.F.C. Ozouf		Deputy D.W. Mezbourian		
Senator T.J. Le Main		Deputy S. Pitman (H)		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy A. Breckon (S)				
Deputy J.J. Huet (H)				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

The next one is number (17), field 148 Rue des Maltières, Grouville.

<b>POUR: 31</b>		<b>CONTRE: 18</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Senator W. Kinnard		
Senator T.A. Le Sueur		Senator B.E. Shenton		
Senator P.F. Routier		Senator J.L. Perchard		
Senator M.E. Vibert		Connétable of St. Helier		
Senator P.F.C. Ozouf		Deputy R.C. Duhamel (S)		
Senator T.J. Le Main		Deputy A. Breckon (S)		
Senator F.E. Cohen		Deputy J.J. Huet (H)		
Connétable of St. Ouen		Deputy of St. Martin		
Connétable of St. Mary		Deputy J.A. Martin (H)		
Connétable of St. Clement		Deputy G.P. Southern (H)		
Connétable of Trinity		Deputy S.C. Ferguson (B)		
Connétable of Grouville		Deputy P.J.D. Ryan (H)		
Connétable of St. Brelade		Deputy of Grouville		
Connétable of St. Martin		Deputy G.W.J. de Faye (H)		
Connétable of St. John		Deputy J.A.N. Le Fondré		
Connétable of St. Saviour		Deputy D.W. Mezbourian		
Deputy G.C.L. Baudains		Deputy S. Pitman (H)		
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

Number (18), fields 818 and part of field 873, Trinity.

<b>POUR: 38</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Connétable of St. Helier		
Senator W. Kinnard		Deputy R.C. Duhamel (S)		
Senator T.A. Le Sueur		Deputy A. Breckon (S)		
Senator P.F. Routier		Deputy of St. Martin		
Senator M.E. Vibert		Deputy J.A. Martin (H)		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator T.J. Le Main		Deputy P.J.D. Ryan (H)		
Senator B.E. Shenton		Deputy of Grouville		
Senator F.E. Cohen		Deputy D.W. Mezbourian		
Senator J.L. Perchard		Deputy S. Pitman (H)		
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy J.J. Huet (H)				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

Finally we come to number (19) which is field 578, Trinity.

<b>POUR: 32</b>		<b>CONTRE: 17</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Senator W. Kinnard		
Senator T.A. Le Sueur		Senator B.E. Shenton		
Senator P.F. Routier		Senator J.L. Perchard		
Senator M.E. Vibert		Connétable of St. Ouen		
Senator P.F.C. Ozouf		Connétable of St. Helier		
Senator T.J. Le Main		Deputy R.C. Duhamel (S)		
Senator F.E. Cohen		Deputy A. Breckon (S)		
Connétable of St. Mary		Deputy of St. Martin		
Connétable of St. Clement		Deputy R.G. Le Hérisier		
Connétable of Trinity		Deputy J.A. Martin (H)		
Connétable of Grouville		Deputy G.P. Southern (H)		
Connétable of St. Brellade		Deputy S.C. Ferguson (B)		
Connétable of St. Martin		Deputy P.J.D. Ryan (H)		
Connétable of St. John		Deputy of Grouville		
Connétable of St. Saviour		Deputy D.W. Mezbourian		
Deputy J.J. Huet (H)		Deputy S. Pitman (H)		
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

Finally we come to paragraph (e) which is consequential.

<b>POUR: 38</b>		<b>CONTRE: 10</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Connétable of St. Helier		
Senator W. Kinnard		Deputy A. Breckon (S)		
Senator T.A. Le Sueur		Deputy of St. Martin		
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator M.E. Vibert		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy S.C. Ferguson (B)		
Senator T.J. Le Main		Deputy of Grouville		
Senator B.E. Shenton		Deputy D.W. Mezbourian		
Senator F.E. Cohen		Deputy S. Pitman (H)		
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**2. Draft Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulation 200-(P.79/2008)**

**The Deputy Bailiff:**

We come next to the Draft Proceeds of Crime (Enforcement of Confiscation Order) (Jersey) Regulation, projet 79 lodged by the Minister for Treasury and Resources. I ask the Greffier to read the citation.

**Deputy P.V.F. Le Claire:**

Sir, before we go to that reading may I raise the *défaut* on Deputy Troy, please.

**The Deputy Bailiff:**

Does the Assembly agree to raise the *défaut* on Deputy Troy. He has returned having declared an interest on the matter.

**Deputy P.N. Troy:**

May I speak, Sir, I have sent an email to you regarding the fact that I gave my interest in the last debate yesterday. That today with the debate going to be quite a long one it seemed ludicrous to come into town, a whole one hour 20 minutes to say the word, present. I would like to ask P.P.C. (Privileges and Procedures Committee) to look at the procedure, that if you have given notice on the previous day, you are effectively excluded from the debate and the debate lasts over the evening, whether one cannot be marked *excusé* the next day because I think it is extraordinary that one should have to come in here for 2 seconds to say the word present and then leave.

**Deputy P.V.F. Le Claire:**

Deputy Troy is a religious man and he missed prayers this morning. I think he should have been here for that. [Laughter]

**The Deputy Bailiff:**

It is a matter for Members and if P.P.C. wish to look at it at your request I am sure they will; but it is a matter for Members as to how a Member is marked. The Greffier was about to read the citation of the projet 79.

**The Greffier of the States:**

Draft Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 200-; the States in pursuant to Articles 28A and 38 of the Proceeds of Crime (Jersey) Law 1999 has made the following regulations.

**2.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

If Members look at this proposition and the following 2 they will find that they are all remarkably similar. So I will speak a little bit on the first proposition, Sir, and then try not to repeat myself too much for the 2 subsequent ones. These propositions all deal with Jersey endeavouring to provide international co-operation in respect of the proceeds of crime. The words "Proceeds of crime" now tend to be synonymous with 2 particular areas; one, that of countering terrorism and the other of drug trafficking and money laundering. We look at these in the context of the recommendations of the Financial Action Task Force and the need for good regulation in a responsible jurisdiction. A matter that is particularly important in view of the fact that the I.M.F. (International Monetary Fund) will be visiting the Island later this year. Members may recall that a few months ago I brought to the house a piece of legislation to amend the Proceeds of Crime Law. The effect of that law was to do away with the old concept of designated territories in which a whole list of countries was listed, and if you were on that list we would help, and if they were not on that list we did not help, and replaced that by an arrangement of dealing with each application on a case by case basis. That law was passed by the States, it has now gone through Privy Council and been registered in the Royal Court. As a result these 3 sets of regulations, this one and the 2 following ones, are made under that Proceeds of Crime Law. As I say, they replace the idea of designated territories by requests for assistance which will be dealt with on a case by case basis. In terms of the practical aspects of this it is really a 3-stage process. When there is a suspicion of an illegal transaction an application may be made to seize any assets within local jurisdiction either by what is called a *saisie* or by a restraint order. Having done that the Attorney General is in the position of acting as a gatekeeper and he is required then to apply to the Royal Court, to demonstrate to the court that there is sufficient evidence for the assets that have been restrained or seized to be dealt with. If, on the basis of the evidence presented to the court, the court is satisfied that there is a valid case for

dealing with these assets, in other words, it is proved that they are being used for drug trafficking or terrorism purposes, then the court may decide that the assets can be released to the benefit of the jurisdiction who is making the application. It is very much now in the hands of the court to judge on the basis of the facts before them whether the action taken in seizing those assets is justified. Clearly if the court feels that there is no justification then they will, in the normal course of events, order that the funds be released back to the person from whom they had been seized. That is, as I say, dealt with on a case by case basis. That, Sir, is the preamble to all 3 sets of these regulations. If I move now specifically to the first one, the first one is to deal with enforcement orders for the proceeds of crime.

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

I beg your pardon, I believe we are inquorate.

**The Deputy Bailiff:**

We are indeed, yes.

**Senator W. Kinnard:**

Sir, while we are inquorate I wonder if I could just ask a question?

**The Bailiff:**

No, not while we are inquorate, I am afraid. I think we are all right now, yes.

**Senator W. Kinnard:**

It is just that I myself also have some very similar regulations at P.84 which are a bit further down the agenda and I wondered whether it would make sense for me to take those Terrorism Regulations after the Minister for Treasury and Resources and before we get into ...

**The Bailiff:**

It would certainly seem sensible, I think. Yes.

**Senator T.A. Le Sueur:**

I am sure that is right; and maybe I can speak on behalf of the Minister for Home Affairs as well. So, these first regulations allow the courts to register an external confiscation order where a request for assistance has been made. The request would be made by the Attorney General, and the court would decide on the basis of the evidence whether to apply funds or not. I do not want to go into the detail about regulations, Sir, but at the moment I propose the principles of these regulations.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the principles? No one wishes to speak?

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

Yes, Sir. Sorry; there was a movement in front of me. I was minded to **[Interruption]** -- I had thought, Sir, on a previous occasion when the Bailiff himself had difficulty recognising - or appeared to have difficulty recognising - lights on this side of the room, of getting one of those yellow lights that you see on the top of cars, until I found out how expensive they were. That may have assisted you in this particular situation. Not your fault. I had intended raising this matter under the article, Sir, but I have serious problems with Articles 3, 4 and 6. But as they go to the heart of the matter, I think I might as well vote against the projet in its entirety, Sir. The reason I do that is because the whole principle of this is based on an assumption that other countries have justice systems as honest and competent as ours, and I am afraid that is not the case, and it does concern me greatly. So, I shall be voting against.

**2.1.2 Deputy I.J. Gorst:**

Perhaps I could oblige my fellow Deputy. The Members might recall that he raised this very point when we were amending the legislation initially, and if I understand him correctly, he did get some comfort from the Attorney General's interpretation, and about the hand, shall we say, that he would apply to interpreting this. I do not want to put words in the Attorney General's mouth, but I suspect that that approach has not changed, and he will take that same approach; and I hope that that will give some comfort to other Members and to my fellow Deputy.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? Very well. Minister, do you wish to reply?

**2.1.3 Senator T.A. Le Sueur:**

Only to thank Deputy Gorst for responding and saying what I would have said. I have absolute faith that the court in Jersey will use its common sense and apply appropriate judgments whenever evidence is presented to it, Sir. I maintain the principles.

**The Deputy Bailiff:**

All those in favour of adopting the principles, kindly show. The appel is asked for in relation to the principles.

<b>POUR: 29</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator W. Kinnard		Deputy G.C.L. Baudains		
Senator T.A. Le Sueur				
Senator M.E. Vibert				
Senator B.E. Shenton				
Senator J.L. Perchard				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy of St. Martin				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérisier				
Deputy J.B. Fox (H)				
Deputy P.J.D. Ryan (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy J.A.N. Le Fondré				
Deputy D.W. Mezbourian				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				



**The Deputy Bailiff:**

Now, Deputy Ryan, do you wish the matter referred to your panel?

**Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):**

No, Sir.

**The Bailiff:**

No. Yes, Senator. How do you wish to propose the regulations? *En bloc*, Minister?

**2.2 Senator T.A. Le Sueur:**

I suspect, Sir, at this time of the afternoon, Members would prefer me to propose them *en bloc*, so I will do that and offer to answer any questions that there may be on the articles or the Schedule.

**The Bailiff:**

Very well. Are they seconded? **[Seconded]** Does any Member wish to speak on any of the individual regulations or schedules?

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

In response to the comments of my fellow St. Clement Deputy under the principles. Yes, I am obviously aware and I do recall the fact that the Attorney General in some way would like to make himself aware of the quality of the information he is receiving. But, of course, unless he was to spend days or weeks going through the court case system and looking through every piece of evidence to make sure that the information he was receiving was absolutely correct, then the guarantee is a slim one, Sir, in my view.

**The Bailiff:**

Does any other Member wish to speak on any individual regulations? Do you wish to reply, Minister?

**Senator T.A. Le Sueur:**

Just to maintain the articles.

**The Bailiff:**

Very well. All those in favour of adopting all the regulations and the 2 schedules kindly show. Those against. The regulations are adopted. Do you propose the regulation in third reading, Minister?

**Senator T.A. Le Sueur:**

Please.

**The Bailiff:**

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. The regulations are adopted in third reading.

**3. Draft Criminal Justice (International Co-operation) (Jersey) Regulations 200-(P.80/2008)**

**The Bailiff:**

We come next to the Draft Criminal Justice (International Co-operation) (Jersey) Regulation, projet 80, also lodged by the Minister for Treasury and Resources. The Greffier will read the citation.

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

Draft Criminal Justice (International Co-operation) (Jersey) Regulations 200- (P.80/2008): the States, in pursuance of Article 7 of the Criminal Justice (International Co-operation) (Jersey) Law 2001, have made the following regulations.

#### **3.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

Maintaining the same principles, these regulations deal with the situation where a confiscation order or forfeiture order has been made in a foreign jurisdiction. These regulations allow those orders to be registered in Jersey and therefore applied through the Jersey Courts. So, again, Sir, I propose the principles of these regulations.

#### **The Bailiff:**

Is the principle seconded? [**Seconded**] Does any Member wish to speak on any of the principles?

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

Yes. Same comments as the last ones. In fact, obviously I understand what is trying to be achieved here, but I do have serious concerns. Looking under the explanatory note I notice this replaces the existing legislation, and the external forfeiture orders made in any country or territory outside Jersey causes me enormous concern, Sir.

##### **3.1.2 Deputy P.J.D. Ryan::**

Just quickly, in response to Deputy Baudains, if we were to legislate and to make regulation based on the lowest common denominator of other jurisdictions around the world, I strongly suspect that we would have very, very little regulation at all, and we simply cannot go on that basis. We must decide what our standard should be and legislate for it.

#### **The Bailiff:**

Does any other Member wish to speak on the principles? Do you wish to reply, Minister?

##### **3.1.3 Senator T.A. Le Sueur:**

I understand the comments of Deputy Baudains. I am grateful to Deputy Ryan for his observations and I maintain the principles.

#### **The Bailiff:**

All those in favour of adopting the principles, kindly show. Those against. The principles are adopted. Deputy Ryan?

#### **Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

#### **The Bailiff:**

You do not wish to have the matter referred to? Do you wish to propose the regulations *en bloc*, Minister?

#### **3.2 Senator T.A. Le Sueur:**

Yes, please, Sir. Regulations 1 to 12. There are no schedules in these.

#### **The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on any of the individual regulations? Very well. All those in favour.

#### **Deputy P.V.F. Le Claire of St. Helier:**

The appel, please, Sir.

**The Deputy Bailiff:**

You want the appel?

**Deputy P.V.F. Le Claire:**

Please, Sir.

**The Deputy Bailiff:**

Very well. The appel is called for in relation to Regulations 1 to 12.

<b>POUR: 31</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Deputy G.C.L. Baudains		
Senator W. Kinnard				
Senator T.A. Le Sueur				
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator J.L. Perchard				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy of St. Martin				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy D.W. Mezbourian				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				

**The Deputy Bailiff:**

Minister, do you propose the regulations in third reading?

**Senator T.A. Le Sueur:**

Yes, please, Sir.

**The Deputy Bailiff:**

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? The regulations are adopted in third reading.

**4. Draft Drug Trafficking Offences (Enforcement of Confiscation Orders) (Jersey) Regulations 200- (P.81/2008)**

**The Deputy Bailiff:**

Then we come to the Draft Drug Trafficking Offences (Enforcement of Confiscation Orders) (Jersey) Regulations, Projet No. 81, lodged by the same Minister. The Greffier will read the citation.

**The Greffier of the States:**

Draft Drug Trafficking Offences (Enforcement of Confiscation Orders) (Jersey) Regulations 200-: the States, in pursuance of Article 39 of the Drug Trafficking Offences (Jersey) 1988, have made the following regulations.

**4.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

This is the last of the 3 that I am dealing with. It follows the same principle that these regulations apply purely to offences committed in respect of drug trafficking, where again the same procedure of confiscation or seizure apply to the court as to the disposal still remain as before. I propose the principles of these regulations

**The Deputy Bailiff:**

Is the principle seconded? **[Seconded]** Does any Member wish to speak on the principles? Any other Member? Very well. All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Ryan, as chairman of the Scrutiny Panel?

**Deputy P.J.D. Ryan (Chairman, Corporate Affairs Scrutiny Panel)::**

No thank you, Sir.

**The Deputy Bailiff:**

Minister, do you wish to propose the regulations?

**Senator T.A. Le Sueur:**

Again, I propose Regulations 1 to 10 and the Schedules, and I invite any questions.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on any of the regulations or schedules? Very well. All those in favour of adopting Regulations 1 to 10 and the Schedules kindly show. Those against? They are adopted. Do you propose to go ahead with third reading?

**Senator T.A. Le Sueur:**

Yes, please.

**The Deputy Bailiff:**

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. The regulations are adopted in third reading.

## **5. Draft Terrorism (Enforcement of External Orders) (Jersey) Regulations 200-(P.84/2008)**

### **The Deputy Bailiff:**

So, then, in accordance with the decision just taken, we will move to the Draft Terrorism (Enforcement of External Orders) (Jersey) Regulations, projet 84, lodged by the Minister for Home Affairs. I will ask the Greffier to read the citation.

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

Draft Terrorism (Enforcement of External Orders) (Jersey) Regulations 200-: the States, in pursuance of paragraph 11 of Schedule 2 of the Terrorism (Jersey) Law 2002, have made the following regulations.

#### **5.1 Senator W. Kinnard (The Minister for Home Affairs):**

These are a very similar set of regulations and, indeed, I think the opening speeches of the Minister for Treasury and Resources fits this one. Again, it is an item ahead of the I.M.F. visit to counter money laundering and terrorist financing, and these particular draft Regulations would replace the current Terrorism (Enforcement of External Orders) (Jersey) Regulations 2003. So, Sir, I propose the Regulations.

### **The Bailiff:**

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

#### **5.1.1 Deputy R.G. Le Hérissier:**

Just a quick question to the Minister for Home Affairs. How is the Minister, or how are the authorities, convinced that, were such an order to be made, it is not politically motivated?

### **The Bailiff:**

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

#### **5.1.2 Senator W. Kinnard:**

Well, again, it is the Attorney General who is the gatekeeper of Jersey who receives the request and makes the decision, indeed, as to whether or not assistance should be given. In terms of the enforcement of any orders, it is the Royal Court who is the arbiter as to whether or not to register the various orders. That, Sir, I believe is the protection.

### **The Bailiff:**

Very well. All those in favour of adopting the principles ...

#### **Deputy R.G. Le Hérissier:**

Could I ask the Attorney General a question? Was an order to come through, for example, from the government of Zimbabwe or a State of the Russian Federation, what kind of criteria would be applied in assessing its applicability?

#### **The Attorney General:**

I am not sure that I would necessarily take the step in relation to Zimbabwe, although I might, but in cases where I was not sure about whether I wanted to give assistance or not, I would seek advice most immediately from Her Majesty's Government, and from the Foreign Office. In cases where I was quite sure because there was an established relationship, and where I was satisfied the United Kingdom would not be embarrassed by giving assistance of this kind, then in those cases I would proceed. If I thought there was a risk of embarrassment, or if I thought there was a risk of human rights obligations not being met, because the Attorney General has public authority for the purposes

of the Human Rights Law, then I would certainly seek advice from H.M.G. (Her Majesty's Government).

**Deputy P.J.D. Ryan:**

May I ask a similar question? Could the Attorney General take note of any resolutions of the United Nations in a similar way?

**The Attorney General:**

Yes, of course.

**The Deputy Bailiff:**

Very well. All those in favour of adopting ... Do you want the appel on the principles? Very well. The appel is called for in relation to the principles of projet 84.

<b>POUR: 30</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Deputy G.C.L. Baudains		
Senator W. Kinnard		Deputy R.G. Le Hérisier		
Senator T.A. Le Sueur				
Senator M.E. Vibert				
Senator B.E. Shenton				
Senator J.L. Perchard				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy of St. Martin				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy D.W. Mezbourian				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				

**The Deputy Bailiff:**

Deputy Mezbourian, I think this is a matter for your Scrutiny Panel?

**Deputy D.W. Mezbourian (Chairman, Education and Home Affairs Scrutiny Panel):**

We do not wish to scrutinise it, thank you, Sir.

**The Bailiff:**

Now, Minister, then, do you propose the regulations *en bloc*?

**5.2 Senator W. Kinnard:**

Yes, Sir, I will, and answer any questions. I propose the regulations *en bloc*.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on Regulations 1 to 12?

**5.2.1 Deputy K.C. Lewis of St. Saviour:**

There is legislation passed a few years ago, Sir, after 9/11, regarding taking people from the United Kingdom and British Territories to the United States of America. Does this supersede that legislation, Sir?

**Senator W. Kinnard:**

I do not think I understand the question. Could the Deputy put it again, please?

**Deputy K.C. Lewis:**

I believe there was emergency legislation brought in after 9/11, to take British nationals to the United States of America. Does this supersede that legislation?

**5.2.2 Senator W. Kinnard:**

It is not relevant to these regulations. These regulations merely replace the Draft Terrorism (Enforcement) Regulations Orders (Jersey) Regulations 2003, I think. But I do not know if the Attorney General wishes to make further comments.

**The Deputy Bailiff:**

Before we do that, I want to make sure no other Member wants to speak. No. Very well. Mr. Attorney, do you wish to add anything?

**The Attorney General:**

I have nothing to add to what the Minister has said.

**The Deputy Bailiff:**

Very well. All those in favour of adopting Regulations 1 to 12 kindly show. Those against? Regulations 1 to 12 are adopted. Do you propose the regulations in third reading?

**Senator W. Kinnard:**

I do so, Sir.

**The Deputy Bailiff:**

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? The regulations are adopted in third reading.

**Deputy A. Breckon:**

I wonder if we are perhaps on a roll, can I suggest that we continue with P.85 on the agenda and come back, perhaps, to P.82 in the morning? To dispense with some of the items further down, Sir. Perhaps you could unload some of the business.

**The Deputy Bailiff:**

Are you proposing that?

**Deputy A. Breckon:**

Yes, Sir, that we carry on down the agenda from P.85, and then keep going down until we hit a brick wall, and then perhaps start afresh tomorrow.

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

I would endorse that, Sir.

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

I will have a go, but I do not have my substantive file on the 2 issues that I am dealing with. I think there was a full expectation that it would be tomorrow morning. But I am happy to do it if Members really want.

**The Deputy Bailiff:**

Can we just have a quick decision, then? Does anyone second Deputy Breckon's proposition? **[Seconded]** So, the proposition is that, in effect, we move on down to P.85 and go as far as we can this evening, and then come back to P.82. If you agree with that, vote in favour. If you do not, vote against.

**Deputy I.J. Gorst:**

Could I just make a comment? Whilst I am fully supportive of the proposition, bearing in mind that the Minister does not have his file with him, if Members do wish to ask questions or speak at length on these subjects, they might find that they are not able to get the satisfaction they require, and should bear that in mind before voting.

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

I think my Assistant Minister is doing the first one. It is the second 2 that ...

**Deputy A.J.H. Maclean:**

The same applies for the Assistant Minister, Sir.

**The Deputy Bailiff:**

Very well. All those in favour of Deputy Breckon's proposition, kindly show. I think we had better have an appel.



<b>POUR: 32</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator W. Kinnard		Senator L. Norman		
Senator T.A. Le Sueur		Connétable of St. Helier		
Senator M.E. Vibert		Deputy P.N. Troy (B)		
Senator P.F.C. Ozouf		Deputy J.A. Martin (H)		
Senator B.E. Shenton		Deputy P.J.D. Ryan (H)		
Senator J.L. Perchard				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy of St. Martin				
Deputy G.C.L. Baudains				
Deputy C.J. Scott Warren				
Deputy R.G. Le Hérissier				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire				
Deputy J.A.N. Le Fondré				
Deputy D.W. Mezbourian				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

## **6. Draft Shipping (Amendment No. 2) (Jersey) Law 200- (P.85/2008)**

### **The Deputy Bailiff:**

So, that means that we come next then to the Draft Shipping (Amendment No. 2) (Jersey) Law 200-, projet 85, in the name of the Minister for Economic Development. Would the Greffier read the citation.

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

Draft Shipping (Amendment No. 2) (Jersey) Law 200-: a law to amend further the Shipping (Jersey) Law 2002. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

### **Senator P.F.C. Ozouf (The Minister for Economic Development):**

May I ask my Assistant Minister to be rapporteur?

## **6.1 Deputy A.J.H. Maclean (Assistant Minister for Economic Development - rapporteur):**

It is a pleasure, Sir. Sir, these law amendments are principally aimed at allowing the Island to update a United Nations Maritime Convention which we have already ratified. The aim of the original convention on the Limitation of Liability for Maritime Claims - that is the L.L.M.C. - is to provide a manageable liability regime for maritime claims. Limitation is necessary for a variety of reasons - not least, to prevent the liability and consequential insurance being prohibitive. Limitation is achieved on an agreed international sliding scale that relates to the size of the ship. Large ships carrying more passengers or greater quantities of cargo have higher liability than smaller ships. The protocol to the convention was agreed internationally in 1996, and raises the limits of liability. It came into force in the United Kingdom in 2004. However, it is not in force in Jersey. Primarily, protocol will have the effect of raising the limitation of liability to more appropriate levels. The passage of time inevitably has reduced the real monetary value of the original limits that were set. For a vessel visiting Jersey, and considering a claim for serious injury or, indeed, loss of life, liability based on the old rates is currently limited to approximately £780,000 for a small cargo vessel of 3,000 tonnes in size, rising to £2.1 million for a large roll-on roll-off freighter of 11,000 tonnes. For the same vessels, the new rates will be in the range of £1.38 million up to £4.5 million. Legal changes: there are procedural problems in our shipping law concerning both this convention and the convention on liability in connection with the carriage of hazardous and noxious substances. Firstly, as the law stands, the States can only bring in relevant regulations once these conventions, or revisions to them, have been agreed to on behalf of Jersey by the U.K. Government. However, the Economic Development Department has received advice that this will not work, and that the correct way round this is for the regulations or other implementing legislation to be put in place first. The Island can then request the U.K. to agree the relevant international instrument on our behalf. Secondly, for the protocol to be effective, Schedule 6 of the law needs amending to specify the new limits and other aspects of the protocol which improve and clarify the purposes of the original convention. Thirdly, in bringing in the protocol in the U.K., Her Majesty's Government has noticed errors in its own legislation which were originally copied through to our own shipping law. Once these changes have been made, the United Kingdom's Ministry of Justice can be requested to extend the protocol to the Island and simultaneously denounce the convention. We are advised by the U.K. that this is necessary to avoid a potential conflict between the old and the new systems, for setting the limits and determining which limits should apply. Sir, this is essentially what the legislation is all about, and I maintain the preamble.

### **The Deputy Bailiff:**

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

#### **6.1.1 Connétable M.K. Jackson of St. Brelade:**

Just so say that in my view the present sums are woefully inadequate, and I would urge Members to support the proposition.

### **The Deputy Bailiff:**

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

#### **6.1.2 Deputy A.J.H. Maclean:**

No, Sir, other than to thank the Constable. He is absolutely correct. They are woefully inadequate, and that is the purpose of this law change.

### **The Deputy Bailiff:**

Very well. All those in favour of adopting the principles kindly show. Those against. The principles are adopted. Deputy Breckon, I think this falls within the area of your Scrutiny Panel. Do you wish to have it referred to? Oh, no. I beg your pardon. You are the Vice-president. I do

beg your pardon. Deputy Southern. But he is not here. Still, no. Very well. Deputy Maclean, do you wish to propose the articles *en bloc*?

**6.2 Deputy A.J.H. Maclean:**

Yes, *en bloc*, Sir.

**The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on any of the articles?

**6.2.1 Deputy R.G. Le Hérissier:**

Is there an assumption that where it says “2 million units of account” it means £2 million? If, for example, we are talking about Zimbabwean dollars, 2 million of course does not amount to more than 2 pence, for example.

**The Deputy Bailiff:**

Does any other Member wish to speak on any of the articles? Very well. I call upon Deputy Maclean to reply.

**6.2.2 Deputy A.J.H. Maclean:**

No. In fact, it is not pounds sterling that this is arranged in. It is effectively dollars. Clearly, with the way in which the dollar has moved, it has had its own consequential effect to values since this was proposed. But, yes, it is dollars, not sterling.

**The Deputy Bailiff:**

Very well. All those in favour of adopting Articles 1 to 6 kindly show. Those against. Articles 1 to 6 are adopted. Do you propose the Bill in third reading, Assistant Minister? [**Seconded**] Does any Member wish to speak in third reading? All those in favour of adopting the Bill in third reading kindly show. Those against. The Bill is adopted in third reading.

**7. Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 200- (P.86/2008)**

Then we come to the Draft Companies (Takeovers and Mergers Panel) (Jersey) Law, projet 86, lodged by the Minister for Economic Development. I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 200-: a law to provide for a body to be appointed to oversee and establish rules for the takeovers and mergers of companies and other corporate bodies. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

**7.1 Senator P.F.C. Ozouf (The Minister for Economic Development):**

This law will modernise the treatment of takeovers and mergers in Jersey by placing the current informal powers of the panel on takeovers and mergers on a statutory basis. It will underpin the panel’s existing role in ensuring that takeovers and mergers of Jersey companies are carried out fairly, and in particular the interests of minority shareholders are protected. The panel’s rules already comply with the relevant European Union directive. Giving it this new statutory recognition will ensure that the Island’s takeover regime is recognised internationally as meeting the required standards. In particular, the effect of the new law will protect importantly the interests of shareholders who hold a small number of shares in a company because it ensures that they are given an equal treatment with larger shareholders who might otherwise push through deals in their own interest. It will also ensure that they are given proper information in order to make a decision on a proposed merger or takeover. It also prevents the board of a company from acting in the interests of some shareholders only, and ensures that the shareholders will have the final say as to whether or not to accept a bid. Takeovers and mergers in Jersey have, for some time, been

regulated by the panel. The panel historically regulated takeovers in both the U.K. and Crown dependencies on a non-statutory basis. However, in accordance with a recent European Union directive, the U.K. has placed the panel within a statutory framework, and it is appropriate that we follow this to avoid problems that might arise in the case of a takeover involving both Jersey and U.K. interests, if the panel had certain powers in one jurisdiction but not in the other. The Island benefits from the regulation of takeovers and mergers because it helps to create a framework that encourages investments in Jersey companies and ensures the Island is complying with international standards, as well as protecting the interests of minority shareholders. Regulation by the panel has worked well in the past, and if this law is passed, we can look forward to a continuing relationship with the panel. It has enjoyed a cost-effective solution to Jersey with a panel with experience and expertise in the area. This draft law provides the Minister for Economic Development to nominate a body to perform the role of the takeover panel. It is my intention to nominate the U.K. panel, but this provision could change in the future. We could provide, for example, for a Jersey or indeed a Channel Island based panel, but it is my intention to inform the Assembly that it would be to determine that the U.K. panel would continue. If passed, the law will put the existing non-statutory arrangements for Jersey takeovers and mergers on a statutory basis, as well as giving the panel some additional powers. The provisions closely mirror the equivalent legislation in the U.K., and will ensure that the powers of the panel are consistent with those on the statutory basis in the U.K. It is my understanding also that Guernsey and the Isle of Man will also be putting steps in place to put the panel on a statutory basis. Sir, I move the preamble.

**The Deputy Bailiff:**

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

**7.1.1 Deputy R.G. Le Hérissier:**

I wonder, Sir, if the Minister could explain how this body relates to the Jersey Competition Authority? Does this mean, Sir, that a U.K. based body has the right to pronounce upon the impact on a Jersey-based company owned by a U.K. company? Presumably that is what it does. But that can have major implications for our economy, obviously. So, how does it mesh with the Competition Authority?

**7.1.2 The Connétable of Grouville:**

I understand the Members were using the U.K. body, but it becomes a local body. With the appointment of the body, will the names of those people be brought to the States for ratification, or will it just be up to the Minister to decide on who they are?

**The Deputy Bailiff:**

Are there any other speakers on the principles? Very well. I call upon the Minister to reply.

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

Firstly, dealing with the Constable of Grouville's question. This is a U.K. panel which is set up by U.K. Parliament statute, so it is an established body with members. I would not be nominating individuals as part of the panel, but the panel itself would effectively be requesting, in this instance, the U.K. panel to act in relation to matters concerning mergers or acquisitions of companies. That really deals with the question of Deputy Le Hérissier. We are not dealing with issues concerning consumer rights and issues concerning competition - we are dealing with issues concerning the interests of the shareholders and minority shareholders, and the arrangements and schemes that are put forward from a shareholder's point of view, not the other end of the perspective. So, in summary, I would say that these arrangements would act in parallel; they are not mutually exclusive. The Attorney General may wish to comment more authoritatively. I can see he is nodding.

**The Attorney General:**

Just in case to assist Members, Article 23 expressly preserves the Competition Law in its force over here.

**The Connétable of Grouville:**

I think the Minister inadvertently did not answer my question. I asked whether, in fact, if he uses his powers to appoint a Jersey panel instead of the U.K. panel, will that appointment be brought to the States?

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

Certainly we would need to set up such a panel on either a Jersey or Channel Island basis - I would imagine on a statutory basis - just as we have passed a law to set up a Jersey Competition Regulatory Authority. That was set up by Act of the States under a law, and that would be the process. So, first of all, it would not simply be to appoint a panel informally. One would need to effectively create a statute and a law to create that panel. This Assembly would need to decide how those members would be appointed, and if we were to put such a panel in place, it would, for example, be for this Assembly to appoint a chairman, et cetera. But I have to say to Members, I have, upon advice, no intention of creating or suggesting a statutory basis for a Jersey panel. We are dealing, effectively, with an existing U.K. operation and this is for an existing U.K. Panel. That is the route on which we would prefer to remain. I could not envisage it. It is something possible. It would come back to the Assembly for sure.

**Deputy R.G. Le Hérissier:**

I wonder if I could ask the Attorney General a question. When the Director post of Civil Aviation was set up, one of the arguments was that we needed to set up our own, and that it was wrong to rely on an extension of U.K. legislation. Constitutionally, does he think this is a safe route that we are following, allowing a U.K. body, albeit on the basis of Jersey legislation, to operate within the Island?

**The Attorney General:**

Members will know that I am very much in favour of having Jersey bodies wherever possible. There are, I think, particular reasons why the U.K. panel will be good for market confidence in relation to these particular matters. I do not have a constitutional concern about it, because the jurisdiction which the panel will be exercising is a jurisdiction conferred by this Assembly. If, at any stage in the future, the Assembly does not like the way in which the jurisdiction is being exercised, then the arrangements can be revoked. So, we have not lost control, as it were, of our own destiny.

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

May I make one final comment in relation to that? It may assist Deputy Le Hérissier to point out that in most cases we will be probably dealing with Jersey companies, that may well be, for example, quoted on the U.K. Stock Exchange. For example, Jersey companies are used - there are many Jersey companies that are quoted on AIM, et cetera. So, that is the linkage: the fact that we are using the London market - the predominant worldwide market of London - and that is why it is appropriate to use the U.K. panel, in addition to the Attorney General's comments. I hope that is helpful.

**The Deputy Bailiff:**

Very well. All those in favour of adopting the principles kindly show. Those against. The principles are adopted. This is a matter for Deputy Southern's panel, but he is not here. Deputy Breckon? You do not wish it. Now, Minister, do you wish to propose the articles *en bloc*?

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

I do, Sir. I explained in my opening remarks that these provisions mirror the U.K. arrangements in relation to the act that has been passed. They mirror the current informal arrangements. So, I propose the articles *en bloc*, and attempt to answer any Members' questions.

### **The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member have any questions on any of the articles or the schedule?

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

I was just wondering if there would be any change in regard of fees that we may or may not pay at the present time

### **7.2.2 Deputy P.V.F. Le Claire:**

Similarly along those lines, I wondered if fees are to be levied, will there be any returns to Jersey, and how will that operate?

### **The Deputy Bailiff:**

Does any other Member wish to ask ... or make any points? Very well. I call upon the Minister to reply.

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

I explained again in my opening comments that the existing arrangements are effectively to remain as the status quo, and we are currently putting in place simply a statutory basis. So, there is going to be no intention of charging anything. We are effectively putting the existing arrangements on a statutory basis, and the fees and charges are, of course, payable to the panel. So, therefore, we are not envisaging any cost or anything else apart from cost recovery in relation to the panel, and the panel has the right to make the effective fees. I hope that is helpful.

### **The Deputy Bailiff:**

Very well. All those in favour of adopting the articles and the schedule kindly show. Those against. The articles and the schedule are adopted. Do you propose the Bill in third reading?

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

Yes, Sir.

### **The Deputy Bailiff:**

Seconded? [**Seconded**] Any Member wish to speak in Third Reading? All those in favour of adopting the Bill in third reading kindly show. Those against. The Bill is adopted in third reading.

## **8. Draft Limited Partnerships (Amendment) (Jersey) Law 200- (P.87/2008)**

### **The Deputy Bailiff:**

The next matter is the Draft Limited Partnerships (Amendment) (Jersey) Law 200-, projet 87, also lodged by the Minister for Economic Development. The Greffier will read the citation.

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

Draft Limited Partnerships (Amendment) (Jersey) Law 200-: the law to amend further the Limited Partnerships (Jersey) Law 1994. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

**Deputy I.J. Gorst:**

Sorry, I would just like to declare an interest. As Members know, I do have outside employment with a firm of accountants, the main area being in the funds business. This is a vehicle which is used in the funds area. Sir, I know it is not strictly necessary, but to avoid the appearance of conflict I will be withdrawing and not voting. Thank you, Sir.

**The Deputy Bailiff:**

Thank you, Deputy.

**8.1 Senator P.F.C. Ozouf (The Minister for Economic Development):**

That is a shame, Sir, we are losing the expertise of Deputy Gorst, but never mind. I will do my best, Sir. This amendment has been put forward following a review of Jersey Limited Partnerships which has been conducted by my officials, and conducted in conjunction with the Law Society and Jersey Finance. Members should note that this amendment concerns limited partnerships, which are partnerships where some but not all of the partners have limited liability. These are distinct from limited liability partnerships, in relation to which Members will be aware my department is also carrying out a consultation exercise, which are partnerships in which all partners have limited liability. In a limited partnership there is always at least one general partner whose liability for the partnership steps are unlimited. The Limited Partnerships Law is one of the key pieces of legislation used by the finance industry in the funds area. Limited partnerships are used particularly in the funds area, but are also widespread for a variety of other transactions - particularly where transparency is important. The original law was passed in 1994, and this is, in fact, the first-time it has been amended. Some amendments to the registration provisions have been requested by the registrar to ensure, simply, the smooth functioning of the Limited Partnerships Law in the interests of the finance industry as a whole. The opportunity has also been made to make a number of minor amendments and improvements to the law. Under the proposed amendments, provisions have been introduced to ensure that limited partnerships using premises as their registered office have the permission of the occupier. This is required because registered office facilities are commonly provided on a commercial basis to limited partnerships which have no substantive permanent presence in Jersey. Problems have arisen in the past for the providers of such registered office facilities where the limited liable partnership fails to pay the relevant fees, or where the provider otherwise wishes to withdraw the service. But there was simply no way of compelling the limited partnership to change its registered address. Provision has also been made for the Registrar to deregister limited partnerships at the request of general partners. This is because, from time to time, limited partnerships wish to cease to be Jersey limited partnerships, but do not wish to dissolve. These might occur, for example, if the limited partnership wishes to change in an ordinarily general partnership. The provisions of the amendment have been extensively consulted upon. They are fairly technical in nature, and I move the principles of the law.

**The Deputy Bailiff:**

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

**8.1.1 The Deputy of St. Martin:**

Just as a matter of information, because the Minister mentioned about limited liability partnerships, I understand it is in part of the law drafting process in consultation. Can the Minister give us any idea whether this is going to be before December or possibly next year? Thank you.

**8.1.2 Deputy R.G. Le Hérissier:**

I am a bit confused about addresses. Has there been a tradition of just having mail boxes, and people are just moving very quickly trying to leave no traces of their presence. It all seems a bit vague, but I am sure I will be enlightened.

**The Deputy Bailiff:**

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

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

To answer the Deputy of St. Martin, who I know has a particular interest in limited liability partnerships, the consultation is going ahead and of course those provisions will be dealt with. I doubt whether it will be at this Assembly. Certainly I will be publishing the conclusions of the consultation and probably lodging arrangements, if it is possible to do so before the end, but I imagine it will be the new Assembly that will consider this issue. We are dealing with something quite distinct here. I know the Deputy has particular views on limited liability partnerships, suffice it to say that the current structure does not work very well for Jersey. In relation to addresses, we are not dealing with anything quite complicated, I would submit to Deputy Le Hérissier. We are simply arranging that there is an appropriate address that can be certain for the serving of documents, et cetera, and there is nothing sinister in relation to any suspicion of people moving around addresses. It is simply a registration issue and the need for certainty in relation to that. Sir, I move the principles.

**The Deputy Bailiff:**

All those in favour of adopting the principles kindly show. Those against? The principles are adopted. This is again a matter for Deputy Southern's panel. Deputy Breckon, do you wish to have this matter referred? No. Do you wish to propose the articles *en bloc*?

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

Sir, I propose the articles *en bloc*. I effectively, in my opening remarks, explained the provisions that we are attempting to amend there; mostly technical in arrangement. There is nothing massively significant in relation that I wish to draw Members' attention to and seek to answer any Members' questions.

**The Deputy Bailiff:**

Is the proposal seconded? **[Seconded]** Does any Member wish to speak on any of Articles 1 to 15? Very well, all those in favour of adopting Articles 1 to 15, kindly show. Those against? They are adopted. Do you propose the Bill in third reading? **[Seconded]** Does any Member wish to speak in third reading?

**Deputy A. Breckon:**

Yes, Sir, just to thank the Minister and the Assistant Minister for thinking on their feet and putting those 3 projets together. It is perhaps their finest 20 minutes.

**The Deputy Bailiff:**

All those in favour of adopting the Bill in third reading kindly show. Those against? The Bill is adopted in third reading.

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

I was just going to say it is quite difficult when you do not have your revision notes in answering an A level question, but apparently we have done okay.

**9. Draft Income Support (Amendment of Law) (Jersey) Regulations 200- (P.88/2008)**

**The Deputy Bailiff:**

The next matter is the Draft Income Support (Amendment of Law) (Jersey) Regulations, projet 88, lodged by the Minister for Social Security. The Greffier will read the citation.



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

The Draft Income Support Amendment of Law (Jersey) Regulations 200-: the States in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 2007 have made the following regulations.

### **9.1 Senator P.F. Routier (The Minister for Social Security):**

I would like to propose a small amendment to the Income Support Regulations. One of the components under the income support system is aimed at lone parents. This component recognises that bringing up a child as a lone parent places an additional financial burden on the parent. As the law is currently drafted the lone parent loses this additional help when their child reaches school leaving age. The proposed amendment will ensure that a lone parent with a child in education between the ages of 16 and 19 will continue to receive the additional component. If the child chooses to stay in education in financial terms the family will be £28 per week better off. This provides a real incentive for teenagers from poorer families to remain in education, giving them the opportunity to gain the qualifications that will lead them to better paid employment. At present there are 167 families who will benefit from this change. In a full year the cost will be approximately £300,000. Sir, I make the proposition.

### **The Deputy Bailiff:**

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

#### **9.1.1 The Deputy of St. Martin:**

I am just intrigued as to know why or how the Social Security Department has £300,000 floating around its kitty.

#### **9.1.2 Senator M.E. Vibert:**

As Minister for Education I would just like to welcome this change. I would hate to think that any young person would be deterred from staying on to get better qualifications after 16 for financial reasons and I think this is very welcome indeed.

#### **9.1.3 Deputy P.V.F. Le Claire:**

I would like to congratulate them as well, Sir. I think this is one of the better propositions we have seen addressing the needs of the community, so rather than criticising where they found the money I would like to congratulate them for putting that money to good use.

#### **9.1.4 Deputy J.A. Hilton:**

I really just wanted to echo the words of previous speakers. I think this is a very, very good proposition. I am aware of several low income families who really do struggle. The only thing I would say is that £28 a week for a 16 to 19 year-old is not an awful lot of money when it comes to clothing and feeding them and if there is any way at some time in the future that that amount of money could be increased to encourage our youngsters to stay on to further education I would welcome that.

#### **9.1.5 Deputy S.C. Ferguson:**

I assume this is purely if they are in fulltime education in Jersey. What happens if the child wants to go to university?

#### **9.1.6 The Deputy of St. John:**

I was just going to echo a similar remark to Deputy Ferguson. Obviously if one was at university you would not have quite such an impact on the home but you do when you return during vacation periods. Most university students will be going on until 21 so I just wondered where the figure of 19 came from. Perhaps the Minister could explain.

**The Deputy Bailiff:**

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

**9.1.7 Senator P.F. Routier:**

The first point, I think, was regarding the £300,000. We always anticipated that people would be able to claim this amount anyhow, so it is just the way that the wording of the legislation in the first place was written, so we had already budgeted for that provision. I welcome the comments of those people who are obviously pleased that we are bringing this forward. It was commented that £28 was not a great amount of money to perhaps look after someone of that sort of age. You must recognise that the £28 is an increase above the child allowance already of £58.10, so it is making a total for that person of £86.10 and of course it is just for children who are in Highlands College at further education here in Jersey. For those who are outside of the Island there is the opportunity to get grants from the Education Department for attending universities outside of the Island. I think that covers all of the questions that were raised. I maintain the proposition, Sir.

**The Deputy Bailiff:**

All those in favour of adopting the principles kindly show. Those against? The principles are adopted. This is a matter for the Health, Social Security and Housing Scrutiny Panel, so Deputy Breckon, in your own right this time, do you wish to have it? Very well. Do you wish to propose Regulations 1 and 2 together, Minister?

**Senator P.F. Routier:**

Yes, Sir, I propose them *en bloc*, Sir, and I am prepared to take questions.

**The Deputy Bailiff:**

Is the proposal seconded? **[Seconded]** Does any Member wish to speak on either of the regulations? All those in favour of adopting the regulations kindly show. Those against? Regulations 1 and 2 are adopted. Do you propose in the third reading, Minister?

**Senator P.F. Routier:**

Yes, Sir.

**The Deputy Bailiff:**

Is the proposal seconded? **[seconded]** Does any Member wish to speak on third reading?

**Deputy S.C. Ferguson:**

My question was not answered.

**Senator P.F. Routier:**

What did I not answer? I believe I answered your questions.

**Deputy S.C. Ferguson:**

I asked about the fulltime education and presumably it was only in Jersey and did not apply to universities.

**The Deputy Bailiff:**

The Minister did deal with that in his reply. All those in favour of adopting the regulations in third reading kindly show. Those against? The regulations are adopted in third reading.

## **10. Draft Income Support (Amendment No. 2) (Jersey) Regulations 200- (P.88/2008)**

### **The Deputy Bailiff:**

Then we come to the Draft Income Support (Amendment No. 2) (Jersey) Regulations, projet 89, lodged also by the Minister for Social Security. The Greffier will read the citation.

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

Draft Income Support (Amendment No. 2) (Jersey) Regulations. The States in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 2007 have made the following regulations.

#### **10.1 Senator P.F. Routier (The Minister for Social Security):**

Under the Income Support law the Minister must review the component rates at least once a year and seek approval from the Assembly for the new rates. In the past a number of different methods have been used for uprating means tested benefits. For example, Attendance Allowance was increased by the mid point between the earnings index and the latest R.P.I. (Retail Price Index). Parish welfare was increased by R.P.I. Disabled Transport Allowance had not been increased for several years. Housing benefits were linked to what was known as the fair rent levels which were not increased every year. The introduction of income support ensures that all components are reviewed at least once a year and on a consistent basis. The Statistics Unit has recently introduced a new low income R.P.I. This measures the impact of rising prices on low income households. The figure published in March showed a 2.7 per cent increase. The income support benefit is designed to help households with the cost of basic living expenses. As prices rise the benefits need to rise in line with the cost of living to ensure that people maintain the same buying power. The structure of the income support benefit provides flexibility so that additional support can be provided to specific household groups to meet particular needs. At this early stage of the benefit it is too soon to single out specific groups for additional help in this way and so this proposition seeks to increase all component rates by a figure of 3.7 per cent. That is one per cent above the March low income R.P.I. figure. The figure of 3.7 per cent represents the midpoint between the low income R.P.I. published for March 2008 and the most recent earnings index. On top of that of course, since income support was introduced on 28th January of this year, some of the original rates have already been increased by 3 per cent on 1st May to compensate for the introduction of G.S.T. For the adult component, the child component, the lone parent component, the household component, the carers component, the personal care component and the mobility component this is a total compounded increase of 6.8 per cent since January of this year. The housing component, clinical costs component and childcare component cover costs that are not affected by G.S.T. and this amendment would increase these components by 3.7 per cent. If we then look at the overall increase it gives across all of the components it gives an overall increase of 5.6 per cent. Although there has been much publicity in recent weeks regarding increased costs in fuel and food prices the R.P.I. published today indicates that the overall prices have risen by 5.2 per cent for low income households. Of this about 2 per cent is as a result of the introduction of G.S.T. The total average increase of these proposals for the components is 5.6 per cent. So, the rates will ensure that low income families have the extra money they need to cover the higher prices since January of this year. I understand that many people will be worried about increasing prices. It is very difficult to predict what will happen in the rest of the year. The income support law allows for uprating at any time during the year. If we continue to see major increases in prices of basic commodities I will consider approaching the Treasury and Resources Minister for additional funding to ensure that low income families are protected from further price rises. With regard to the cold weather payments that are available to many income support households in the months between October and April, that is depending on the temperature at the time, they are linked to the value of the adult component. This proposition will result in an increase of 6.8 per cent in the annual component since January. Importantly the cold weather payments will increase by the same amount. The regulations governing the cold weather payments provide for additional adjustments, if necessary,

to allow for any sudden changes in local heating costs. As well as the component rates the income support scheme includes a number of parameters that are used in the calculation of benefits. The parameters are specified in the general provisions order and I will be increasing the value of all of those monetary parameters by 3.7 per cent to come into effect on 1st October. Sir, the introduction of income support has been a major change in the delivery of benefits in Jersey. There is still much work to do, but I believe that we have made a very good start. The regular updating of component rates and parameters will ensure that low income households will continue to be supported at a fair level. Sir, I make the proposition.

**The Deputy Bailiff:**

Is the proposition seconded? **[seconded]** Does any Member wish to speak on the principle?

**10.1.1 Deputy A. Breckon:**

I do have some comfort from what the Minister has just said because when I read this and it said about the March 2008 figure being the latest Retail Price Index available and of course, as we know, one is published today and there is a significant difference between the 2, but the Minister has said that he does have the facility to review that. He also mixed up lots of numbers about different benefits being increased by different amounts and I thought the idea of bringing together 14 benefits was to simplify the system, not confuse us with figures. So, I would ask the Minister, Sir, if in future there is a formula where people know what it is, because if you add the numbers together and you look at the low cost R.P.I. for March it is 2.7 and the latest one is 5.2 and there is a significant difference to people on a low income. If you add that to the 4.7 for the average earnings for June 2007, which was 4.7, instead of getting 3.7 you get something which is closer to 5 per cent. Now, the Minister has explained that there is some difference across different benefits, but as long as people out there do not believe that they are getting a bit of a raw deal and an old index has been used as a dynamiser to sort of save money, and the Minister has given that assurance, Sir, then I think he has given me the comfort I was seeking, but I did have some concern when I saw the lower figure from March would be used.

**10.1.2 Deputy P.V.F. Le Claire:**

It is about communication and the Minister communicated to our comfort in his speech across a broad range of things and he also gave us the comfort that he could review these issues at any time, which is also comforting. Could I suggest it may be of benefit, I do not know, if the Council of Ministers considers, or the Minister for Social Security at least and his Assistant Minister, having an annexed report of where we began and the changes as they occur when they occur in easy terms for people to understand, a Janet and John type version, so that people who have these types of concerns, who are in these environments, can easily and readily understand how everything is working for them in the future because I think that would be helpful along the lines of what Deputy Breckon said. The rate of inflation is 5.6 per cent, as pointed out, and one of the other issues that I was made aware of this week was that the department is now experiencing 30 to 40 new cases per week and that it is having serious issues in relation to administering those. It is comforting to hear that the Minister is to approach the Treasury Minister if there is a need for more money due to the rise of costs outside of his control, but could I ask; has this increase of 30 to 40 cases per week been a surprise to the department? Is it perhaps because under the new system it is evidence that people who might have been reluctant in the past are now more readily able to and more readily willing to approach for assistance?

**10.1.3 Deputy G.P. Southern:**

I am just wondering, because in that mass of figures I could not quite work out a simple thing like how much additional money is this costing? I think I heard around the figure of 5 per cent overall on a Bill which is something of the order of £60 million. Would that ... Sir, it is in the documents

and I have not looked. Foolish me, slap the wrist, should pay more attention. It is a long day. There is no need to answer that question. It is in the document.

**The Deputy Bailiff:**

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

**10.1.4 Senator P.F. Routier:**

Deputy Breckon highlighted the issue that we face with regard to having to use a figure which was in March. Of course we had to lodge our proposition for the uprating of benefits sort of 6 weeks ago, so that was the latest figures that we were able to bring to the House. I hope that when I gave my opening remarks I was able to give some comfort that the combination of the upratings that we have been able to achieve using the midpoint between earnings index and the low income R.P.I. does result in a figure of an average overall increase of 5.6 per cent, which is 0.4 above what the low income R.P.I. has been just announced in the last day. So, I believe that we have been able to achieve a reasonable increase for those people who are on low incomes. Deputy Le Claire commented that he felt it would be useful to perhaps have a Janet and John explanation for the members of the public to know exactly what they were entitled to. The department does have some leaflets which do explain that and obviously will be updated with the most recent increases in component rates. The information is available on our website about the current component rates, which are available to anybody to apply for. He then went on to ask about the 30 to 40 new faces which I had mentioned and we had already anticipated that we were going to get that sort of number of people coming forward and we have budgeted for that. So, it has not come as a surprise to us at all really. We were anticipating that there would be new people coming forward. Perhaps I have given the wrong impression yesterday when I was answering questions and the media have picked up on it as well, which I was a little bit disappointed about, that we were seeking more staff to perhaps deal with income support claims. That is not really what I was trying to get over. What it was is that I believe we have sufficient staff to deal with income support claims. The point I was making is that we were having difficulty in facing up to the challenges of moving on to the next issues that we have to face, which is long-term care and dealing with supplementation. It was the policy side of it. We need more input into that to be able to move forward for those things, so our policy team were being pulled in different directions in dealing with questions with regard to income support and we want to move on to deal with that. So, I do not want there to be a public perception that we do not have sufficient staff to deal with the income support caseload. I believe that answers all the questions.

**Deputy G.P. Southern:**

Sir, may I ask a point of clarification of the Minister?

**The Deputy Bailiff:**

I thought you had withdrawn your request, Deputy.

**Deputy G.P. Southern:**

He has just made a statement which I wish him to clarify, Sir.

**The Deputy Bailiff:**

Very well.

**Deputy G.P. Southern:**

He has just said he does not need any extra staff to administer income support. Yesterday he said he was unaware whether there were significant delays in delivering income support. I suggested 4 to 5 weeks was being given to applicants. He said he would check that out. Has he checked that out, and are there no delays? Because he is saying he does not need any extra staff to administer.

**Senator P.F. Routier:**

What I have found out is that there are obviously some people who need to provide additional information to the department and until that information is brought into the department it can take a time to settle a claim, but certainly we are managing to deal with things a lot quicker than we did originally. Things are getting done far better now than they were at the outset and I congratulate the staff in being able to achieve that. They are working extremely hard and I hope I also was able to give the reassurance to Members that if anybody is in an immediate need and needs immediate payment we can do cash payments on the day. So, it is a matter of finalising a claim and once all the correct information is with us we can then settle it and deal with it immediately.

**The Deputy Bailiff:**

All those in favour of adopting the principle of the regulations kindly show. Those against? The principles are adopted.

**Deputy A. Breckon:**

For the House's information the actual Income Support Scrutiny Panel chaired by Deputy Martin is still in existence and the proposal is that these benefits are paid from 1st October and rather than frustrate that process, Sir, this will be referred to the panel but not an official referral. It will be done in that way and if it raises any questions they will do it because they are in dialogue with the Minister and the department so it is not an official referral, Sir, but it will be looked at.

**The Deputy Bailiff:**

Do you propose the Regulations 1 and 2, Minister?

**10.2 Senator P.F. Routier:**

I do, Sir, but I would just like to say that once this has been decided today the department start working on our computer processes to implement this for October. So, it was vitally important that we had it debated today so that the department can put these mechanisms into place and letters will be going out to people within the next couple of weeks. So, I am afraid that once this decision is made the request to change it from the Scrutiny Panel will, I am afraid, fall on deaf ears. It is an open decision. The States are going to make that decision but once this decision is made the department will be working on informing people what their new benefit rates will be.

**Deputy A. Breckon:**

Sir, can I just come back on that one? It is not the intention to alter anything, it is to look at it and the Minister said in the assurance he gave about the benefits is that they could be reviewed at any time should the need be there. So, it is the same principle as that and it will be to the sub-panel to ask the questions and come back with anything that there may be.

**Deputy P.V.F. Le Claire:**

Just for comfort, because those were words of comfort in his speech, could the Minister please repeat those words, if he stands by them, that he can look at this at any time. Those are the words that he gave us.

**Senator P.F. Routier:**

Yes, the law does allow me to do that, Sir, and I propose both the Articles in the law.

**The Deputy Bailiff:**

Very well. Are they seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 and 2?

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

Yes, Sir, it is just a question on paragraph (d) on the personal care elements. I was just wondering if the Minister is exercising now after 6 months, it was given to the sub-panel that people filling in these forms would be gradually brought into the system after it was embedded in. It has been brought to the sub-panel's attention and we have passed it on. I was not quite satisfied that the department did not feel it was their place to go out and ask people if they became more ill since the implementation. My question is that there are people out there that were on maybe just D.T.A. (Disability Transport Allowance) and they have been put on personal care element one. It is totally insufficient for the many couples or individuals I have come across and have been upgraded when they have gone down to Social Security, either after talking to us or maybe with one of the panel, and most of them have been upgraded. So, the question is, could the Minister please be a bit more proactive in going out and finding out these people who are not getting personal care levels 2 and 3. Obviously 4 is taken care of because if they need it they are in residential care and I should imagine the care homes are quickly applying for this money, but could I have that assurance that they will take this on board and get their message across a bit more to the people.

#### **The Deputy Bailiff:**

Does any other Member wish to speak on Regulations 1 or 2? Very well. I call upon the Minister to reply.

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

I recognise it as a piece of work that needs to be done and I would encourage any member of the public who feels they would have an ability to claim a higher level to make an application and also for any Members if they have any knowledge of anybody who feel they should have a higher claim to encourage them to make that claim. I maintain the proposition, Sir.

#### **The Deputy Bailiff:**

All those in favour of adopting Regulations 1 and 2 kindly show. Those against? Those regulations are adopted. Do you propose the regulations in third reading?

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

Yes, Sir.

#### **The Deputy Bailiff:**

Is the proposition 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? The regulations are adopted in third reading.

#### **Senator M.E. Vibert**

Sir, I propose the adjournment. It has gone 6.30 p.m.

#### **The Bailiff:**

Yes, just before we adjourn, the Minister for Transport and Technical Services had asked me if he could make a statement about recent events at Bellozanne.

## **STATEMENT ON A MATTER BY THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES**

### **11. Statement by the Minister for Transport and Technical Services regarding recent events at Bellozanne**

#### **11.1 Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):**

At 8.54 a.m. this morning the emergency services were notified by the Transport and Technical Services Department that a welding set, which consists of acetylene and oxygen canisters, was

alight at the Bellozanne plant. All 3 emergency services deployed to the scene and a 200 metre exclusion zone was instigated. Staff were evacuated from the site which remained closed but I am sure Members will be comforted to know that I have not been advised of any injuries. The burning cylinder has been monitored throughout the day and the situation is now under control, such that the exclusion zone is now 100 metres and the previously displaced residents have been able to return to their homes, although I continue to ask the public to avoid Bellozanne Valley for the immediate future. The T.T.S. dumping facilities are currently closed and waste cannot be taken to the site but Parish rubbish collection vehicles were diverted to La Collette. So, I would like to thank the members of the public for their co-operation, particularly those who were obliged to leave their homes. In particular I would like to thank the Honorary Police, as well as pay tribute to the prompt actions of the emergency services which I am sure Members would wish to support. Thank you, Sir. **[Approbation]**

### **The Bailiff**

So, just to be clear, when the Assembly reconvenes tomorrow morning we will start with Projet 82, the Draft Public Elections (Expenditure and Donations) Regulation and then revert to the agenda. Adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**