

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 15th MARCH 2022

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[9:30]

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

PUBLIC BUSINESS

1. Island Plan 2022-25: Approval (P.36/2021) - forty-eighth amendment: Tall Buildings (P.36/2021 Amd.(48)) - resumption

The Deputy Bailiff:

We were debating the 48th amendment dealing with tall buildings, lodged by Senator Ferguson. Does any Member wish to speak on this amendment?

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

Every once in a while an amendment like this comes along which is dangerous, and it is dangerous for 2 reasons. The first one is I found myself driving back to St. Martin's last night gazing out of my window counting the storeys on buildings as I went past them to see where and where not certain buildings may or may not have been allowed under the proposed amendment from the Senator. College House, for example, is only 4 and a bit, but the floors are very high. But some of the other buildings around town that I did jot down that are already way over 5 would have been a lawyers' building in Hill Street, straight across the road from us here, that is well over that; St. Helier House, the Constable of St. Helier spoke about Convent Court yesterday with St. Helier House, and Westmount Apartments, 7, 8, 9 floors high, absolutely appropriately the Minister for the Environment used the word "appropriate" yesterday but we hardly notice the height there. Then of course we have other buildings like Hue Court, which is 9 or 10 storeys high, maybe not so appropriate and maybe even less appropriate looking at the Deputy of St. Peter to build a hospital on the top of a hill, which will be higher still. But anyway, the other dangerous reason that this proposition is that we lose the ability to build some of these appropriate buildings in the right places. As has already been pointed out, if we limit ourselves to 5 storeys in St. Helier we almost certainly increase the footprint, increase the area we need to build on, and we take up even more valuable land. I will not be supporting the Senator with this. I think there are plenty of places where we can build much higher than 5 that are quite appropriate.

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

One might say perhaps it is a rarity for me to be supporting the Senator in our views but in this case,,, I looked at this very open-mindedly yesterday because initially I thought, yes, okay, it can be limiting, and I took that argument on board, but when you look at this amendment and you look at where we are in the Island, this amendment has some value. I think it is very important, as ever, to look closely at the wording of propositions. The one key bit about town, and I take on board what the Deputy has just said, but it says: "The development of tall buildings over 5 storeys within town will only be supported in exceptional circumstances and where the overall benefit to the community would demonstrably outweigh any adverse impacts." Surely, the bridging Island Plan has to benefit our community and will demonstrably outweigh any adverse impacts. That is a key principle for planning development, particularly in the centre of built-up towns. This is not looking back in the past. It is not like demolishing that that already exists. It is about future build, given the circumstance that we are in now. Given the builds that we have now. That is what concerns me. I do have a concern about it only be town that would allow under exceptional circumstances because yet again town, and particularly the centre of St. Helier, is taking the brunt and taking the building up of areas without a co-ordinated plan. This is, I think, my concern and why this amendment has value to me. We have not had a co-ordinated approach. We have had regeneration group after regeneration group, north of town, south of town, west of town, middle of town, call it whatever of town. There have been so many different groups that have looked at the co-ordinated approach to developing St. Helier but still we have a crisis with our schools, we have a crisis with green spaces, we have a crisis with

housing in the centre of town, we have a crisis with travel, we do not know if we have a crisis with air pollution because we do not monitor it. We have all of these things that have not been co-ordinated and not been fixed. I think at this stage in a bridging Island Plan ... that is a very important point actually, because this is about time. This is a shorter time than the other Island Plans, it is not extended. The idea of limiting tall buildings over 5 storeys unless they are exceptional circumstances has some value to me. So, I will mention as well that the context of where we are with our politics at the moment and the development of certain parties, and their obvious want to develop taller and more buildings and cramming people into the centre of town.

The Deputy Bailiff:

Sorry, someone's microphone appears to be on.

Deputy R.J. Ward:

I will go back. Where we are with our politics at the moment and the development of certain leaders of parties who have clearly and publicly and have experience of really building and building and building in the centre of towns. I am sure the Minister for the Environment is not a party to that, and that is not what this is intended to do with the Island Plan at the moment. But I think we need to put a check and balance in place to protect our environment on this Island from these major builds that are developing and developing. In terms of the waterfront, I do not think this will affect the waterfront, which is a shame. Because I have walked to the waterfront quite a lot, I go in that area quite a lot, and I agree with the Senator about the wind speeds through there. We have created wind tunnels in that area. We have also created areas which I am amazed are allowed in terms of the lack of natural light that some members of that community will now be getting. It is okay if you live on the top floor and you can afford the penthouse suites and so on, although, to be quite honest, they are probably for lock up and leave and who knows where that money is going or coming from. But when you are living and you are just trying to live a life there because you managed to buy somewhere or get a mortgage or get a part-ownership or whatever scheme the Government comes up, your lifestyle has been affected so strongly. So, there is a value to this. I think we need to think very carefully about this. I do not think it is the straitjacket that there has been concern about. I recognise Deputy Luce's concern. and he made a very good point there about the buildings that would not have been developed. But again, I say this is about the future development. Do we want more of that or do we want to put a stop and say: "Hold on a second, let us look at what we are developing in town and where we are"? If there was a co-ordinated, and I mention again the hearing I went to for the Government Plan where developers were making the point very clearly that they will do their best to stick to the environmental standards.

[9:45]

To the standards of space and green space. But because the Government Plan allows this sort of deal, if you like, for green areas: "I will not build them here but we will give some cash towards it somewhere else" unnamed, then there is no control and the developer is king here. I urge Members to look very carefully at this. Look at the wording and look at what this could mean, which is a limitation, unless it is exceptional circumstances, and if you can build a development which is 8 or 10 storeys that shows benefit to that community, that massively outweighs the impact it has around, then okay, fine, go for it. But that is a check and balance that I think is valid. No, I will not spoil my support for Senator Ferguson by mentioning we have to think about changing climatic conditions and more storms and stronger winds because we may not be on the same page there at that point. But other than that, I will be supporting this amendment.

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

On the problems when bad light stops play, as it did last night, is that you can lose your train and I looked on my notepad and I had got "Goebbels" written on it, and while we have some masters of

the media manipulation within the Assembly I do not think Goebbels really comes into it and then I reread what I had written and it was “Gorbals”, which is what Senator Ferguson had been talking about. One of the reasons I wanted to comment on the Gorbals is that I was in Glasgow as a student and when I arrived there I said to the taxi driver - even as a student I was pretty first-class sort of traveller - “Where is the Gorbals?” because I did not want to go to the Gorbals because of its reputation. He informed me that the Gorbals no longer existed. Not existed in that way. I said this to the Deputy of St. Martin yesterday and we Googled it. In fact, when the Gorbals was at its infamous height, or lack of height actually, they were tenement blocks. So, they were 3 storeys so it was not a high-rise situation, it was people packed into insufficient accommodation. In the 1960s this was solved initially by building high rises and people were very happy because the accommodation was considerably better and a lot of the poverty was alleviated. But over time, and the Constable of St. Helier touched on this yesterday, they became very impoverished areas again because there were insufficient facilities put in place. I know Deputy Ward is always very keen on this. If we build high we have to make sure that underneath these buildings are proper sufficient leisure areas and facilities. What happened in the 1960s, or later than the 1960s, those blocks were knocked down and they have put in place now smaller blocks but with facilities as well. So the main lesson that I learned from that is that you cannot limit planning. You cannot say this is the correct decision because we have seen in London as well, with stacks of stuff that was put up in the 1960s, that was felt to be the correct decision, has now been knocked down. I watched a very interesting programme on television the other day, which was about London slum clearance. What they did, and this was the late 1950s, they had gone round blocks of London that had been designated slum areas - Shoreditch, areas such as that, Deptford - and areas of it were cleared and they put up new accommodation. Strangely, that accommodation has now all been knocked down again. The ones that survived the slum clearance are now selling for well over £1 million, having been renovated and toilet facilities, bathrooms put in. So planning is not 100 per cent easy solution. Wherever you are, there are different ways to look at it. If we say you can only go to 5 storeys this constrains all our planning. It pushes us into a corner. It does not allow any innovation. This is a have your cake and eat it situation which, on reflection, is a stupid expression. Why would you have a cake and not eat it; do you just leave it there to look at it? Let us say it is a best of both worlds solution. People want to keep the green fields and I do not think there is one person in the Island, or maybe a property developer, but there are very, very few people in the Island that want to impinge on our green fields. I look at the Constable of St. Clement when I say that, and we fought hard to make sure it did not happen this time. No one wants much more building to go on, on our green fields. If we are going to do that we have to look at other ways and putting a few floors on buildings, going to 8 floors or whatever, as long as these are good flats, and that is another important point. When you go round the high rise at Le Marais, and we moved people out so it could be renovated, it is a brand new accommodation, they were not happy. The reason they were not happy is those flats in Le Marais were twice the size of where they are being placed into. So, they were all keen to move back in, and most are moving back in, and they love being in those buildings. They are beautifully maintained by Andium. Living on a decent-sized flat in a tall building need not be a problem. You go to New York, you go to Dubai, you go to London, some of the most expensive property around is high in the air but, particularly the stuff in London, is near Regent’s Park so you can go and wander round the park. You have walkways along the Thames. It is about having park facilities. It is about having all facilities. But I would urge people not to constrain the hands of Planning and any future development to try to solve the very big problem we have with housing by constricting any developments to 5 storeys.

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

Just briefly, and to mention the fact that yet again Senator Ferguson and myself are in agreement. One of the major problems we have on the waterfront is wind tunnelling. We said at the time you were going to get wind tunnels and we have got them. Not a good place to be because of the wind,

full stop. What we have also got is the alternative of high rise, build up to who knows, 12 storeys, 13, 14, in order to solve a problem for housing - largely social housing - and we are told we have no alternative. Yes, we have. We have an alternative built into the wording of this amendment, which says "except in exceptional circumstances". So let us make it the case that you build up to 5 floors unless you can make the case. Simple as. Because otherwise what we will have is every development will be 8, 10, 12, 14 flats and we know that because one potential leader in the future of a party in this Assembly has said that he has no objection whatsoever to high rise and quite admires Hong Kong. So, if you want to see Hong Kong in Jersey then vote this amendment down. If you want to preserve and make the exception the high rise, and it has been done appropriately, by all means do it well, then vote for this amendment.

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

This is a very good policy and Deputy Southern, I fully agree that you can go up to 5 and then you can go on top of that if you can prove the case that you need it. We would not need to do this - and I am going to repeat this every time, you will all be sick to death of it - if we had an immigration policy. We cannot just keep building and letting people in because we already have locals who are desperately looking for homes and yet we are allowing more people in and we cannot home locals that we have here who are all working hard and living here and that need a home. I do not understand why it is so difficult for Government to put an immigration policy through. So, no, let us keep building. The Minister who is handling all this - bless him - he goes to Alderney because Alderney is peaceful and lovely. I have news for him, there was a time when we were like that. We were peaceful. We were lovely. We have allowed everybody in with no problems whatsoever. Let us concrete over Jersey and if we want a nice holiday and we want to relax, we can go to Guernsey or we can go to Alderney. The way things are going we are going to find it very difficult to find something here because we are allowing everybody in. Please, let us vote for this, because this is a very good policy. But let us put an immigration policy in place. We cannot please everybody. If you are a local and you worked here and you have lived here and you have done all sorts for years, not to be able to afford a property or to be stuck in an apartment with no green areas for the children to play in, is absolutely disgusting. You do not do that to children. You do not do that to grown-ups. They all need a breathing space. You cannot just stick your head out of a window and smell the window box outside. Sorry, I am getting to be very angry, and I know I am leaving, but this Island is just going down the tubes utterly and completely because of money. We cannot please everybody. We have to sure as hell please the people ... sorry, I apologise for the "H" word. We have to help the people that are already here and contributing. Concreting over this place and having to go on a holiday in Alderney or Guernsey is not the answer. I will be voting for this.

Deputy J.H. Young of St. Brelade:

Could I ask the Constable whether she could clarify her remarks about my ...

The Deputy Bailiff:

Yes, point of clarification.

Deputy J.H. Young

Yes, please. I wonder if the Constable will accept that I am a Jersey resident. I have been resident in Jersey for 43 years and my connections with Alderney are because I worked there for 3 years. I wonder if the Constable would accept that, to clarify. I do not want it to be seen ...

The Connétable of St. Saviour:

Yes, I accept that. As I say, Alderney is a wonderful peaceful place.

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

If you have got any really bright ideas anyone out there we would like the answers on the back of a postcard please because I have been trying to square this circle for 22 years and prior. We are not talking about more people coming in. We are trying to deal with a problem that we have created; all of us, I would say. We are all as guilty of people who are already here. I find this dangerous because I have just heard a couple of speeches - not the last one, but before that - exceptional design. They would have to make an exceptional case to go above 5 storeys. What do you think architects do? Do you think they have a little doodle go: "I wonder if I could push this to 6, put a roof garden on, I will step it back a bit?" No, these are thousands of pounds, these drawings. The plans, et cetera. If you make it an exception you will not get the design and if you listen ... I thought one of the best speeches yesterday was Deputy Russell Labey on about the innovation and design we can have. Please do not lob it off at 5 storeys and just think it is going to work because it certainly will not. People will just not be innovative and we will have the horrible blocks, we will have something that is not really good. I cannot support Senator Ferguson and I am never going to be sick of listening to the Constable of St. Saviour, although we do not always agree.

1.1.6 Senator S.Y. Mézec:

I enjoyed very much listening to the Constable of St. Saviour's speech because I think she was speaking for much of Jersey in what she was saying. She is completely right that this Island is being taken over by greed and that so many short-sighted decisions are being made for which ordinary people on this Island are paying the price. With this plan and some of the amendments coming through to it, lessons on that point are clearly not being learned. She asked why the Island has not been able to put in a proper immigration policy. It is frankly because those in charge do not want a proper immigration policy because they buy into the Ponzi scheme model because they know that they can generate economic growth for which those at the top of society will benefit the most and they are not capable of putting in proper policies, which will see the ordinary working people of Jersey benefit the most from. When I first looked at this amendment I was inclined to oppose it thinking that it might be too restrictive. I have changed my mind, having listened to other Members, and thinking about it a bit more. Here is the wording in this amendment which I think makes it clear: "Development of a tall building of over 5 storeys within town will only be supported in exceptional circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impact." What problem is there with asking developers: "If you are going to build up we want you to demonstrate that it is going to be good for the community." What is the problem with asking them to do that? That should be a given. They should be expected, if you want to build higher in town - build more homes or more offices or whatever it is - you have to demonstrate that it is good for the town. Good for the people who live there. Good for the economy.

[10:00]

Good for Jersey as a whole. We should not be giving carte blanche to anyone to come and impose some tower block in our town that is not suitable for the area where there is not more green space there, where we have not accounted for the school places for the kids who will end up living there. It is not too much to ask. What this amendment does not do, it does not prevent us from building high rise when it is necessary because there are sites where it will be appropriate to build up. I have lived in high rise before; it was perfectly nice. The building itself no problem, nice flat, the area around it was dire though. I do not want to see people in town having to put up with a lack of open green space, a lack of facilities, a lack of public services in the area. If we are going to build up by all means let us do so, but let us do so properly. We have had signals from some who are aspiring to lead the next Government of Jersey but they are prepared to cut back on many of the things that people who will live in high rise deserve to have. They deserve to have adequate access to transport and parking. They deserve to have everything else that goes with that. If we want to safeguard the well-being of people in town who are going to live in these places for the future then let us accept this proposition and make anyone who does want to build up prove that it is in the interests of the

town and of the Island. I am astounded that even putting this requirement on them to be able to demonstrate that can be so controversial. I say I understand it. I guess I am probably not because I think what the Constable of St. Saviour said about greed taking over this Island is something we are seeing more and more of.

1.1.7 Senator J.A.N. Le Fondré:

I think I am pleased to follow the last speaker. I was just wondering where to start. I have to fundamentally disagree with the principles that this is driven by greed. To be clear, where I come from on this, and this debate overlaps a little bit with the next item as well, is that I do not consider 5 storeys to be tall. Interestingly enough, there was quite an extensive piece of work done at the beginning of the bridging Island Plan which talked about and sought Islanders' views ... can you hear me?

The Deputy Bailiff:

Yes, we can hear you.

Senator J.A.N. Le Fondré:

I am just getting a noise from somewhere. The point was that the work that was done indicated that Islanders' views, as a whole, was that most developments should take place basically in the urban areas and that there was an appropriate level of development for height. I have had in my role, not just as Chief Minister but as a States Member in the 16 years, I have had the privilege of going to a lot of different places and seeing how they deal with the issues of increasing population. Yes, I have been to Hong Kong, I have been to Shanghai, I have been to Beijing and New York. Equally I have been to Andorra. In fact, Andorra is in basically 3 valleys and they think 3-dimensionally, which sounds a bit silly. But you can be walking along a town street, you can suddenly end up without realising it on the top of a public building, which has open amenity space, and then you can catch a public lift down to drop to your ... well, probably 2 or 3 levels, not storeys, to then carry on. It is because they are very, very constrained in the amount of actual usable space they have, but equally while preserving the spectacular countryside and mountainsides that they have. I do rather feel, and it seems unfortunately to be a theme. I do not like particularly like doing it down on part of the Island but certainly most of the people who have predominantly - not the Constable of St. Saviour - who have spoken in favour of this have mainly been coming from Reform. It does feel like people are trying to have their cake and eat it because I think the Connétable of St. Mary yesterday said it very succinctly, you can either go up or you can go out. I am very much in favour of preserving the countryside that we still have a lot of. Every time I fly into the Island it is still amazing how beautiful and how green actually vast swathes of the Island still are. But we do and we rightly have these debates because it is about fighting to preserve that beauty. Equally we deal with the situation we face, so in terms of population ... I am not going to turn this into a population debate, it has been referenced, the conclusion we came to with all the work that was done on the population policy, which has been approved by this Assembly, is that you cannot slam on the breaks and say no one is coming in from tomorrow because that causes other consequences. That is why I would suggest that, certainly under this Government, we have taken quite a number of long-term decisions which will take some time to bear fruit because there have been, and I am not talking about the last Government or the one before, but there have been short-term decisions taken for political expediency and it is always us later who come along and have to try and sort this out. There have been expressions about St. Helier has taken the brunt. St. Helier is the main town of Jersey. I do absolutely agree. I do feel we probably have not done enough. Unfortunately, as I have said so many times, the last 2 years with the pandemic have required us to focus solely or in the main on one area, which was preserving lives, keeping people's jobs basically, which were the fundamentals. So, we do need to see more and better investment in St. Helier. We have finally, with the last Government Plan, got some extra money going into deal with some of the suggested improvements that the Regeneration Steering

Group have approved. We are going to put a bit more structure around to give implementation and greater focus. Equally some work has started in terms of on the ground and obviously there are other plans that are in for approval, which will also add and improve certain parts in St. Helier. There is no question, if we want to make - and I know we will have other debates - St. Helier a good place to live and work and play then we have got to do that investment. Equally, if we are going to go higher, and I did put amendments into the last Island Plan, which is about improving sound insulation, it is about increasing minimum standards to make it more acceptable and better to live basically in apartments. There is no question that if we are going to get through the next few years, and that means in terms of accommodating those people who are seeking accommodation rightly, then we have a very succinct choice. You either go outwards and you build in the countryside or you increase the density in town. Usually that means going higher. Therefore, anything that puts restrictions, for me, in terms of going higher I think should be resisted. I hope it will be clear. Therefore, with regret, I will not be supporting Senator Ferguson's amendment. But, if we are going higher, there have to be other investments to go through to it. I have already made the comment to officers that they need to, for the next Government Plan, make sure there is a financial stream, an extra stream of money, that does go into supporting St. Helier. In the past there are promises and offers made that essentially the returns, the profits from the waterfront will be what would fund the regeneration of St. Helier. What has become clear, in terms of cashflow, and particularly as we say it has to be more affordable accommodation therefore that will take the profit out of the scheme, that that cash is not going to materialise for quite some time and obviously the need for St. Helier is much sooner than that timeframe. We do have to have a plan there and that will be - I hope I will be one of them - will be for future Members. I did not actually intend to speak, I have to say I think the Deputy of St. Martin, who I do not always agree with, summed it up fairly succinctly. I had hoped I would not need to speak but I think the last few speakers, we do need to focus and accept that ... and also of course, Deputy Ward who seems to love the word "crisis" at the moment, held out his environmental credentials. If one does manage to properly get more people into the urban areas, often that is usually regarded as well as giving greater ability to achieve better in terms of communal transport and non-vehicle transport solutions, which in themselves do have an environmental gain. That is again something we need to think about. I will say that we are acutely aware of the issues around, for example, south-west of St. Helier and the need for a school. That is in the discussions that are taking place, and certainly myself and Deputy Wickenden and R.S.G. (Regeneration Steering Group) are in the process of going through those discussions and hopefully we will be getting those details out to this Assembly before it concludes. I think that is enough from me at the moment, but I really do urge Members, if they recognise the demand we have for housing, support the principle that we should be preserving the countryside where we can, then for me that only leaves a further solution, which is one has to go higher. Therefore unfortunately I do not think this amendment supports that. But I do absolutely agree we need to get the regeneration of St. Helier right and we need to make sure what is built is a good design and is appropriate to the area. I think that flexibility needs to be left with Planning.

1.1.8 Deputy M. Tadier of St. Brelade:

It is a strange debate in the sense there is a risk we are arguing at cross purposes here because I have not heard anyone saying do not build any high-rise flats under any circumstances. But also, it is slightly comical that the Chief Minister, who is not the leader of his own party but nonetheless chooses to make this a party-political issue when it is not. He says that effectively the only people arguing for this are Reform. He has discovered our secret of course, that Senator Ferguson has for a long time been a closet Reform Jersey member. We were hoping that it would not get out this side of the election but of course that has now come out and she will be our star candidate for the next election. It is mainly her views around climate change and the environment that attracted her to us and us to her but we thought we are a broad church, we will work with it. Of course, the point I am making, more than just with a little bit of tongue in cheek, is that this is not a niche concern. It is a

concern for so many Islanders, not just limited to St. Helier but I suspect if you talked to any environmentalists, if you talked to members of the National Trust, indeed people who work for the National Trust, people at Jersey Heritage, people of Save Our Shoreline, whatever group you want to talk about, who has an interest in the fabric and the character of the Island and has a stake in the Island, they would be mortified if Jersey were now at crossroads where it had the choice of either retaining its character ... we have all these initiatives going on about Island identity, about the heritage strategy coming out, about the built environment, and I believe we very much are at a crossroads, and this is what historians will look back on at this point in history when in 2022 politicians were making key decisions. They might be asking if only it had been a different story, if only we could have stopped this blight that we have on our landscape. I am minded very much, speaking as a St. Brelade Deputy, and thinking about the flats that were put up at Portelet, and no doubt they are very nice if you have been inside them. I think I have been inside the flats at Le Marais more than I have been inside the flats at Portelet, although I have leafleted around Portelet. There are so many people who say to me, not just living in St. Brelade: "How on earth did those atrocities ever get planning permission on our shoreline in a place of natural beauty where we have tourists and locals who like to go walking there" and you are thinking it is due to planning policy, is it not? Today we are not saying close the door on tall buildings. I, for one, will stand up and say, like so many others have said, if it is a good quality design and you have got spacious flats which can offer sea views, especially to people who would not otherwise be able to afford them, and I am thinking of the Le Marais flats. I have been there to speak to friends and constituents on many occasion. I have had to make sure I concentrate on what they are telling me because part of me just wants to look out the window at the amazing almost 360 ... it is not 360, it is going to be 270-degree views that they have got of the south-coast and it is truly amazing. But the point here is we are not saying that can never happen.

[10:15]

We are saying that the presumption must always be that the case is made by the developer and presumably by the Government also, or where it is social housing being made, that it is done in a joined-up way, because we will just see a proliferation otherwise. We have people unfortunately running our Government, who are the voices that our Government currently listen to, who do not spend most of their time in Jersey. They spend their time jetting around the finance centres of the world, whether it is London, Singapore, other places high-rise, Dubai, and they think: "That is lovely, is it not?" They love rubbing shoulders with the rich and they often get a completely warped sense of life and how things can be done in Jersey. That is normal of course because from a cultural point of view, I will travel around the world and I will go and visit museums in Edinburgh, in France, across the world, if I get the opportunity, and it is normal to want to take little bits back and think: "Oh, this would work really well in Jersey." Of course, if you go to Canary Wharf, and I have been to my friend's flat when he was living there on the 35th floor. Once I got over my bout of vertigo: "I was thinking this is interesting, is it not?" It could solve a lot of our problems in Jersey if we just had 2 of these buildings down at the waterfront, 30 storeys high. They could be iconic of course but the problem is that then becomes the norm. So, you will get all these applications being put in and they will not need be exceptional buildings, they will just be bog-standard 8 storeys or higher, if exceptions are made, and so it becomes that 8 storeys are the norm not 5. I really do see us, and this is not being alarmist, as being at that crossroads for somebody who likes to read about increasingly in history. You remember, okay, we are reading about history, but history was the present at one point in the past. They were making decisions for the good or for the bad. There were consequences which were not thought through. It is the future generations which will have to live with those for many years to come. For me, the amendment that has been put in by Senator Ferguson does not close the door here. It puts the burden of proof and of accountability on the person wishing to make the application, and if they can justify that it is better for the community that high rise is made then of course it can be done. But for me, the safeguard for protecting our Island's character is to support this amendment, which I think is very moderate. I am very surprised that it is the conservatives in

the Assembly, who should be the ones banging the drum for keeping Jersey's character and culture intact, with appropriate development. are the ones who are trying to sell the Island's built environment down the river.

The Deputy Bailiff:

Does any other Member wish to speak on this amendment? If not, I call upon the Senator to reply.

1.1.9 Senator S.C. Ferguson:

First of all, thank you to Deputy Ward, Senator Mézec, Deputy Southern and Deputy Tadier, with whom I rarely agree but their support is appreciated. As has been pointed out, my amendment talks about "appropriate". So, I hope the Deputy of St. Martin might reconsider. Senator Le Fondré has been to Hong Kong, Shanghai and Beijing. I have been to Hong Kong, Singapore, Monaco, New York and Washington, not to mention Sydney and Hawaii. Shall we continue the competition? I would like to thank the head of Planning and Spatial Review - I think I have that name right - for the character appraisal which he sent us. I think this underlines the need for preventing a rash of incredibly high buildings. The only place that is really full of high buildings is the waterfront development. The rush for extracting the maximum return from reclamation in monetary terms has led to the less-than-pleasant development on the waterfront. Way back when, the original concept was for a mixed development with significantly more pleasant housing and parks and community features not in excess of expensive office space. It does strike me that perhaps accountancy is not the proper training for people involved in property development. We learn of the plans to build plenty of housing on further development of the waterfront, no doubt at a high level of building, but will these be as imaginative as those on the Albert Quay with the roofs that are meant to look like waves. That was actually run as a competition by Terry Le Main's housing committee, and I think that the results of that are delightful. The Connétable of Trinity has complained about the smallness of unit being built. I deplore this open plan living, dining, kitchen, et cetera, ethos. I am assured that if you turn on the kettle you cannot hear the television. Is this enlightened design? Is this what we want for our public? I might add that during Storm Franklin a couple of weeks ago the plate glass doors on one of the shops in the finance centre blew out and were totally smashed. That was the wind tunnel effect. The alleyways between the buildings were impassable for pensioners. This is not making a very pleasant town. My informant of this particular information wonders how many people actually use their balconies and for what percentage of the year. I would suspect that those at the top levels are rarely used. There has been mention of Cyril Le Marquand House. Apart from the fact that Cyril Le Marquand was totally against the building, naming it after him added insult to injury. As someone who worked there, it was an awful building and going out during the winter meant crossing a wind tunnel to reach King Street. The concrete on which it was built was causing problems such that the lifts had to have their fittings repaired and were unusable for some time, which meant that the Council of Ministers' meetings had to meet on the fourth floor, not the ninth floor. We had some very fit Council of Ministers in those days. Refurbishment will cost more than demolishing and replacing, according to expert opinion. Yesterday I referred to Manhattan but my remarks apply equally to Hong Kong or Monaco. On the other hand, one could consider Washington DC. Have you ever wondered why there are no high-rise buildings in DC? Apparently, it was decreed that no building should be higher than Capitol so we have a more people sized capital city. What could we require in Jersey? No higher than St. Thomas's? I think it is a bit too late for that because we have buildings higher than St. Thomas. Maybe Pier Road Car Park is better, more mundane but practical. But that is a debate for another day. Today, I ask you to resist creating a latter day Gorbals. The Gorbals, they may have only built 3 storeys high but they were absolutely cram-jammed pack with people. We do not want the Gorbals in St. Helier but we need to restrain the developers wanting to build their own Towers of Babel. Unless it is appropriate, please can we limit them to 5 storeys? I commend the amendment and I ask for the *appel*.

The Deputy of St. Martin:

A point of clarification, please?

The Deputy Bailiff:

Yes, a point of clarification.

The Deputy of St. Martin:

The Senator criticised me and said her amendment is appropriate but could she clarify where the word “appropriate” appears in it?

Senator S.C. Ferguson:

Sorry, I have not got it in front of me but if it is exceptional and the developer can prove the case ... I did not mean to insult the Deputy, I am sorry about that. It was just that there is an escape clause that if the developer can prove that the building that he proposes is appropriate, it adds to the ambience of the area, it does not detract from it.

The Deputy Bailiff:

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

POUR: 13		CONTRE: 29		ABSTAIN: 0
Senator S.C. Ferguson		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Saviour		Senator J.A.N. Le Fondré		
Connétable of St. Brelade		Senator K.L. Moore		
Connétable of St. Peter		Senator S.W. Pallett		
Connétable of St. Martin		Connétable of St. Helier		
Deputy G.P. Southern (H)		Connétable of St. Lawrence		
Deputy M. Tadier (B)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Mary		
Deputy K.F. Morel (L)		Connétable of St. John		
Deputy M.R. Le Hegarat (H)		Connétable of St. Clement		
Deputy R.J. Ward (H)		Deputy J.A. Martin (H)		
Deputy K.G. Pamplin (S)		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B. Ash (C)		

		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of St. John		
		Deputy S.M. Ahier (H)		
		Deputy I. Gardiner (H)		

The Greffier of the States:

The Members who voted *pour*, starting with the Chamber: Senator Mézec, Constables of St. Brelade, St. Peter, St. Martin and Deputies Southern, Morel, Le Hegarat and Ward. On the chat: Deputy Higgins, the Constable of St. Saviour, Deputy Tadier, Deputy Pamplin and Senator Ferguson.

The Deputy Bailiff:

Next is the sixty-fifth amendment lodged by ... Deputy of St. Peter?

Deputy R.E. Huelin of St. Peter:

If I may, I believe the Deputy of Trinity both has COVID and is also trying to request an online log-in, so when he succeeds in that, may I raise the *défaut* on him?

The Deputy Bailiff:

Yes, you may, if Members are agreed.

Deputy M.R. Higgins of St. Helier:

Before we move on, can we have the 30 as well, please, who voted against it?

The Deputy Bailiff:

No, we are a bit too late for that request because we have taken it out of the system now.

2. Island Plan 2022-25: Approval (P.36/2021) - sixty-fifth amendment: Amendment to Policy GD7 (P.36/2021 Amd.(65))

The Deputy Bailiff:

The 65th amendment was lodged by Senator Gorst and I ask the Greffier to read the amendment

The Greffier of the States:

Page 2, after the words “the draft Island Plan 2022-25” insert the words “except that - (a) within Policy GD7, for the words ‘in exceptional circumstances’ substitute the words ‘in appropriate circumstances’; (b) on page 91 of the draft bridging Island Plan for the words ‘The development of high-rise buildings over 8 storeys will not, therefore, be supported in St. Helier’ substitute ‘The development of high-rise buildings over 8 storeys in St. Helier will, therefore, only be supported in appropriate circumstances.’ and (c) the draft Island Plan 2022-25 should be further amended in such respects as may be necessary consequent to the adoption of (a).”

2.1 Senator I.J. Gorst:

I apologise to Members that I am not in the Assembly as other Members. COVID seems to be all around us. I am, for the first day, negative today on day 11, but I think it is best that I do not come into the Assembly until tomorrow. I am pleased to follow the summing-up of Senator Ferguson because much of what she said in her summing-up I agree with. She used the word “appropriate” on many occasions and I think it is appropriate to use the word “appropriate”.

[10:30]

She also very helpfully indicated the idea that was the case in the centre of Washington DC - of course, we know out of Washington things have changed slightly - whereby you set a prominent building and say that other building should not go above it and she mentioned Pier Road Car Park. She might be surprised to know that I support such a notion, that the only place that is really appropriate for higher buildings to my mind is within the basin of St. Helier whereby the escarpment acts as an appropriate backdrop. If we went back in time I think we would all agree that some of the taller buildings outside of that particular backdrop are not appropriate but we now have to live with them because they were approved under the previous wording of previous Island Plans. Others have recorded this morning the speech of Deputy Labey who talked about design. Building appropriateness is all about design. That is aesthetic design, it is design within settings, but it is also the design of amenity space and amenity facilities. Let us be clear, taller buildings do not mean single-bed flats with open plan, they do not mean bedsits. In actual fact, it could be argued that appropriate designed buildings can facilitate better amenity space, better internal living space whereby the buildings can have a longer lifespan. Members will have read the Ministers' comments to my amendment and seen that the Minister at this point is not in a position to support the changing of words. So it might, or might not, surprise you to know that English was never one of my strong subjects at school - in fact, I really did not enjoy it at all - and the argument today is around 2 different words. One is "exceptional" and the other is "appropriate". I have had, I think, a good conversation with planning officials who feel that the word "exceptional" is an appropriate word because it allows in exceptional circumstances buildings to go slightly higher. In the Ministers' comments we also see the policy for the height of buildings that they have directed Members to. But if we step away from the common English meaning and try to look at how the planners would approach the different meanings of the words, I take the view, and I think this is reiterated by planners, that "exceptional" basically means any individual coming to put a planning application in or a developer ... I use the word "individual" or "company" because that is who it is. We like to use the derogatory term "developer" even though developers are providing homes for Islanders. "Exceptional" means: "Do not bother wasting hundreds of thousands of pounds to put in a building that might be better in design, might have better amenity space but because it is tall, we are going to say no; now you have got to prove to us why your proposal is exceptional." It does cost hundreds of thousands of pounds to make these applications. That is just the planning fee for some of these applications, let alone all of the other work that we rightly ask developers and individuals to undertake. Bearing in mind there is a housing crisis, is it right that the default position by using the word "exceptional" of the Planning Department should be no or should we allow a little bit more flexibility by using the word "appropriate"? That tilts the consideration by planners and by the Planning Department and the Planning Committee away from an automatic no to a: "We will consider it if you have really got all of these other issues covered off." Is it appropriate? The first question to deal with the appropriateness will be the setting: is the setting appropriate? As I have already said, it seems to me, and I believe this would be accepted by planners, there is only one place where it would be appropriate to go slightly taller and that is within the basin of St. Helier, providing the design and the amenities are also appropriate. I recognise that this is probably going to be an uphill struggle today and Members may wish to stick with where they were. I hope they do not because the answer to the housing crisis is not just one answer, there are many levers which we do need to pull in order to deal with that particular crisis. This is but one small lever that we can use to help provide appropriate housing in St. Helier. I make the proposition.

The Deputy Bailiff:

Does any Member second the amendment? **[Seconded]**

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

It is kind of strange sitting here deciding 5, 6, 7 8, who do we appreciate, because I think Senator Ferguson referred to accountancy earlier. It is this idea we are just kind of talking about numbers:

“Well, 8 is fine. No, 12 is fine, that is how many storeys you should do.” We are not in the main thinking about the living conditions, the working conditions, what is it like and how would that affect the townscape? People have talked about wind tunnels. They are not just created by tall buildings, buildings of 5 storeys create wind tunnels very, very well when you have canyon streets. That is what you should be concerned about is canyoning of streets where the sides of the streets are higher than the width of the street across. So even a 4-storey building, if it is a narrow street, will cause lots of wind tunnelling if it is on both sides. So, it does feel like we are just discussing numbers when we should be discussing people. But something else that I just want to bring people’s attention to, is we focused on housing in this conversation, in this debate, and the previous debate in Senator Ferguson’s amendment, but there is nothing in here in this amendment which specifies housing. This amendment could be about office blocks, this amendment could be about factories, it could be about anything, to be honest with you. Because it is just talking about tall buildings, it could be about hospitals, and that is what concerns me and that is what concerned me in the last amendment. The last amendment, the reason I voted for it was because I was concerned that, while everyone was talking about housing, the Island Plan as stated could be talking about 8-storey office blocks. There is nothing in the wording that the Ministers provided to say it is not office blocks; there is nothing in the wording that Senator Gorst has provided that says it is not office blocks. So, this is where I am having a problem because were this to be purely about housing, I would be much easier with regard to the height of buildings up to probably 8 storeys. But I find it difficult when I am thinking: “Hold it, this could be a 10-storey office block.” So I think it is really important to bring the Assembly’s attention to that lack of direction as to the purpose of the buildings that we are talking about here. I also want to bring the Assembly’s attention to Senator Gorst’s use of the word “slight” increase. There is nothing in this proposition to suggest that anything over 8 storeys would be a slight increase: oh, just 9 storeys. No, it could be far greater than that so beware the language used. There is nothing here that would restrict it to a slight increase above 8 storeys; we could be talking 10, 15 storeys, however. So, I am finding it hard to support the Senator’s amendment here because it does seem to me that this is just as relevant to office blocks, this is just as relevant to 13, 14 or 15 storeys as it is to 9 storeys. Without those sorts of directions, I fear that such an amendment could result in St. Helier’s townscape being adversely affected. I understand everything he was saying about the escarpment, we hide everything from the rest of the Island. Well that in itself is telling you something: “Do not worry, do what you want in St. Helier, we hide it from the rest of the Island, it is neatly hidden. Deputy Morel in his St. Lawrence, in his countryfied air, does not have to look on those high-rise blocks over there hidden away.” So I am concerned what this says about people, I am concerned about the lack of definition as to the type of buildings we are talking about and I am concerned about the lack of the word “slight”. As much as Senator Gorst uses the word “slight” it is nowhere in his proposition and so I am struggling to support this proposition. I will listen to other people in this debate, but I think the Minister has got his 8 storeys in there, I think that really is a decent-enough limit.

2.1.2 Deputy R.J. Ward:

Just a couple of things. Really, I should have asked this with the original proposer just to check but I will speak. Part (a) talks about a change of “exceptional” circumstances to “appropriate” circumstances, a semantic change which I do not have a huge problem with, because I assume - and I will take the nod from the Greffier as well as I say this - that it still includes the phrase “and where the overall benefit to the community would demonstrably outweigh any adverse effects” because that is on that page of the Island Plan. So, I am assuming, and if I am incorrect I can be corrected there. I believe it is on page 93 of the Island Plan, is the part that is being referenced there. But yet again what we have is “slight” was the word that made me smile and I noticed a number of Members in the Assembly smiled there. It is like just one wafer thin tower block and it is a slight, gradual change. Again, what we are getting here is gradual change and with any gradual change, what you think is only incremental now, in 10 or 15 years becomes the norm. Then it becomes appropriate and what we end up with is a St. Helier that is full of high-rise buildings. I can remember 20-something years

ago when I moved to the Island, St. Helier was just most wonderful, it looked wonderful. It looked like any town in France. I was thinking: “Wow, what a great place. This is amazing, culturally rich and we can do so much here and it is such a great place for our children.” Since then we have got the Waterfront and some areas there could be Milton Keynes. I think we are losing that character which is really worrying. Plus, there is the fact that the more people that you pack into St. Helier with these ... what we have not got, and I am going to say it again; I do not care if people get fed up with me saying it but we are not saying where the children will go to school, where they are going to get their healthcare locally, where they are going to play, where parents are going to be able to have space to have some headroom in their busy lives, how they are going to travel. It is not necessarily about parking but where they are going to park if they are going to have a car. People in St. Helier, I am afraid you are going to have to have alternatives. Well, that is fine as long as there are alternatives provided but we still do not have the mythical Hoppa bus, the Hoppa bus that exists as a vision. We have many visions for St. Helier but we have very little reality. What we are willing to do with this proposition is to say that it is okay in appropriate circumstances. What will be an appropriate circumstance is, desperate need is an appropriate circumstance, I think, in these circumstances, and we will end up with St. Helier being built up and built up and built up.

[10:45]

So, I am afraid I cannot support this amendment because I think it does not do for the future what is needed for St. Helier. I agree with Senator Gorst when he says that the solutions to housing are many and varied. Absolutely, but this is not going to be one of those many and varied solutions as was suggested. Indeed, I will mention again, some of the things that have been said before the election in June by some groups, some parties are very worrying when we now talk about allowing buildings beyond 8 storeys. I think we have to put a check and balance in place here; should have done it last time, we did not, let us not make that mistake again with this amendment.

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

People might wonder why I voted for the proposition brought by Senator Ferguson. Now, the thing is, as being somebody that wants to protect our countryside, I do have concerns about the level and heights of buildings across the Island. Why do I have concern about that? Because I had a conversation probably 6 months ago with somebody in the fire service. I am not convinced that if we had - and I do not want to make people worry - but I do not know what input we get from the fire service when we consider all these. I am also part of the Planning Committee, we do not get anything in any of our planning things in relation to any fire service assessment. That to me is quite worrying from the perspective that when we build a building of 20 storeys high, what happens if something happens? I recall being in Canada a few years ago and there was a fire alarm and I was in a hotel on the 35th floor. It was fine, we managed to get all the way down the stairs and there was no fire, it was a false alarm. I waited a significant period of time because I certainly was not going to walk all the way back up that 35 floors, so I waited until the lift was working again and everything was okay. But I just want to put that out there that there is a worrying sort of thought process in my head about what happens if something happens. I can remember dealing with fires in a previous life, not as a fire officer, but certainly as somebody that did cordons and ran police operations in relation to these type of incidents. I have a real concern that when we make all of these plans and we agree all of these principles, do we speak to the people who are going to save lives when something happens? Thank you.

2.1.4 The Deputy of St. Peter:

This is one of the ones when I stand up because I am really not quite sure. Let me indulge you. There is a sequence and I think it goes: New York, Chicago, Kuala Lumpur, Dubai, and that is the sequence of cities that successfully held the title of the tallest building in the world. Now if this proposition was to try and take that mantle from Dubai I would obviously be seriously concerned. The other

thing I see is, we are discussing words “appropriate”, “exceptional” and what I try and look at is outputs. I believe that the planners and the Island need to have that slight degree of flexibility so that any decisions can be made about the output that is being designed. Everybody has talked about how very complicated it is. We have also sat and discussed that buildings are single use. Now, there are some fantastic modern buildings, especially in the city of London. My favourite one, St. Mary Axe, the Gherkin, which I am sure Deputy Ash is familiar with, is a combination of office buildings, happens to be primarily occupied by an insurance broker, and then it has got residential in the middle, and then at the very top has got the most wonderful restaurant. I remember, I was recalling when a small child I was taken to the British Telecom Tower which had the revolving restaurant at the top. I am only just saying there are so many interesting things that could be done that could be appropriate for the Island but, as I said, I do not want to see this unnecessary, unthought-out putting of extra storeys up there just merely for the sake of it or because it is stretching the dollar a little bit further and getting better returns. That is not what I want to see. So, I am sitting there working between the words of “appropriate” and “exceptional” and trying to think in my mind that “appropriate” means the output is clearly, clearly understood to be for the benefit of the Island when that decision is made. So I am torn; I was thinking aloud.

2.1.5 Deputy R.J. Renouf of St. Ouen:

I am pleased to follow the Deputy of St. Peter talking about outputs because looking at the wording of the policy: “Development of a tall building of over 8 storeys within town will only be supported in exceptional circumstances” and we are discussing whether the word “exceptional” should be replaced by “appropriate”. But I also want to continue the sentence, and there is a further test in this, it goes on: “... where the overall benefit to the community will demonstrably outweigh any adverse impacts.” I think that is a very important test that a developer will have to meet. A developer will first have to try and persuade planning officers that a building over 8 storeys has an overall benefit over everything else overall and demonstrably outweigh any adverse impacts. Not just an opinion of a developer but it has got to be demonstrably to all those involved in the planning process. Then beyond, if the developer can get that through the planning officers, that development company will come to the Planning Committee. We have heard from many members of the Planning Committee and I would trust States Members, and all future States Members, because they would be a diverse bunch, they would be representing the interests of the community, and they will be in a position to assess the overall benefit to the community and whether it demonstrably outweighs any adverse impacts. So, I think this is not just a case of are we suddenly going to see that plethora of huge, tall buildings if we substitute “appropriate” for “exceptional”? There is that further test which has that political control, which is a hard one to meet, but if it is met it is going to benefit all of us. So therefore, why would we hamstring a developer, a developer who can show that a proposal has overall benefit to the community but it can only happen if it is exceptional. An exception has got to be such a rare thing because it has got to be exceptional. It might be appropriate but not exceptional. Why would we hamstring a developer who can show that benefit to the community by the word “exceptional”? I think the word “appropriate”, having thought this through, thinking on my feet like the previous speaker, that word “appropriate” is the right one to use here because of the subsequent words in the policy and it allows community benefits to be delivered.

2.1.6 The Deputy of St. Martin:

Not long after I became Minister for the Environment back in 2012, I made a speech to the Chamber of Commerce. During that speech I challenged the industry, the economy, to come up with a standout building for Jersey, and now I am prompted to speak by the Deputy of St. Peter. I think at the time I had in my mind Jersey’s own version of something akin to the Empire State Building or the Eiffel Tower, the Post Office Tower and, maybe closer to home, Spinnaker Tower in Portsmouth. The Deputy mentioned a few outstanding buildings in London, and they are outstanding, the Cheesegrater, the Pineapple, the Gherkin, the Shard, of course, and the Walkie Talkie. The number

of people who have been to the Sky Garden there have had the most phenomenal views over the capital. I wanted at the time, when I suggested it over here, to end up with a building, tall, very tall potentially, something which Jersey could be proud of, something wonderful, something fantastic, something for Islanders to feel good about and promote our Island and it was not necessarily about housing. When I read this amendment from Senator Gorst, I did not get a feeling of housing either but I appreciate that housing could become part of it. Deputy Tadier accuses me of selling the Island's building environment down the river and that is quite a strong challenge and I refute it completely. Because, as people will know, those who sit on the Planning Committee, and certainly if you become Minister for the Environment, you will know that everything is a balance and achieving that balance is sometimes, nearly always, tricky, using policies and coming up with appropriate conclusions. I used to say: "If everybody is equally displeased, you are probably not doing a bad job." Senator Gorst is right, because in St. Helier basin is the one opportunity that we do have on this Island to build higher. As I mentioned in the amendment from Senator Ferguson, there are some places around town where we have gone well over 5 and over 8 storeys and you hardly notice it. Like the last speaker, I come down to the difference between "exceptional" and "appropriate" and the Deputy of St. Ouen is absolutely right, we need to look at the wording and you need to look at the wording that then transposes into policy. The word "exceptional" means unusual or not typical and I am not absolutely sure that I want to build unusual buildings in Jersey. What I would much like to do is to build appropriate buildings because the definition of "appropriate" is suitable or proper. I think anybody who makes planning decisions wants to come out with an outcome which is suitable and proper. So, for me I am going to support Senator Gorst, I think "appropriate" is a much better word than "exceptional".

Deputy K.F. Morel:

A point of clarification, if I may?

The Deputy Bailiff:

Yes, Deputy Morel.

Deputy K.F. Morel:

In his speech, the Deputy of St. Martin said that "exceptional" referred to buildings, so unusual, exceptional buildings, but would he accept that the wording of the policy as presented by the Minister talks about "exceptional circumstances" not "exceptional buildings"?

The Deputy of St. Martin:

I do.

2.1.7 Deputy J.H. Young:

I think taken together, the debate on Senator Ferguson's proposition and Senator Gorst's addresses absolutely the right questions. The issue of townscape and building heights is crucial to the people who live and work in our town, our only town. Of course, historically in Jersey, we have a pattern of narrow streets and building heights make a big difference because what matters in terms of a judgment is what is going on in the space around tall buildings. Of course, what do we do? When you walk around town now we are notably dealing with the prevailing heights in buildings which were set out in the character study done by Willie Miller, who I mentioned. All those details are in page 92, classified into 10 different areas of town, and sets out their expert advice based on urban design work throughout the British Isles and they are a world-leading practice. They have given that guidance and this guidance is included on page 92 and it is the preamble to the policy GD7, which we are now talking about changing the words. That guidance sets out that, for example, you have got some places, parts of town, where 2 storeys is in order and other parts we are saying obviously up to 8 storeys in the waterfront. But of course we do need, in planning terms, you have always got the option of how hard do you make a policy? Do you absolutely put a complete block on anything

and say: “Anything over 8, no” or do you say: “We want an exceptional arrangement to allow a judgment to be made”? A judgment to be made. Of course, as the Deputy of St. Ouen has kindly reminded us, the policy provides that basis of that judgment being made. It says: “It will only be supported in exceptional circumstances where the overall benefit to our community [to us] will demonstrably outweigh any adverse impacts.” So, they will look at all those contexts. The planning inspector, he reviewed this. There was a debate on this in the planning inquiry and they said, the planning inspectors, again, hugely experienced, the criteria ... because planning systems need criteria. Words like “appropriate” do not provide criteria, they encourage individual judgment to what you think. Criteria.

[11:00]

What they say: “We think the criteria in the policy are adequate to protect the built environment across the Island and would not create a blanket carte blanche to develop high buildings as some fear” because we all recognise that we will need to be open to consider buildings of height in appropriate places. Of course, the obvious area in Willie Miller’s study makes it quite plain, in the waterfront area. Then it says: “The policy accords with the general strategy of the land use plan [this is the inspectors again] to concentrate development in the urban areas and make the best use of brownfield lands.” But it says, and this probably addresses the previous debate: “While mindful of some of the problems of buildings higher than 4 or 5 storeys, we consider the policy is reasonable and is recommended for adoption as drafted.” So, I think this debate on townscape has almost been a debate of 2 halves. On the one hand we had an earlier debate with Senator Ferguson which I did not support because I thought the policy of putting an absolute limit or at least having a cap at a lower level was too restrictive. But here we are now saying we do not really want, I think, the proposition from Senator Gorst we are now having to decide on. We do not really want that structured criteria to help decision-makers make those decisions, whether that be the Planning Committee or whether it be the planning inspector. I think probably in the case of the waterfront it is more likely to be the planning inspector because certainly Members know during my time I have ordered the planning inquiry into the waterfront. I think it is important that the processes we have are well-structured policy with criteria. Senator Gorst says he believes that what the inspectors think is entirely workable, would say to a developer: “Do not bother wasting hundreds of thousands of pounds, you have got to prove to us.” It says you have got to demonstrate it. You have got to demonstrate it. Everybody knows what “demonstrate” means, you need to make a case. You need to make a case in order to be able to justify this and, if you make your case well, you will get a consent. I think the record of the planning system shows that that works absolutely right. Now Senator Gorst, he is a very, very, very able politician; I congratulate him. He uses words, although he says he did not do well in English, he certainly makes the best of a weak case, I think, talking about “wants a little bit more flexibility”. It means “complete flexibility”, that is what that means. Look, I go with the balanced view here. We have done the evidence base, we went out to one of the best practices to advise us. We did the townscape study, you have got all that information. There is the criteria in place and we have got the flexibility in the policy that where there are benefits to the community, then we can have those taller buildings but there needs to be going through that process of rationality. The use of the word “appropriate”, I am afraid, in planning terms is very high-risk indeed, in my view, and I would not accept it. So, Senator Gorst says he does not think he is going to persuade me. I am sorry, Senator, you make the best of a bad job in this case but I am not going to support it.

The Deputy of St. Ouen:

A point of clarification, please?

The Deputy Bailiff:

Are you prepared to accept a point of clarification, Minister? Are you prepared to accept one from the Deputy of St. Ouen?

Deputy J.H. Young:

Yes, of course.

The Deputy of St. Ouen:

I believe the Minister read the policy as reading: “Will only be supported in exceptional circumstances where the overall benefits to the community” et cetera. But in fact the policy reads: “Will only be supported in exceptional circumstances and where the overall benefit to the community” et cetera. So, does the Minister accept that there are in fact 2 limbs to the policy here: firstly, is the need to show exceptional circumstances which is separate to the need to demonstrate the overall benefit?

Deputy J.H. Young:

I have to acknowledge the Deputy of St. Ouen’s superior use of English because obviously as a practising lawyer he is much better than I. I take the layman’s view of what this means. I have tried to interpret it, if I was a decision-maker on planning, how I would interpret this. But, of course, that illustrates the fact that decisions in planning are never perfect; you have always got to make the judgment. My point is, without any rules, without any criteria, you are completely open to a very unpredictable result.

2.1.8 Deputy M. Tadier:

I am not quite sure how this has become a debate about Senator Gorst’s linguistic prowess. I cannot comment on that but I suspect that Senator Gorst’s English is good enough to have read *How to Win Friends and Influence People* by Dale Carnegie. I do not know if he has done well at English at school, but he has probably certainly read a crash-course on neurolinguistic programming in the way he speaks. The way I look at the wording of the proposition, if we are going to follow in that vein initially, is that it does something that is very clever and subtle. It puts the presumption away from making the case and it turns it into a positive and a presumption. It says: “The development of high-rise will not therefore be supported in St. Helier as what it would have been. It will therefore only be supported in appropriate circumstances.” So immediately the planner, the public indeed, the consciousness is that this will be approved if it is supported in appropriate circumstances. So, it turns it from a presumption against to a presumption for, and that is the key thing for me. We are not even talking about 5 storeys now, we are not even talking about 8 storeys, which 8 storeys will be the norm, we are talking about buildings above 8 storeys. Again, it was a subtlety, but Senator Gorst was trying to suggest that even if a building as it currently stands was of an exceptional design that it would not be passed because they would have to make the case for it and jump through hoops. But this is not about the design of a building, this is about the circumstances. So, for example, if a building is needed for a specific purpose, to house social housing or a mixed development, whatever, and the case can be made or if it is for another specific purpose, would it not be good if we could build a hospital in Jersey if our planning law allowed us to do what we wanted as a Government and as an Assembly? That is maybe where we should be directing our focus but that is just an aside. So again it puts the shift and the focus on to the presumption. At the same time we have got this strange situation where we have got the expert, we have got the Minister who has got a background in environment and planning, he is the Minister for the Government, he was the chosen Minister for this Government, and already he does not have the support of some of his key Ministerial colleagues. That is not a surprise, he has never enjoyed the support of the Government in which he serves, even though he has been put forward to do some unsavoury things, I would argue, in the Island Plan. He has always been loyal, by the way, to the Government when push comes to shove, I believe, but it is not reciprocated, Minister, we know that. We have seen the Minister for Health and Social Services saying: “Oh, I have only just read this and I think it is a good idea, thinking on my feet.” What? Are these kind of things not discussed at Government level at the Council of Ministers? We have had this strange intervention, a conversation going on across the Assembly between the Minister for

Health and Social Services and the Minister for the Environment. This is not the way to do business. I am very surprised that these ... including the Minister for External Relations and Financial Services; he is the one putting in the amendments here. We have dysfunctional Government yet again. The way I look at this, I do not know which way this vote is going to go, but I think it is really important that we try and analyse what is going on here because we have got this issue. We have got a vastly conservative Government who rely on the traditional Jersey base to put them in power but yet time and time again they want to do things which were in direct conflict with that base. So, you have some small-c conservatives in the Island - I would probably count myself among some of them - who want to preserve the nature of the Island, they want to perhaps welcome people that have an open *esprit* but they also want to preserve what is special about the Island, and that includes the built environment. As has been said before, we and they do not want to see a Hong Kong/Shanghai-type development, a Dubai-style, a Singapore development springing up on the waterfront or all around town which is going to now be far above 8 storeys high. Because we know that some elements in the Council of Ministers, I believe are effectively beholden to the money men, so while they might try and appease the voters every 4 years, the reality is that Jersey has been captured for the interests of the super-rich and of high finance. This is what we are dealing with. We are dealing with those consequences, even at a time when we are not sure where the population is going, so I bring it back to the point that we do not have the latest census results because the census has not been done. I am beginning to see, as members of the public have said, that I think the outgoing Government is pulling a fast one here: try and get as much damaging propositions in before they leave office, hopefully for a long time, but the damage will be done if we allow this kind of thing to be passed. I cannot tolerate that and I ask Members to ... they have already rejected Senator Ferguson's amendment, I have seen that. But I think the right thing to do is that we go with the advice of the experts from the Planning Department who have put in the 8 storeys and the presumption that, if you go above that, yes, you can do it, you can do that already, but it needs to be in exceptional circumstances for the public good and in the public interests. I believe to vote for this amendment today would be to go against the spirit and I think the desire of the direction of travel that the vast majority of the Jersey public, wherever they are in the Island, would have us go. We do not have the mandate to do that, I would say, at this point. If Senator Gorst and others want to make the case for putting skyscrapers around the waterfront - and, who knows, it could be elsewhere - but it seems to be limited to St. Helier. If they want to make the case to the electorate to have that kind of 2-tier society, not just economically but they want physically to have a 2-tier society, perhaps to symbolise the divisions in Jersey, then let them make that case to the electorate in only 99 days or before when on the election trail. But let us not let this sneak through and set the scene for what is going to be our town centre for the next 200 years for locals and visitors coming to the Island. That is the first thing they are going to see and it will be due to an amendment, an innocuous, cleverly-worded amendment, that was put in and passed late on a Tuesday morning.

The Deputy Bailiff:

I would like to welcome to the public gallery a delegation from the Republic of Ghana; they are visiting the Island. The delegation is led by Mrs. Orleans-Lindsay and visiting the Island in order to discuss a proposed Bilateral Investment Treaty with Jersey. We wish you all an enjoyable and productive visit to the Island. **[Approbation]**

2.1.9 Senator S.Y. Mézec:

I am very pleased to follow Deputy Tadier's speech which I thought made some extremely good points and raised some themes that I want to return to myself. Senator Gorst, in his opening speech, made much of how this could be part of resolving Jersey's housing crisis, which I must say is a very welcome change in his position from that which his voting record portrays, which I have up in front of me, where he has opposed maximising the affordable housing contribution on South Hill, was not present for the vote to do so on the waterfront and opposed recent propositions, again, to maximise

the contribution of affordable housing on South Hill and the waterfront which, let us be frank, is where most of this high rise we are talking about is going to go. So, is this really about improving the supply of affordable housing to resolve our housing crisis?

[11:15]

What he said stands in stark contrast to his record on this and it is a record that matters more than words. If, of course, that is a change of position, then, of course, I would welcome it and I would hope that that would lead to his support in further amendments which are being brought to this Island Plan. He referred to the “levers” to resolve the housing crisis and of course there is more than one lever apart from just builds, there are also further amendments that are proposed to ensure that when homes are developed by the private sector ... sorry, I am slightly put off by the ringing.

The Deputy Bailiff:

That should be a contribution, I think, in the usual way.

Senator S.Y. Mézec:

Senator Gorst referred to the levers to resolve the housing crisis, levers plural, because of course there is more than one. It is not just about builds, builds, builds, there is also what you do with the homes you have already got and how you distribute those that are builds. There are amendments coming up to make sure that we maximise the contribution of affordable housing from private developers and the Government as well, which I hope I can count on his support for because that will make sure that when we are building homes, irrespective of where they are, that they match the profile of need which we have. In his amendment here, it does nothing to say that homes built will match the profile of need. Let us be frank, we know what this will be, this will be about luxury investment apartments. Rather than providing the homes we need, this opens the door to turning St. Helier into Hong Kong. Deputy Tadier is absolutely right to say that there is no mandate from the people of Jersey. If the people of Jersey decide that that is what they want to see to resolve the housing crisis, then so be it, I will respect their verdict if that is what they say. But I think that there is much more we can do to make sure that we provide the homes we need in Jersey, firstly, by taxing empty properties to get them back into use which has not been done, by making sure that on government-owned land we are building the homes we need and not simply kowtowing to unaccountable people in the Jersey Development Company. Instead of saying: “How high?” whenever they say: “Jump” to us, standing up to them and saying: “We want better than what is proposed” and by making sure that the private sector when they build homes, we do not just say: “Thank you very much” we say: “We want better.” We want better and we make sure that we get that from them. So, within this amendment there are no safeguards that this would lead to resolving the housing crisis or providing the profile of homes that we need and I will strongly oppose it on that basis. The last point I want to make, and this is purely a political point, I was very interested listening to the Deputy of St. Peter who said that he was torn over this. Well, why is he torn? This is his party policy. This is what they have already said they want to do to St. Helier: to build up, to build up. Forget about parking spaces and all the rest of it, he has no need to be torn, vote in favour of this, because that is what they stand for. So, let us be absolutely open and upfront with the public of Jersey about what it is we stand for. Do we stand for the type of Island that the Constable of St. Saviour referred to in her speech in the previous debate about an Island that has been taken over by greed, build them as high as you like, luxury investment apartments in St. Helier, pack them in, or do we say: “Hold on a minute” and make sure that we are building the homes that we need? I urge Members to oppose this amendment and leave it as the Minister for the Environment has thankfully managed to safeguard in the draft Island Plan even though it appears he does not have the complete support of other Members of Government.

2.1.10 Senator J.A.N. Le Fondré:

I do get slightly alarmed where this debate goes. I think the starting point, we know, and that is the whole point in terms of the way we work on the Council of Ministers, there are times we may have disagreements or we have vehement arguments about different things. We discuss, we argue, we come to a conclusion. What this is about is, if you like, it is a very important point of detail, but it is a point of detail; I think Senator Gorst is right to bring it to this Assembly. Because it is about the Assembly setting a policy and making a decision as to where on the balance of risk, on the balance of decision-making they would like to see the wording of this policy fall. Sorry, Sir, can you hear me okay? I have always got an echo and I am a bit worried about it.

The Deputy Bailiff:

Yes, we can hear you clearly. Yes.

Senator J.A.N. Le Fondré:

I think it is feedback from somewhere. So please do not make anything more than it is. This is not not having confidence in the Minister for the Environment who I think has done an incredibly hard job - it was quite an incredibly hard job - bringing one of the most important documents which he has been very focused on for very many, many months. But in a document that is as long as it is, there are going to be points of detail where we think it is worthwhile bringing it to the Assembly. But equally I think we need to come back to the wording around, which I will come to, and I think the Deputy of St. Ouen summed it up very nicely. If one looks at page 91 which is part of the amendment that we are dealing with, it categorically states: "The development of high-rise buildings over 8 storeys will not therefore be supported in St. Helier." It is not a case of under appropriate circumstances or exceptional circumstances, it says "will not therefore be supported in St. Helier". Therefore, if one then goes to Policy GD7, which then talks about: "Proposals for tall buildings are those where it is 2 or more storeys above the prevailing contextual height 4 to 6 storeys high" therefore, 6 to 8 storeys high. Then we go down to the bottom bit which is the main purpose of the amendment which is: "Development of a tall building of over 8 storeys within town will only be supported in exceptional circumstances." So, therefore, that last sentence I have just read seems to me to be in contradiction, and I know this is the policy, to the wording laid out on page 91. I am also guilty of trying to Google and look at good ways of explaining differences between "exceptional" and "appropriate" but "exceptional", another word is "extraordinary", so buildings over 8 storeys will only be supported in extraordinary circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impacts. To me, the way I would interpret that - also I am not a developer who will have some experience in that area - that would mean you are saying you are not going to go above 8 storeys. Full stop, end of. While I disagree with quite a lot of what Senator Mézec and some others have said, I think Senator Mézec has recognised that there is no quick fix but he does not seem to recognise that there is also a viability issue in development. In other words, in some shape or form, either if Government is doing it and it makes a loss; therefore, Government has to fund that from somewhere else through taxpayers' money or whatever. That usually means either putting taxes up or diverting services of course from some other area. Or if it makes a loss in the private sector the developers are unlikely to do it and that is where the viability issues come through. But I do absolutely agree that it is incredibly important that buildings that do go in, wherever they are, are of a high-quality design. Again, Deputy of St. Martin, I agree a lot with what he has said there, but I think, again, we cannot have our cake and eat it. If we know what the bridging Island Plan lays out that we have a large number of homes to resolve over a period of time, then we have that challenge. It goes back again to those principles: we either go up or we go out. What this is trying to say that in the right circumstances it may be appropriate to go higher but those are in the appropriate circumstances. To me it is like giving the flexibility to the planners and the committee, bearing in mind the second part to that condition, which is where the overall benefit to the community will demonstrably outweigh any adverse impacts will still kick in. I am minded, and again these are

the challenges we face. I agree, absolutely, with Senator Gorst when he says that a multifaceted approach is required. In other words, this is an incredibly complex jigsaw and this is just one aspect of it. I am reminded of - and I was surprised - I definitely do not interfere in the planning process and let it run, but on the south-west St. Helier masterplan roughly 100 units were taken off the original scheme. From memory, please take the principle rather than detail, it went from 1,100 down to 1,000 units. That is roughly a 10 per cent reduction. I understand and I get it, it was about architectural merits, design and overshadowing. However, ultimately those 100 units are going to be needed and they are going to have to be built somewhere else. Are they going to be built at St. Ouen or St. Clement or St. Brelade or wherever, but they will have to be put somewhere else? From my perspective, the way we look at sites, we do need to make sure that we use them appropriately and efficiently, because once we have utilised a site, whether it is for a primary school or whether it is for a bungalow or whether it is for an apartment block, that use is going to be there for 50 years probably. If one puts a bungalow there and in 3 years' time somebody says: "Oh, I wish we had put an apartment block there" because that would put, say, 3 or 4 units on that site rather than just one; I am obviously being simplistic. We really will not be able to touch it in reality for a very long time. Particularly at the moment when we have all the various challenges we have that, to me, is where going higher in appropriate circumstances ... to me, we do need to give flexibility to the planners and the people making those decisions - and the architects - to at least consider it. As I said, at the moment, page 91 clearly states, and I know it is the wording within the plan, that: "The development of high-rise buildings over 8 storeys will not, therefore, be supported in St. Helier." It is not even "under exceptional circumstances". Just a couple of points to clarify some points that have been made during the debate, the census is not under our control in term of the Government. It is laid down and will be produced by the independent statistics department under the timeframe they have laid down. It may be irritating for all of us, but, as I have made it very clear on many occasions, we cannot interfere in the statistical process in terms of the release or gathering of information. Also, just as an update, only because Deputy Ward referred to it, in relation to the Hoppa bus, which is about facilities in St. Helier and is something I have been incredibly supporting of, particularly as I am basically funding it out of my budget, it is presently still on course for the end of April early May. The vehicles are currently under construction. Delivery is presently scheduled for mid to late-April. The route has been signed off. There may be some minor adjustments to that, but that is ongoing. At the moment, like other Members, including the Connétable of St. Helier and the Minister for Infrastructure, I eagerly await their arrival and hope we do not get any further delays in that process. It is on schedule. It has been signed off many, many months ago. Hopefully we will see that in action in due course, which to me will be, again, an improvement which will be at the behest of this Government. For me, what we said is that this is part of a multifaceted approach to trying to make it more flexible, to try and assist in resolving the problem that we face in terms of housing units. It is a straightforward argument. It is fairly binary, i.e. we either leave the wording as it is, which I have to say in my view, particularly page 91, says: "No, nothing will be built above 8 storeys", whereas obviously Senator Gorst's amendment does flex that. Within the actual policy it is basically changing "exceptional circumstances" to "appropriate circumstances", but retains the condition which is immediately after that: "... and where the overall benefit to the community will demonstrably outweigh any adverse impact." To me, that is appropriate step. It should be a more flexible approach. It allows the ability to build high if appropriate and that is about increasing ... yes, it is not just housing stock, it should facilitate increasing housing stock and therefore alleviating pressure on the Island's housing market. This is the conundrum that we face with Jersey. We all recognise the lack of housing supply in Jersey, but we want to preserve at the same time our Island's natural beauty and green spaces.

[11:30]

Fundamentally, this will help to preserve Jersey's green spaces. Equally, as I have said in previous debates, we know and we have tried to do more, but there is much more to do; that there needs to be

investment in St. Helier in terms of urban regeneration. There are some schemes that are either happening, planning permission has been applied for, we will see how those are determined, or there are others that are in the pipeline and have been funded in the present Government Plan. We would have loved to have done much more. As we know, the pandemic did take 2 years out of our activity and our focus. That is for the future. Senator Gorst's amendment is well worthy of support and he absolutely gets my vote.

Deputy J.H. Young:

Could I ask for clarification from the Chief Minister?

The Deputy Bailiff:

Yes, a clarification.

Deputy J.H. Young:

Yes, please. The Chief Minister referred to what he points out as an inconsistency between the preamble explanation on page 91 and the actual policy which we are seeking to approve today on page 93, GD7. Would he accept that the preamble is taken from the Willie Miller urban character appraisal and deals with a generality of the town of St. Helier? Would he also accept that in GD7, that that preamble has been drawn into a policy statement that does allow the flexibility to enable individual departures from that policy? Would he accept that? The second thing I ask him to clarify: will he confirm that this taking 100 units off was not a decision of the planning system, it was a decision of the developer and as such would be subject to a future planning inquiry.

Senator J.A.N. Le Fondré:

In terms of the latter, I hope I did not attribute it to the planning system. I had understood it was part of the iterative process. I had not understood it was the decision of the developer, I have to say. That is not the information that I have been given. The point I was making, irrespective of where it lands, and it certainly was not meant to be a criticism of the Minister in any shape or form, because I do not think it got to him, is that the removal of those 100 units will mean those 100 units have to go somewhere else. We need to make sure we properly use sites that we are going to use, particularly ones that are under the control of the government. In terms of the early part, I thought I had made the distinction that I do accept policy GD7 is the policy. I was making the point that, yes it is a narrative, whether it is the preamble or not, but the narrative does state: "It will not, therefore, be supporting St. Helier." I know the Minister, rightly by the way, and I hope the Minister recognises that I absolutely bow to his expertise in most of these areas, absolutely ... is the fact that the preamble does state what it says and Senator Gorst was just seeking to amend that preamble as well. I hope that clarifies the position.

Deputy J.H. Young:

May I seek further clarification of the clarification? Would the Senator accept that GD7 as a policy overrides the preamble, which is a preamble to explain the approach to the policy?

Senator J.A.N. Le Fondré:

I can accept that the policy is there. I was just making the point that Senator Gorst is amending both.

2.1.11 Deputy G.P. Southern:

I will not be asking for clarifications yet, although I may be in future. The Chief Minister made his usual lame excuses about the absence of regeneration money in St. Helier, yet again. The fact is that the Hoppa bus is not 2 years late, it is 12 years overdue. No excuses are valid for those 12 years. It never happened. Moving on to what has happened here, we can see that Ministers have made the move from defence to attack; defending the position of the developers: do not make it harder for them to get the last million pounds out of their development. In fact, go worse than that, make it easier for

them to squeeze a million or 3 out of the development by reducing the criteria they have to satisfy in order to build higher. We heard yesterday efficient use of our land means building higher. If we accept this amendment then what we are doing is saying to the developers is: "Go on, do your worse, build as high as you like." We should oppose this.

2.1.12 Connétable J. Le Bailly of St. Mary:

The Island is generally not suitable for skyscraper-type buildings. That is public opinion. However, suitable high rise should be considered. As an example, 10 buildings of 6 storeys would give 60 floors, which has to be better than 4 buildings of 15 storeys. Any tall building should also include a roof garden to be shared and enjoyed by the occupiers. Unfortunately, taller buildings are more acceptable in town, due to lack of space, thereby 10 buildings also offer more green space. The important aspect here is accessibility by our blue light services, as highlighted by Deputy Le Hegarat, who is very aware of the complications which can arise. I am sure the safety aspect is a prime consideration of our Planning Department.

The Deputy Bailiff:

Thank you, Connétable. Members, can you please take more care of your electronic gadgets. That is the third time this morning that one has gone off.

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

I want to bring a little bit of realism back to the situation, when I hear references to Hong Kong, because some facts need to be known about this. Hong Kong as an Island is very similar in size to Jersey, but that is where the similarity stops, frankly. It has a population of 1.2 million. It has over 9,000 skyscrapers; 4,000 of which are over 100 metres and the highest of which is 108 storeys high. The similarities with Jersey could not be further removed. The whole of Hong Kong island is pretty much built on, whereas, thank goodness Jersey has not been built on in the same way. Frankly, I would have to say, we are an awful long, long way away from that. I appreciate the comments about not building in St. Helier. In my view, St. Helier is taking more than its fair share of development and other areas in the Island should be looked at now, to see whether they could also accommodate further building. This policy proposed by Senator Gorst does provide the degree of flexibility and allows developers to provide housing in St. Helier at a slightly higher level and hopefully accommodate more people on our housing waiting list. As we know, those units of accommodation are desperately needed. I, for one, will be supporting this.

The Deputy Bailiff:

Thank you, Connétable. Does any other Member wish to speak on the amendment? If not, I invite Senator Gorst to reply.

2.1.14 Senator I.J. Gorst:

The Minister for the Environment is right, the previous amendment of Senator Ferguson and this one have teased out some of the issues that we should rightly be considering when we think about townscape and town planning. If we analyse what each speaker has said and move away from the politicking there is much in common and much that we have agreed upon. I reference, again, unashamedly, Senator Ferguson's closing remarks, when she, in her amendment, used several times the word "appropriate", "in appropriate circumstances." The Deputy of St. Ouen reminded us that even after those words there are lots of other safeguards in place that anybody putting an application in would have to meet. I would say to Deputy Morel: even in the basin of St. Helier, 15 storeys could not be considered appropriate and therefore a developer that wanted to do such a proposal would, of course, need to meet a very, very high bar, a bar which is currently in place. One or 2 speakers, perhaps Deputy Southern, said that this is an amendment seeking to give developers an extra million or 3. That is not the case. Sometimes we do not understand the cost of getting to the approval stage of the planning process, which has, many would argue, grown considerably over the years, as the

Planning Department has moved to a full-cost recovery. What that means is that it can limit applicants' ambition about putting in their very best and most appropriate plan for any given site. I particularly enjoyed Deputy Tadier's intervention. Never have I been accused of going on a neurolinguistics speaking course, but if such a thing exists then maybe that is something I could do in the summer holidays. I do think Deputy Le Hegarat raised a very good point about safety and the blue light services. It has always been my experience that that is considered by Building Control and Building Control are the guardians of ensuring that we build safely. I do not have the details of exactly what is in place for taller buildings, but I am sure the department would be able to help in that regard. This really does come down to pulling a very small, incremental lever around dealing with the challenges we face as a community. Those challenges we face as a community in the built world, we know, are largely around housing. Is it still appropriate for us to use the word "exceptional", which as I said in my opening comments is largely the department saying: "No, now you have massive hoops to jump through in order for us to allow your application, which leads to applicants not looking at what the best opportunities a site presents from a design and amenity perspective. Has now the time come, presented by this crisis, to change the word "exceptional" to "appropriate"? I believe, and I hope Members will agree, that now the time has come to move the incremental change, pull a very small lever in helping deal with the problems that we face and changing the word from "exceptional" to "appropriate". I make the case for the amendment.

The Deputy Bailiff:

Thank you. Is the appel called for?

Senator I.J. Gorst:

Yes, please, Sir.

The Deputy Bailiff:

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

[11:45]

If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the amendment has been adopted.

POUR: 24		CONTRE: 20		ABSTAIN: 0
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator L.J. Farnham		Senator S.Y. Mézec		
Senator J.A.N. Le Fondré		Connétable of St. Lawrence		
Senator K.L. Moore		Connétable of St. Martin		
Senator S.W. Pallett		Connétable of St. John		
Connétable of St. Helier		Connétable of St. Clement		
Connétable of St. Saviour		Deputy J.A. Martin (H)		
Connétable of St. Brelade		Deputy G.P. Southern (H)		
Connétable of Grouville		Deputy of Grouville		
Connétable of Trinity		Deputy M. Tadier (B)		
Connétable of St. Mary		Deputy M.R. Higgins (H)		
Connétable of St. Ouen		Deputy R. Labey (H)		
Deputy K.C. Lewis (S)		Deputy of St. Mary		
Deputy S.J. Pinel (C)		Deputy J.H. Young (B)		

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

Those *pour* and *contre* have been asked for by Deputy Tadier in the chat, please, Greffier.

The Greffier of the States:

Those Members who voted *pour* in the Chamber: Senators Farnham and Moore, Connétables of St. Helier, St. Brelade, Grouville, St. Peter, and St. Mary, and Deputies Lewis, Pinel, St. Martin, St. Ouen, Doublet, Ash, St. Peter, and Ahier; and in the chat: Senators Le Fondré, Gorst, and Pallet, Constables of St. Ouen and St. Saviour, and Deputies of St. John, Truscott, Trinity, and Wickenden. Those who voted *contre* in the Chamber: Senator Mézec, Constables of St. Lawrence, St. Martin, and St. Clement, Deputies Southern, St. Mary, Young, Morel, Guida, Le Hegarat, and Ward; and in the chat: Senator Ferguson; Constable of St. John; Deputies Higgins, Tadier, Martin, Pamplin, Labey, Gardiner, and Grouville.

3. Island Plan 2022-25: Approval (P.36/2021) – eighty-seventh amendment: Green Backdrop Zone and Shoreline Zone (P.36/2021 Amd.(87))

The Deputy Bailiff:

Thank you. The 87th amendment has been lodged by the Minister for the Environment and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2. After the words “the draft Island Plan 2022-25” insert the words “except that – (i) on the proposals map, the green backdrop zone should be extended to include that part of the built-up area above Ouaisné, as shown in figure 1 of the report; (ii) in Policy GD9 – Skyline, views and vistas, in the third paragraph after the words “provide views” there should be inserted the words “or public access”; (iii) in Policy GD9 the following paragraph should be inserted at the end of the policy – “Within the shoreline zone of St. Brelade’s Bay, the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any gross floorspace, building footprint or visual impact than the building being replaced will not be supported.”

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

This amendment is one of a series where right at the end of the process I sought to find common ground in addressing the amendments that were lodged as an early part of the process and arose from community engagement and the various proposals that came forward. I sought to put forward common ground where there were matters I thought could be inserted into the policies and this includes that. In this particular case I should refer to the fact that St. Brelade’s Bay is in fact my own constituency and is an area I know very well. I want to pay a compliment to the Connétable of St. Brelade and to the very active group of the community who have had a lot of input into the way forward. St. Brelade has definitely been and is right up the top of our list of tourist destination centres and is a much-loved area for Islanders and tourists. There are, however, a lot of pressures on it and

there are a range of views about how best to ensure that its character remains in that whole area. The area that I have put here for adoption is the area ... first of all there are a number of changes where I thought a good case was made. On our south-facing coasts, as Members know, we have wonderful views of Jersey from the sea. Coming in on the Condor Ferry you can see the green backdrop zone, which is the cliffs, the skylines, the trees, the really fabulous vistas that are what makes Jersey so impressive on arrival. We have long had a policy about the green backdrop zone, which means that during any planning application that is put in there is a need to ensure that the development does not, if you like, consume large parts of the green backdrop area of trees and what-have-you with buildings, even though they are in the built area. Even though they are in the built area there is that requirement. It is called the green backdrop zone. That is around the south, the east and the west. Obviously in the work that was done as part of the plan preparation, the area above Ouaisné and Portelet was left out. That was a mistake. There was a consensus that we should extend that zone to that area. If you look at the map on page 4 of the proposition, that shows that arrangement. Then we have the issue about public access. Obviously, what the policy GD9 does, which sits at page 98, part of what we call our general development policies, and this applies generally across the Island not just in St. Brelade, it is a policy that talks about skyline, views and vistas and about their need to be protected. We do have some very striking developments on skylines, which generally we all consider are damaging. Damaging developments of the past which were a good number of ... certainly since the 2011 Island Plan, we have had policies in place trying to manage that. We have this policy now. The consultation work came out with that it should not just be about ensuring protection of views, but it should also include about public access. Certainly, in the area of St. Brelade that is important because a lot of that area is open public land which people enjoy. For the ability to be able to access through those areas public access has been put in. Then point 3 of the amendment, I do not know how this got omitted, but it was. Policy GD9, I am putting back in item 3: "Within the shoreline zone of St. Brelade's Bay the redevelopment of a building involving demolition and replacement where the proposal would be larger, in terms of any gross floorspace, building footprint or visual impact would not be supported." Of course, that is an existing policy. It is an existing policy, which when I was previous a States Deputy for the same constituency, with the support of my community, I brought that amendment to the Island Plan in 2014 and it was approved. It was a bit of a surprise to me to find that that had been missed. Of course, when I looked back through the Connétable's amendments that was obviously identified, and so I put that matter right. As far as I can say, it is simple. Hopefully this will be supported. Some of the other parts may well go on for debate, but in my view these are essential changes to make to the policy and I recommend them to the Assembly.

The Deputy Bailiff:

Is the amendment seconded? **[Seconded]**

3.2 Island Plan 2022-25: Approval (P.36/2021) – eighty-seventh amendment (P.36/2021 Amd.(87)) - amendment (P.36/2021 Amd.(87)Amd.)

The Deputy Bailiff:

There is an amendment to the amendment lodged by the Connétable of St. Brelade. I ask the Greffier to read that amendment.

The Greffier of the States:

Page 2, paragraph (iii). For the paragraph to be inserted in Policy GD9 substitute the following paragraph - "Within the Shoreline Zone of St. Brelade's Bay, i. the redevelopment of a building for residential use, involving demolition and replacement, where the proposal would be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced; ii. the extension of a building for residential use; and iii. any proposal for development that is not accompanied by landscaping proposals sufficient to assist integration of the site with the green

backdrop zone, green zone and coastal national park areas of the bay from any public viewpoint from the beach or coastal headlands, will not be supported.”

3.2.1 Connétable M.K. Jackson of St. Brelade:

I thank the Minister for his words earlier. We all try and do our best for our constituents, whichever part of the Island we are involved with. The reasoning for this amendment is set out in the report accompanying it. Members may wish to read on from page 4 where it is set out in detail. The first thing I wish to say is that ignoring reasoning does not invalidate it. I have the following comments to make in respect of the reasoning set out in the Minister’s consolidated responses for rejecting the amendment. Members have been circulated with those earlier in the week. First, exactly who, on actual reading of this amendment, considers this amendment to be unnecessary, overcomplicated and unjustified? In terms of complexity, the language is clear and simple enough. Meanwhile, the Minister has failed to address the reasoning in the report that accompanies the amendment. Did he or his officers not read it or are their minds so fixated on producing housing at the expense of public wishes and the bay’s local visitor economy that such matters are regarded as irrelevant? In terms of necessity and justification as part of the process for producing content for the bridging Island Plan that was approved by the Minister, 2 sets of consultants employed at the public’s expense have advised measures to be taken to preserve hotel beds Island-wide, along with the bay’s visitor economy. Unlike the development of residential housing in the bay, which one consultant recommended should be restricted in terms of spread, neither have recommended that the spread of visitor economy premises be restricted. The fact is business economy premises in the bay is contracting. Planning policies are failing to support business development while favouring luxury housing development and the expense of public enjoyment of the bay. This is in despite of and to some extent because of a restriction in the Island Plan that currently states exactly what is being proposed by the Minister in his amendment. The current restriction also fails to make a distinction between residential and commercial premises along the bay’s seafront, an economically important site for the bay’s visitor economy. The controversial wayside development is an example of how such a policy has backfired. It is more profitable to develop sites for luxury residential development in the bay. At the same time, further investment in the bay’s visitor offering is needed. Commercial premises will need to be expanded to improve, but such expansion is for the benefit of the economy, business or enjoyment, not the wishes of private individuals sufficiently well-resourced as to buy property anywhere in the Island. Participants in a public engagement exercise conducted by the consultants who carried out the St. Brelade’s Bay character appraisal protested against the spread of luxury housing in the bay, at the expense of premises serving the visitor economy. Why, in his response, has the Minister not referred to their views, nor that of the consultants? Is this not cherry-picking to suit an agenda to create more housing in the bay at the expense of public enjoyment and its local tourist industry? Would it suit some Members if the bay lost most of its visitor economy, so that businesses in St. Helier or elsewhere might profit from the continued loss? I apologise for the cynicism, but that appears to be the case. If so, this is short-term and narrow-minded thinking. In 20 years the Island has lost half of its hotel beds and allowed luxury housing to intrude in the key areas of a well-loved bay that has been recognised as a valuable visitor economy asset by voters on TripAdvisor, Visit Jersey and the Island’s public itself. Local travel representatives have already expressed their fears regarding the Island’s connectivity and the impact on other parts of the Island’s economy. Should any Member fear rampant tourist development in the bay as a result of approving my amendment, I would bring your attention to policy GD6, which is the design policy, and GD7, the tall buildings one of the draft bridging Island Plan, combined with a proposed landscaping requirement in my same amendment. These should operate to prevent such a scenario.

[12:00]

The studies I have referred to were the economic study produced by Arup, and the St. Brelade’s Bay character appraisal by Willie Miller, which was referred to earlier on. Turning to the second part of

the proposed amendment and the Minister's response to it, again, who exactly is making the statement that the provision is not clearly expressed or necessary and its intent is addressed by other policy provisions in the plan? Anyone reading the amendment can see the language is clear. Anyone reading the report accompanying the proposition can understand why I am saying the amendment is necessary. Could the statement have been produced by the Government advisers, who denied that the 1989 St. Brelade's Bay Environment Plan had any relevance to planning decisions for the St. Brelade's Bay despite the States Assembly having amended the current Island Plan to make specific reference to it? If policies regarding built environment, such as the shoreline zone of St. Brelade's Bay, were adequate to ensure landscape integration, why has the Minister accepted the amendment proposed in my original amendment, 58, to redesignate parts of Ouaisné as a green backdrop zone? That amendment, as a result, has been withdrawn or will be when we get to it. The area in Ouaisné lies in the same coastal unit as the shoreline zone of St. Brelade's Bay, identified in the *Jersey Integrated Landscape and Seascape Assessment*. The fact is that the built environment policy that currently applies to Ouaisné, as evident from the visual appearance of Les Ruisseaux Estate from viewpoints such as Portelet Common is inadequate to do the job; likewise, with the bay's shoreline zone. Surely the language may not fit into how the draftsmen of the bridging Island Plan wants their policies to work, but that is not the reason for not amending the plan to improve its likely impact. It is time that the States Assembly looked beyond the statements made by government representatives operating within silos and simply look at what is happening in St. Brelade's Bay itself, at what the consultants employed with taxpayers' money say, what the public itself has said in the public engagement report produced by the consultant. It is States Members democratic duty to respect what the public want and to ensure public spending on consultants is not rendered futile yet again.

The Deputy Bailiff:

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

The Deputy of St. Martin:

Could I declare an interest in this as a shareholder in the Biarritz Hotel? I am probably conflicted.

The Deputy Bailiff:

Yes, thank you. Does any Member wish to speak on the amendment?

3.2.2 Senator S.C. Ferguson:

Yes, I am also a shareholder and director of the Biarritz Hotel, but I do not think it is relevant with regard to this amendment. The Minister and the department have not made enough of the current rules regarding redevelopment of properties, which take into account that the building for residential use should also be considered relative to normal planning considerations. This includes the impact on the character of the area, the impact on neighbouring property and an assessment of the proposal relative to the nature of development on the existing site. Planning seemed to think that the draft plan as originally proposed provided ample and adequate policy provision to enable these factors to be considered. One of the biggest problems is the green backdrop zone, which is emphasised within the Island Plan. It has been emphasised for a couple of reiterations of the Island Plan, but it is frequently ignored. We are meant to be able to have a gentle area which is reasonably green to take account of this. However, it is my experience that, with the notable exception of the chief planner regarding the Overdale Hospital site, these factors are frequently ignored by the lower levels of planners. Has anyone looked at Portelet from the sea? It is awful. Has anyone had a look at Zanzibar since it was redeveloped? There is, effectively, no green backdrop around Zanzibar, and it is a concrete block. Has anybody looked at the plans for the Wayside Café? One constituent said to me that they thought the Germans were back. They cannot apply the basic premise of the planners, which is your design should fit with the neighbourhood. There is a great degree of hyperbole in the

description of the various developments, as presented to Planning. That does not mention the fact that the department seems to have a penchant for flat or sloping roofs rather than building in the Jersey idiom. There are occasions where people have asked for planning advice and they have been advised to put in for a modern design, in a semi-rural community, when they have wanted to put in something built in the Jersey idiom. There seems to be a Jersey disconnect between the latest fashion, as put forward by Planning and what is appropriate from the public point of view, from the visitor point of view and just generally. I have every pleasure in supporting the amendment of my Connétable. The amendments that have been made in the past by the Minister have been well thought-out, but unfortunately this needs a bit more force behind the enforcement of it. As I say, I support this amendment.

3.2.3 Deputy J.H. Young:

It probably will not surprise Members that I share a lot of the concerns about the pressures on St. Brelade's Bay. In fact, in this Assembly, when I was deputy chair of the Scrutiny Panel, I promoted a whole series of amendments to the current planning policies in the 2011 Plan and took them through a planning inquiry successfully and they got adopted. Of course, the reality is that those pressures have continued. How far does one go in achieving a level of protection? I really do sympathise and understand. Unfortunately, the advice that I have given from the professional officers that advised me is that the solution being proposed here does not help manage that. In fact, it opens up at least one significant problem, which I will deal with in a minute. It does not help us to do that. The language used I accept. Perhaps I should have caught that language and stopped it. However, I had to deal with something like 102 amendments in 5 days. I see why that language was probably unnecessary and I see why the Connétable is unhappy about it. If that caused offence, I apologise. However, what that means in reality is that it does not work, it does not do the job. That is the test that I am trying to ... how well does this help us. Now, if you take the points individually, I would hope that point 1 of the Connétable's amendment is exactly the same as what I have already put in my consolidated amendment. So, I absolutely praise, full marks, that the panel identified an omission, which I do not know how it happened. I am slightly irritated at that. It disappeared, it was not in the draft plan, but we are putting it back. Now, on the second point this is really important. The policy solution proposed here is that within the shoreline zone ... and obviously the Connétable does not have a map of what the shoreline zone is, but if one looks at my amendments, you will see that we have attached that. This is on my consolidated 87 on page 4, and I do not know, in the chat perhaps the planning officer might put that up. You can see that it is quite a strip along a short path at the frontage of St. Brelade's Bay. It does not extend contiguously right across because there are a lot of residences in there. There are people's homes. What is recommended here in this amendment is that we have what I think, in layman's terms, would be that the extension of a building for residential use will not be supported. In other words, it is a blanket ban. Of course, you are going to have big homes but you are going to have modest ones. The officers' advice to me is that ... and I cannot tell you how many residences there are but there are some. So a policy constraint that seeks to prohibit domestic extensions seems to me to be draconian. I do not regard myself as libertarian, in fact probably a bit the reverse, but do I think it right for the Government to say to people in this particular area: "You cannot ever do anything to extend your homes"? Is that an undue burden on those people? I do not know if I am allowed to ask the Attorney General whether we are allowed to do that in law. It seems to me unfair that we pick an area and say: "No, you cannot do anything there, it is a ban." I do wonder what the consultation is on that. I do not know whether I can ask the A.G. (Attorney General) because it seems that that is quite relevant.

The Deputy Bailiff:

If you want to ask him, you must ask ...

Deputy J.H. Young:

Yes, please, if the A.G. is online I would like to know what his view is about whether that is legitimate within planning law and whether there are any legal issues involved.

The Deputy Bailiff:

You are asking about human rights, are you, and property rights?

Deputy J.H. Young:

Yes, Sir, I am.

The Deputy Bailiff:

Yes, Mr. Attorney?

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

I would be grateful if the Minister could repeat the question, please.

Deputy J.H. Young:

Yes, I do apologise. I have noticed it in my note that it says that I need the Attorney General. Apparently, my note says: "Have asked for the Attorney General review on this" but I will repeat it. We are debating an amendment on the Island Plan which seeks to propose a policy which prevents the extension of a building for residential use within a particular part of St. Brelade's Bay called the shoreline zone, which is a strip along the countryside. I said to the Assembly so far that I am unable to support that because I am worried about it being draconian and also an undue burden on the rights of those property owners and an unreasonable impact on their rights to private property. That is just in doing it in a selected area. Could I have your opinion whether or not you think that can be done legitimately within the planning law and whether there are implications for the rights of those owners?

The Attorney General:

Could I have a moment to think about the answer to the question, Sir?

The Deputy Bailiff:

Yes. Do you want to come back a little later on?

The Attorney General:

Yes, Sir.

The Deputy Bailiff:

How long do you think you need?

The Attorney General:

I should think 10 minutes.

Deputy J.H. Young:

I do not know if I can keep it going for 10 minutes but I will carry on with the rest of the reasons.

The Deputy Bailiff:

I am sure the answer can be given in any event, yes.

Deputy J.H. Young:

I think that is quite important because my feeling is it is unjust. If we are to do that, just selecting people in particular areas, you are suddenly going to vote a ban on that, because I think it is a ban

because there is no qualification and there is no criteria. Now, I do understand the Connétable and the residents' concern about loss or risk of losing the wonderful tourism hotels we have in St. Brelade's Bay. Now, fortunately, we have not lost hotels but, of course, we lost the Wayside Café or restaurant, which we all used to go to and loved. It has been replaced by a residential development. I opposed that, but I was not in the States at the time, did not do any good.

[12:15]

I also did a lot of work on the Zanzibar, the loss of the restaurant, which was a very damaging development. We ended up with a 21,000 square feet - get that - residential property appropriating a whole chunk of the seafront in St. Brelade's Bay. Now, thankfully I am hopeful that policies now would not allow that sort of aberration, but it happened and people want to see that we do not repeat that. Of course, is it right now ... in my original plan I suggested that there should be some test that those people that have a hotel or tourism properties should have to go through before they can change the use. I said that that should be confined to all of the tourist destination areas, of which St. Brelade is one. That was opposed. That was opposed by the tourism industry. It was not supported by the planning inspector. So that has had to be dropped. Later on, of course, we have another couple of amendments which will address the same issue, but only within St. Brelade's Bay again. So, is it right, I am asking, that we try and target areas? What effect would that have on the tourism industry? If you are an owner of those properties, of those hotels, having to have an extra set of restrictions on you, and ... one has to recognise that if one makes things too onerous there are unintended effects, and there is that risk in the bay. I rely on those people who are more economically aware than I to advise me on that. At the moment that is why I have not been able to support that, which is an additional reason apart from the legal impacts. Then we come to the mechanics, which is point 3. It says: "Within the shoreline zone of St. Brelade, if a development is not accompanied by a landscaping proposal to assist integration of the site with the green backdrop zone, green zone, and coastal national park from any viewpoint from the beach or coastal headlands ..." My officers have said to me they really struggled to work out how this would work because the properties we are talking about this policy applying to are only that bit there in the shoreline zone, which does not include the green backdrop zone, does not include the green zone, does not include the coastal national park, so how do you have a proposal that integrates with them? It is a practical nuts and bolts of how somebody faced with such a proposal would be able to make sense of that. It may be the wording of my comments on the amendment but I have had to accept that advice. It may be the conclusion I take from that is ... but there are positive policies which later on we are going to talk about because there is ... and it is right what Senator Ferguson said, that in 1968 the States decided that they needed to give special treatment for St. Brelade's Bay and they made commitments which were never delivered. The same thing happened in the 2011 Island Plan. There was going to be a supplementary planning guidance that never got done. I cannot take responsibility for those; I was not there. But what I am clear of is that the plan that I am now asking you to go with, without this amendment but with mine, will ensure that we have a properly managed piece of work where we can translate this into practical reality. Because we do not want to see the growth of these luxury dwellings replacing the public amenities that people love and enjoy in St. Brelade's Bay. I am sorry it is not a perfect answer but planning never delivers perfect solutions. Those are my reasons why I am not able to support the amendment, not because I do not agree with the intentions but the practicalities of trying to make it work. I would like if it is possible ... I do not know if the Attorney General is able to respond on the question of the impact on point 2. Is it perhaps too early, Sir, or perhaps other Members will keep speaking and we will hear it later?

The Deputy Bailiff:

I am sure he will let us know as soon as he is ready to tell us the answer to the question that you asked. Thank you, Minister.

The Attorney General:

Sir, yes, I think I am ready to give an answer.

The Deputy Bailiff:

Yes, all right.

The Attorney General:

I do not believe that human rights considerations are infringed by the restriction that is proposed. The principal Article of the Human Rights Law that is potentially engaged is Article 1, Protocol 1, which concerns the protection of property. In this case it is doubtful whether what is proposed would amount to a deprivation of property. In my view, even if it was a deprivation of property, then it would be a deprivation that would be in the public interest because the States Assembly, if they were to approve this restriction, would be giving their view that a control of planning in this particular area of St. Brelade's Bay would be a control that would be in the public interest. In any event, even if the States were to approve this control, it is still open for the property owner to apply for planning permission and for planning permission to be granted, despite the policy, if a sufficiently convincing case were to be made out by the applicant. Because the law - I think it is Article 19 - does preserve the ability of an applicant to be granted planning permission even if that is against the particular restriction or zoning that is designated in the Island Plan. I trust that is helpful.

The Deputy Bailiff:

Yes, thank you.

3.2.4 Deputy G.J. Truscott of St. Brelade:

That was very useful. I have to say I had a very pleasant walk across St. Brelade's Bay this morning at 7.30 a.m. and it looked like being in paradise on earth. It is the most magnificent vista. I am sure the Assembly know that my family go back an awful long way within the bay. My grandparents ran Midbay Stores from the 1930s onwards until the 1950s and the family witnessed first-hand the antitank wall built by the Germans during the Occupation. I have to say that I am generally on board with what the Minister is trying to achieve here and I have reservations with the Constable's amendments. I agree with the Minister to a degree that I do find these amendments a bit prescriptive. For me, being a member of the Planning Committee for some 8 years, I have a great deal of faith - plainly I should have as well - in the whole planning process. I think there are enough protections in our laws and in our bylaws that will generally look after and come to the right conclusion when it comes to applications in the bay. Believe me, when they do come forward we are all very conscious of the fact that we are dealing with one of the most pristine and beautiful parts of the Island and possibly parts of Europe. Obviously, the bay over the years has rated very high in the estimates of bay appraisals. I had many conversations leading up to this bridging Island Plan debate with senior planning officers, wondering what to do and what is best to do for the bay. I was convinced generally that what was being proposed with regards skyline and the green backdrop was going to be sufficient to really enhance and further secure the development ... or inappropriate development of the bay going forward. Green backdrop is so important and it does temper and influence any plans coming forward to the Planning Department and eventually very often to the Planning Committee. I totally agree with extending it across to Ouaisné. I think that is totally the right thing to do. Skyline as well, I think as I have been walking across the bay for many years and anybody that does and comes back to the Island from year to year as tourists, they will have noticed that on the skyline we have many more quite large buildings that have basically popped up. I am just wondering, my grandparents, if they were still alive, if they were to look up there now, what would they think? Because certainly in 20, 30, 40 years the bay has changed beyond recognition in many ways. I think it is time that we got a grip on the area. I do not want to fossilise it. Please, I do not want to give that impression. I do want to, and I think I have said it before, effectively save the essence of the bay but not fossilise it. I think that is going to be the trick going forward. I will listen if any Members are going to contribute.

I just find the proposals by the Constable a bit too prescriptive for going forward. I think everything that does come out of the bay should go in front of the committee and the committee should then make a decision based on the facts and figures that are in front of it. I will leave it there.

3.2.5 Senator K.L. Moore:

I have to say I have some sympathy with the previous speaker, Deputy Truscott. Upon first reading the Constable's amendment I myself thought it was really quite an interventionist and prescriptive amendment. But then I read it a little closer and considered what exactly the Constable is trying to achieve here. We discussed semantics in the previous debate about tall buildings and the difference between exceptional or appropriate. For me, the word that makes a real impact, and I think the Minister might agree here, is the word "or". Because the Constable's part 1 of his amendment says: "where the proposal would be larger in terms of gross floor space, building footprint or visual impact than the building being replaced". That word "or" gives a considerable amount of wriggle room. Then, of course, we have to consider why is this a political question and what are we all doing sitting here this week and next week as well considering these particular questions? We could focus on the semantics, or we could look at the bigger picture and what exactly we are trying to achieve. This, first of all, it must be remembered, is only a 3-year plan. It is a bridging plan which is relatively short term. What in the short term are the big political questions that we have to be asking ourselves when we approach these amendments and the decisions that we have to take? Because they are, each and every one of them, difficult and each and every one of them could have a significant and lasting impact on the environment that we and the people we represent all see on a day-to-day basis. This is a much-loved bay. It is a place of great beauty that is appreciated by everybody in the Island and those who visit it as well, so we have to treat it as a particularly special case. When we think about, as Deputy Truscott was just saying, the visual impact of some of the recent additions to the skyline in that bay, do we really want to carry on seeing more buildings like that, some that I particularly, I have to say, have found surprising arrivals upon the skyline and would not want to see any more appear in the next 3 to 5 years. Then we have to think about those constituents who just want modest homes. Should it be appropriate at this time, and I would put that it is appropriate, to adopt a slightly interventionist approach in terms of building and what we build and why we are building it and allowing it in the first instance when our community needs affordable housing? There is a massive outcry for more modest homes. So, it is perhaps appropriate to adopt an interventionist approach and impose some restriction of supply on large properties, in particular in this area of particular beauty. So, I would ask the Minister to think very carefully about the word "or" and about this particular place of beauty and what it is exactly we are trying to achieve in this plan. Of course, it is a complex mass of questions that we have to approach, but politically I would suggest that the Constable is doing exactly the right thing for this particular period of time.

[12:30]

The Deputy of St. Martin:

Sir, I wonder if I could ask you for a ruling, please?

The Deputy Bailiff:

Yes.

The Deputy of St. Martin:

At the beginning of the debate I declared an interest because I feel that I am conflicted as a shareholder of the Biarritz Hotel. I note that another shareholder has not declined to withdraw. Could I ask you whether you think I should be voting, speaking or doing neither?

The Deputy Bailiff:

I have in front of me Standing Order 106 and you were certainly correct to declare an interest at the earliest opportunity, having regard to the matter which was subject of the proposition. I then need to consider whether the financial interest is personal to you or shared by a small number of other people and in those circumstances you are unable to vote on any proposition relating to the matter. Having regard to the number of people who will have an interest in the financial success of businesses in St. Brelade's Bay and the wide scope of the amendment in that regard, I do not think that you have a financial interest which precludes you from voting or participating in this debate.

The Deputy of St. Martin:

Thank you, Sir, I am grateful.

3.2.6 Deputy K.F. Morel:

A couple of things caught my attention with this particular debate. One of them was ... well, I guess in many ways what has caught my attention is that I think the points that have been raised in this debate on this particular amendment really go to the heart of why are we here. We have had a Minister asking the Attorney General as to whether the planning law can stop someone from extending their building, et cetera. That is exactly what the planning law is there to enable people to do. It does not have to be used that way but it was designed to enable the Island to place restrictions on development. So, I was quite taken aback by the Minister's request of the Attorney General there because it seemed to me the basic idea behind the planning law is to place restrictions on people's ability to develop. The other element that caught my attention was Deputy Truscott when he said that he had taken a walk along St. Brelade's Bay and it was lovely. I am absolutely sure it was lovely, but he described St. Brelade's Bay as pristine. I could not think of a less appropriate word to use for St. Brelade's Bay than the word "pristine". Pristine means unspoiled and untouched. I can promise you as an Assembly that if you were to go back 100 years, 200 years, however, St. Brelade's Bay would then perhaps have looked unspoiled and untouched. It obviously was a beach going up to the cliffs. There were not great concrete buildings in the way. Today there are great concrete buildings in the way. There is obviously - and it has been referred to - the German antitank wall that was built there. That in itself is clearly not a part of the natural state of St. Brelade's Bay. St. Brelade's Bay is many things and it is beautiful on a day like today, but it is absolutely not pristine. That is why when I look at this I can understand where the Connétable is coming from. I am still weighing up does it go too far, because that is what we are being asked to decide upon. We are here to decide upon the restrictions that we place on people in terms of development. Now, you as Members of the Assembly are absolutely right to possibly think that the Connétable's restrictions are too onerous in this case. That is fine. That is your decision. But to suggest that the actual proposition, the amendment itself, is wrong because it places restrictions, that is completely outrageous because we are here to decide these things. What restrictions do we want to put on people or developers in St. Brelade's Bay? Now, I would ask Members to bear in mind St. Brelade's Bay is one of the most spoiled parts of the Island in terms of its relationship between development and nature. St. Brelade's Bay is residential use. It is mixed residential and employment use. It is also mixed leisure use, so many of us use St. Brelade's Bay for many reasons. This is where planning law also comes in because if I own property in St. Brelade's Bay and if I own property down right behind the wall, let us say somewhere like somebody mentioned the Zanzibar residence, the previous hotel, if I owned that plot of land I can say that that is my property and I shall do what I want with it. But the reality is that my property down there on the shoreline has an impact on other people. It has an impact on all 110,000 other people in the Island, and that is why the planning law steps in and says: "Yes, we appreciate you own this plot of land but because that plot of land is important to 110,000 other people, we are placing restrictions on what you can do with that plot of land." That is an entirely appropriate use of the planning law. So, at the moment I am veering towards the Connétable because St. Brelade's Bay is massively spoiled. Some of the buildings down there are really unpleasant. Equally, I know that as a member of the Planning Committee I have seen items being passed down there which I feel are

not in character with the bay whatsoever, and that always concerns me. The decision we are making here is have the Minister's protections gone far enough or do we need to go further for the Connétable? I do not think I would entertain the Connétable's proposals for pretty much any other part of the Island. St. Brelade's Bay is, I would say, pretty much the only area where I think you might want to put such very draconian proposals such as not having an extension on your building. So I am not helping the Assembly in terms of telling them which way I am going to vote because I do not yet know, but I do want the Assembly to know that this is an entirely appropriate proposal and I was very surprised by the Minister requesting the Attorney General's intervention because for me that is exactly why we are here. What restrictions do we place on people in different parts of the Island? Because different parts of the Island are not all the same.

3.2.7 Senator S.Y. Mézec:

I am only going to speak very briefly on this, but I am very pleased to support this amendment and intend to support several other amendments that the Constable of St. Brelade has brought about St. Brelade's Bay. I think Deputy Morel has made some very good points there about the point of planning rules. Just because you own land does not mean you get a free-for-all over it and can have a massive impact on the character of the area that you inhabit but also on potential employment opportunities, the knock-on effects for other businesses if the character of a particular location changes. Though St. Brelade's Bay cannot be described as pristine, in the Jersey context it is quite a unique part of the Island because of what it serves. It is an out-of-town location with commercial activity, the restaurants, the hotels there, in a location which is very highly regarded. Just to single one out, the Pizza Express there must be one of the best Pizza Expresses in the British Isles because what a spectacular location it is in. The other restaurants as well are very special there, too. It is right that we try to maintain that part of the Island in its character and make sure that it can continue to be a special place. Just because some people own particular plots of land on there does not mean they get to do whatever they want there and to expand for their sole use and enjoyment when it will have a knock-on impact on the rest of the bay. So, I am surprised that the Minister for the Environment is opposing this. This, what is written in there, strikes me as common sense and I am very pleased to be supporting it. I hope that Members will see fit to do that as well.

3.2.8 The Deputy of St. Martin:

I am quite concerned about the first part of the Constable's amendment to the amendment because it talks about the redevelopment of buildings for residential use, demolition and replacement where the proposal would be larger and gross floor space, building footprint or visual impact, which means that nothing could get bigger in any direction, up, sideways, whichever way you want to look at it. I can see from the overheads of the bay, that there are some small buildings that could be redeveloped very sympathetically. They would be a great advantage to the bay and would be a great improvement too. But it would be absolutely wrong to say they could be made slightly bigger or slightly higher, and increase either the footprint or the floor space. I think this is an amendment that potentially could do harm inasmuch as it will not allow some buildings to be improved, and I cannot vote in favour of it.

The Deputy Bailiff:

Thank you, Deputy. If there is no one who wishes to speak, I call upon the Connétable to reply.

3.2.9 The Connétable of St. Brelade:

I thank those Members who have contributed to the debate. The thrust of this amendment is to emphasise the importance of preserving the bay's attractiveness to visitors as a key tourist asset and with its economic connectivity. The consultants' recommendations that only the spread of residential property should be restricted in most areas of the bay is extremely important and it is sad that we have not listened to previous consultants' reports. I have said before, I am a great believer in learning from our mistakes. There have been mistakes in St. Brelade's Bay. Some 10 years ago when I was

a warden, I experienced the procedure with the Zanzibar development. I attended meetings in Church House. We had models. The Minister of the day rejected that and it was turned over on a legal technicality and we have ended up with a building that the Minister will confirm, or not, I believe is just outside the shoreline. That is quite important because, to give you comfort, the Biarritz Hotel is outside the shoreline zone as well at the eastern end of the bay. The predominance of private residents are impacted at that end of the bay and east of the Zanzibar there are some smaller properties there, most of which have been redeveloped over the years, but the fact that they are outside the shoreline zone is quite important. In terms of mistakes, what others do we have? We can go back and say over the years perhaps some of the hotel developments have been excessive, and I circulated on Twitter a few days ago pictures of the Whitehall Hotel, which older Members may recall was the predecessor to L'Horizon, which has spread significantly over the years, wisely or not. It is subjective. At the western end we have a significant development at the Beauport Battery end, once again, some would suggest probably in excess of what is suitable for that end. If an eye can stray round the corner to Portelet Bay, yes, we have the experience from 2005 of the Portelet development and the serious impact that has had since then. I make the point that we must learn from these mistakes and why do we not record them somewhere, so the planners, with due respect, have something to work on? Much has been said about semantics, and in terms of planning it is terribly important, because we in this Chamber get hung up very often on these words but they do make a significant difference, especially when significant values are at stake and when things might present themselves in court these words are so important. I would like to comment on a matter over which the Minister does not have much control. That is over I.H.E. (Infrastructure, Housing and Environment) interventions in the whole scheme of things, and I would urge him or successors in the future as they deal with that so we do not have marvellous spoilt by inappropriate infrastructure interventions. I allude to things like lamp standards and bus shelters, that are currently a pointed discussion. In terms of residents, we spoke earlier about the residents mostly towards the eastern end of the bay. In the section of the bay we are talking about there are very few small residences, to be honest, to be worried about. What is being proposed will not have the effect that some have alluded to. I think a point that is picked up regularly and comes back to me is why did we not take any notice of these previous consultants' reports?

[12:45]

What is the point of getting previous reports from consultants if we take no notice? It is very easy to do and be swung by our own views. We must listen to what they say and we must listen to what the public says. The shoreline zone is not covered and does not have the same protection that it should. The coastal national park policy is hardly draconian and we spoke about that earlier in the debate, so I do not think the suggestion that this is a draconian amendment is fair. It is clear the current policy does not do the job and I have taken on board what those members of the planning panel have said. But in order to make it easier for them to make the decisions they are presented with, we have to be more prescriptive. Otherwise, we will be back to making these unfortunate mistakes we have to experience today. Going to the economy, the Minister for the Environment is not responsible for the economy and the Minister for Economic Development, Tourism, Sport and Culture has not spoken. We all want hotels and commercial businesses to work. If they do not work, it will be a loss to the Island, so there is no question about it. They must be encouraged and part of the thrust of my amendment is to ensure that happens. I thank those Members once again for having spoken and I urge Members to support my amendment.

The Deputy Bailiff:

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

POUR: 29		CONTRE: 13		ABSTAIN: 0
Senator I.J. Gorst		Senator J.A.N. Le Fondré		
Senator L.J. Farnham		Senator S.W. Pallett		
Senator S.C. Ferguson		Connétable of St. Clement		
Senator K.L. Moore		Deputy J.A. Martin (H)		
Senator S.Y. Mézec		Deputy of Grouville		
Connétable of St. Lawrence		Deputy of St. Martin		
Connétable of St. Brelade		Deputy L.M.C. Doublet (S)		
Connétable of Grouville		Deputy R. Labey (H)		
Connétable of St. Peter		Deputy S.M. Wickenden (H)		
Connétable of St. Mary		Deputy G.J. Truscott (B)		
Connétable of St. Ouen		Deputy G.C.U. Guida (L)		
Connétable of St. Martin		Deputy of Trinity		
Connétable of St. John		Deputy S.M. Ahier (H)		
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy of St. Mary				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. Is it seconded? **[Seconded]**

Deputy M.R. Higgins:

Can we have the results of the vote after we come back after the adjournment, please, so everyone knows how they voted?

The Deputy Bailiff:

The result was: 29 *pour* and 13 *contre*.

Deputy M.R. Higgins:

The names, Sir.

The Deputy Bailiff:

The names when we return.

Deputy M. Tadier:

Can we have the names now? It seems to be a better order to do that.

The Deputy Bailiff:

The adjournment has been proposed and agreed to by Members. We will do the names when we return at 14:45.

[12:49]

LUNCHEON ADJOURNMENT

[14:47]

The Deputy Bailiff:

The Greffier was about to read out those who voted for and against the amendment of the Constable of St. Brelade.

The Greffier of the States:

Those Members who voted *pour*: Senators Gorst, Farnham, Ferguson, Moore, Mézec, the Constables of St. Lawrence, St. Brelade, Grouville, St. Peter. St. Mary, St. Ouen, St. Martin, St. John, and Deputies Southern, Lewis, Tadier, Higgins, Pinel, St. Ouen, St. Mary, Young, Ash, Morel, St. Peter, St. John, Hegarat, Ward, Pamplin and Gardiner. Those Members who voted *contre* were: Senators Le Fondré and Pallett, the Constable of St. Clements, and Deputies Martin, Grouville, St. Martin, Doublet, Labey, Wickenden, Truscott, Guida, Trinity, Ahier.

3.3 Island Plan 2022-25: Approval (P.36/2021) – eighty-seventh amendment (P.36/2021 Amd.(87)) - as amended

The Deputy Bailiff:

Thank you. We now turn to the 87th amendment as amended. Does any Member wish to speak on the amendment as amended?

3.3.1 The Deputy of St. Martin:

I have not prepared a speech for this but I can only urge Members to think very carefully about what they are voting for here. This amended amendment now seeks to stop the redevelopment a building for residential use that makes it bigger or taller or wider, the extension of a building for residential use and any development pretty much that is seen from the beach or from coastal headlands. It almost makes it impossible to do any development at all in St. Brelade's Bay. I cannot believe there can be universal support for this in this area of the Island. It will have a massive effect on St. Brelade's Bay. I know the proposer and the supporters of the proposal will say that is a good thing, but there is no balance here. Planning is about balance and this is not a balance. I cannot support it.

3.3.2 The Connétable of St. Brelade:

To briefly sum up, and I am sure the previous speaker will have experience as a maritime person, the view from seaward of St. Brelade's Bay is terribly important and anybody passing by sea, and that counts a lot of the visitors coming to the Island, do not want to see big blocks of buildings. What we have at the moment needs preserving in a modern way. A lot can be done with architecture on smaller sites and it was alluded to before, some smart architecture will achieve what I believe people want. I am pleased to support the amended proposition.

The Deputy Bailiff:

Thank you, Connétable. Does anyone else wish to speak? Forgive me, my chat function has broken so I may be slow in reaching those on the chat.

3.3.3 Deputy M. Tadier:

I had only just put it in so you were very quick. I did not speak on the main part. I was happy to listen to the arguments made and I thought the Constable of St. Brelade put it forward very well. To pick up on the Deputy of St. Martin's point, he said he cannot believe this has universal support. It does not have universal support but it does have majority support within the Assembly, and that is how democracy works. For my part, I am very pleased there are sufficient safeguards being put into St. Brelade's Bay. It is already a balance. St. Brelade's Bay is a working commercial, residential beach and long has it been so. Getting that balance right has always been tricky because it is a word that is overused sometimes but it is a vibrant bay, especially in the sunny days. It does not even have to be in the summer. We are saying, and what the Constable has quite rightly picked up on, is the vibe of all users of the bay is that we do not want it spoilt. We recognise that balance and if Members want to go and spoil St. Helier, if past planners have been happy to put carbuncles and all sorts of nonsense on to the waterfront area, if that was what they did, I believe it was the wrong decision and it was spoilt. The Portelet headland was spoilt for ever now because those atrocities have been allowed to be built there. Something could have been built by the back, of course. It did not need to be right on the headland. I think it is right to err on the side of caution on this. As Senator Moore has pointed out previously, this is an interim plan and if it does not work, and I am not suggesting it would not work, it can be revisited at a later date. We need to bear in mind with all the controversial amendments that might be coming up that once we concrete over certain areas, once we have given the green light for irreversible development or the potential for that, it is very difficult to go back, and it should not be done on the back of an interim plan. More power to the Constable's elbow and certainly I know he has partial support. He has my full support, if not from all the Members of his Parish.

The Deputy Bailiff:

Thank you, Deputy. Does anyone wish to speak on the amendment as amended? It is over to the Minister to reply.

3.3.4 Deputy J.H. Young:

I want to check. I think I may have got my procedure wrong. Can I take it we are now dealing with substantive vote on my amendment 87, amended by the Connétable?

The Deputy Bailiff:

Yes.

Deputy J.H. Young:

The previous discussion rather threw me because I cannot see the references that the Deputy of St. Martin spoke about in those words about views from buildings and so on.

[15:00]

Nonetheless, as it is, if it is just my amendment plus our decision by a majority to go with the Constable's amendment, all it needs me to do is just to formally propose the amendment as amended and ask for the *appel*.

The Deputy Bailiff:

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

voting for Members in the Chamber. If all Members have had the opportunity for voting, I ask the Greffier to close the voting. I can announce that the amendment as amended has been adopted.

POUR: 33		CONTRE: 2		ABSTAIN: 0
Senator I.J. Gorst		Senator S.W. Pallett		
Senator L.J. Farnham		Deputy of St. Martin		
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The 2 are: Senator Pallett and the Deputy of St. Martin.

The Deputy Bailiff:

The next item for debate is the 58th amendment lodged by the Connétable of St. Brelade.

The Connétable of St. Brelade:

May I ask leave of the Assembly to withdraw this amendment as it has largely been superseded by the previous one?

4. Island Plan 2022-25: Approval (P.36/2021) – eighty-ninth amendment: Historic Environment Policies (P.36/2021 Amd.(89)) - as amended

The Deputy Bailiff:

Thank you. The next is the 89th amendment lodged by the Minister for the Environment. There is a further amendment to that amendment lodged by the same Minister. Minister, subject to any objection do you wish to have the amendment read subject to your amendment?

Deputy J.H. Young:

Whose amendment am I agreeing to?

The Deputy Bailiff:

Your own amendment, which should be uncontroversial, at least to you.

Deputy J.H. Young:

I am sorry if I am suffering from an overdose of amendments at the moment. I am happy to have my own incorporated.

The Deputy Bailiff:

Yes, and do you accept that your amendment will be read without sub-paragraph (d) because that has been, in effect, adopted by the 39th amendment proposed by Deputy Morel, which deals with conservation areas?

Deputy J.H. Young:

Thank you for clarifying that for me.

The Deputy Bailiff:

Thank you very much.

The Greffier of the States:

After the words “the draft Island Plan 2022-25” insert the words “except that – (a) within the preamble to Policy HE1 – Protecting listed buildings and places, and their settings, after paragraph 2 on page 124, there should be inserted a new section – (i) after paragraph 2 on page 124 - “Inclusive design. Everyone should be able to enjoy easy and exclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and access these environments. Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of the historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternative, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places.”; (ii) substitute the last paragraph on page 125 with the following – “In the case of demolition, in whole or in part, justification for this course of action might arise where a building is structurally unsound and is technically incapable of repair; or the demolition or partial demolition relates to a structure which detracts from the special interest of the listed building

or place. In exceptional circumstances there may be overriding public policy objectives, related to the delivery of other Government priorities, such as the provision of strategic infrastructure, or compliance with specific policies of direct public benefit (for example, improving access for people with disability or sustainability), which would add weight to a proposal for partial or full demolition of a listed building or place. The weight given to heritage values in decision-making should be proportionate to the significance of the building or place and the impact of the proposed change on that significance, together with an assessment of the public benefit to be derived from a demolition proposal. The nature of the predicted public benefit should be clearly described and justified, and should set out how, when and in what form the community will be expected to benefit directly from the proposed development, relative to its impact on the historic environment. To ensure the protection of the island's historic environment the wholesale loss of any listed building would require exceptional justification where it can be demonstrated that public benefit outweighs harm, and where the nature of that benefit to the public is clear, direct and evidenced.” (iii) substitute the third paragraph on page 126 with the following – “In cases where there is any approved alteration to or loss of historic built fabric from, listed buildings or places, there will be a requirement for an appropriate level of recording and analysis to be undertaken and subsequently publication including to the island's Historic Environment Record. This may also include requirements, especially in the case of works affecting places of archaeological interest, relating to the treatment and care of archival material. In exceptional circumstances, where it is proportionate, reasonable and appropriate to do so, a form of mitigation could involve managed disassembly and reconstruction of a heritage asset on an alternative site. Any such requirements will be secured through planning condition or obligation attached to any such permission. (b) Replace part (b) with the following – “in Policy HE1 – (i) the fourth paragraph should be replaced with the following – “Proposals that do not protect a listed building or place or its setting will not be supported unless and with regard to the comparative significance of the listed building or place, or its setting, and the impact of proposed development on that significance”; (ii) at the end of c., after the words “reasonably practicable” replace the word “or” with the word “and”; (iii) at the end of d., after the words “in its setting” add “and where the nature of that benefit to the public is clear, direct and evidenced.” (c) In policy HE2 – (i) for the first paragraph there should be - “Historic windows and doors in listed buildings or buildings in a conservation area which are of significance or special interest, or which contribute to the character of the conservation area should be repaired using materials and detailing to match the existing. Proposals for the replacement of modern glazing in historic windows with double glazing will be supported where it can be accommodated: a) within the existing window or door joinery frames; or b) within a like for like frame.”; (ii) in the third paragraph the words “or the character of a building in a conservation area” should be deleted. (iii) a new fourth paragraph should be inserted in as follows – “Where proposals for the replacement of windows and doors in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance.” (iv) in the first sentence of the existing paragraph 4 the word “more” should be deleted from before “modern windows”, the words “or buildings in a conservation area” should be removed, and the word “and” should replace “or” at the end of the second line; (v) a second sentence should be inserted at the end of the existing fifth paragraph as follows – “The use of double-glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable helping to meet Jersey's commitment to energy efficiency.” Paragraph (d) not read. (e) within the preamble to Policy HE3 – Protection or improvement of conservation areas, a new sentence should be inserted at the end of the last paragraph on page 133 - “This does not preclude high quality modern design of buildings or spaces within the area, rather it seeks a contextual response to fit the place.” (f) The draft bridging Island Plan 2022-25 be further amended in such respects as may be necessary consequent upon the adoption of (b)(ii) and (iii), specifically Policy HE3 – Protection or improvement of conservation areas; Policy HE5 – Conservation of archaeological heritage; Policy NE1 – Protection and

improvement of biodiversity and geodiversity; and Policy NE3 – Landscape and seascape character, and their associated preambles.

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

When we started this debate, I said that the debate we had on the marine park and protection zones was probably the most complicated. Unfortunately, my preparation on this item, I had not fully estimated the complexity of this one. I am going to try to unravel this for Members. Members will know, after the expiry of the cut-off date for Members' amendments - that is the second round of amendments, after we had the inspectors report and I had circulated my views and intentions on it - I went through with the officers what I call consolidated amendments and this is one, amendment 89, where I attempted to deal with things where I thought, in the interests of finding a consensus and reducing the need for having a laborious difficult debate, because historic buildings is always difficult, that I would try to get to that point. I almost made it. I will have more to say in a minute. So, looking at the proposition as lodged in its unamended form first, paragraph (a) is basically adopting the proposals in the amendment from Deputy Inna Gardiner about inclusive design and inclusion relating to persons of disability. So that is where that material has come from, word for word. So that has been adopted in (a). In paragraph (b) the inspector considered representations, in fact there were a lot of representations on historic buildings policies, HE1, at the inquiry. Having listened to the playback myself, I recall that the Jersey Société representative spoke strongly in favour. The National Trust Jersey spoke strongly in favour. Local architects spoke strongly in favour. Also, one local planning practice also spoke strongly in favour of HE1, as we are in the draft in the plan. So, there was a very, very substantial body of support for the draft in the plan. It therefore is a surprise to me that policy HE1 in fact is subject to a later amendment, which, once we have dealt with these ones just now, we are going to have to deal with, which is an amendment that seeks to put a line through policy HE1 and do something completely different. But what I have done in paragraph (b) of this proposition is to adopt what the inspector's recommendation was that we should just do a short change into that part of that policy, which has come from the inspector's report. Similarly, the inspector had things to say about windows and doors on policy HE2, and that is in paragraph (c) of my original proposition. Also, the lower (ii), (iii) and (iv) all relate to what the planning inspector thought should be references as well. Now, paragraph 5 was put forward in response to Deputy Huelin's amendment, which we will of course be going on to discuss that. His is the first amendment to mine. That was in my hope that I would be able to meet Deputy Huelin's aspirations for double-glazing in replacement windows. So, we will obviously need to talk about that when Deputy Huelin makes his change to do something different. Then on the item (d) in my proposition is about conservation area designations, which adopts the recommendations included by Deputy Morel in his amendments about how we should approach conservation areas. The last one, point (e), was a submission by Jersey architects who thought we should just have this reference to design in there as well. So we can see this is a real attempt to find a solution to avoid a really complex, difficult debate.

[15:15]

It is clear that I have failed to achieve that but there we are, I will do my best for now. The second amendment, because obviously the first amendment Deputy Huelin got in quick with his first amendments, so my second amendment, and obviously I propose that as amended by my amendment, which is the second amendment, was my further attempt to try to respond to Deputy Russell Labey's amendment, which is coming on later, which I see the Deputy is not in the Chamber so I do not know what his intentions are. It would be my hope at this late stage still that further adjustment, which was made to do everything we can to try to bridge that gap. So that is the history of it. I am going to listen to the debate now. I suppose I should talk generally about it. Historic buildings, in my view, are absolutely important. We have lost far too many. I can tell you that since the last Island Plan we have lost 17 listed buildings. So, when the question arises: "How well do the current policies work?" then I think that tells a lot. We also have a very, very, I think, visionary project being led by the

Deputy of Grouville about Island identity. The truth is that the pressures of development do erode the visual evidence that Islanders sense in our history. We do need policies in place to look after it. I know that not everybody shares that view. They are difficult judgments to make and therefore this is absolutely a case that we need the very best of policies that are as structured as they can be to make these judgments. Of course, we are very lucky, and I would make a mention now we have planning officers in the room. I have asked for our historic building specialist to be available, so she is in the room, and if you want to ask independent questions of her please do so. If she is not there speaking on behalf of me, she will give you ... because everybody knows her advice is robust and strong and is not somebody who just goes with what she is asked to do. I certainly would not even think about that. Of course, I do know as well that this area is extremely difficult. In my time that I have been associated with the States, the States has sadly lost 2 previous historic buildings officers, because they came under pressure to reduce their advice and so on. That is the history. It is a high-stress role. So, I ask Members please be careful with this. There is no perfect way through this. We have to be able to change. We have to be able to accommodate change. But the wording of policies matters because it gives the Planning Committee, it gives planning inspectors and it gives the persons deciding an appeal, and if necessary the courts, the rules on which those judgments can be made. That is probably the high-level approach to my amendments and I am sure I will be coming back and speaking on what follows.

The Deputy Bailiff:

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

4.2 Island Plan 2022-25: Approval (P.36/2021): eighty-ninth amendment (P.36/2021 Amd. (89)) - amendment (P.36/2021 Amd.(89)Amd.)

The Deputy Bailiff:

There is an amendment to the amendment lodged by the Deputy of St. Peter and I ask the Greffier to read that amendment.

The Greffier of the States:

Page 2, paragraph (c), in sub-paragraph (b) of the substituted paragraph in Policy HE2, delete the words “where the existing frame is beyond repair”.

4.2.1 The Deputy of St. Peter:

Two declarations of interest. One, I am a very proud owner of a heritage property, which I do whatever I can to preserve in its best possible style. There are many hurdles to that, which I have accommodated at every single stage out of respect to those properties. My other declaration of interest is there are obviously sash windows within the property and I have extraordinarily ... some of the windows are new double-glazed windows, and in the same building there are some that are original, I believe, 1853 single-glazed windows. The photographs you see in my amendment are from my house. So that is my declaration of interest. They are all but side by side. A financial interest I have to declare. I estimate, because this proposition, or my amendment, is supporting the highest-quality hardwood sash windows means that any savings that I would make on heating will be gained when I am long gone from this planet. So, this is about the right thing to do in maintaining a house and for the other 3,000 similar houses like this in the Island and the joiners and the architects who are very supportive of me in doing this; that is what it is about. But I make that declaration of interest. Firstly, I have to thank the Minister for, shall we say, going halfway in my original amendment P.14. That meant he said we could replace the double-glazing on the heritage properties. As we know, windows are in 2 parts, there is the sash window and there are the frames, both in the doors and the windows. It is the frames, the replacement of frames, that are not beyond repair that is the purpose of this amendment. Previously, previous to this, any window needed to be beyond repair or beyond reasonable repair before approval for double-glazing would be accepted. So far, halfway

through, the window can be replaced without being beyond repair. It is the frames that I am talking about today. Obviously, there were exceptions and I totally respect there will be exceptions. A typical example is stained glass windows in churches. I mean that is extreme but it means that I am totally cognisant and respectful of those exceptions. I am sure you have read the submission from the joiners and architects. It is quite a technical subject. I did do a bit of glazing over, but it is really very informative. The summary of it is this is just common sense. So, I am going to assume, for the sake of this, that Members would accept the thermal efficiency benefits as we strive towards carbon neutrality. If you wish me to cover that I will. The challenge we have, down to the detail, is double-glazed windows, the modern double-glazed windows with the new technology that is involved in them are ever so slightly heavier and ever so slightly thicker than the original frames, which could be, as in my case, I do not have any evidence of it, but many are well over 100 years old. Those original frames need to accommodate the new sash windows, being slightly bigger and slightly heavier. Therefore, the old windows, the old frames, have to be changed, removed from the position. The counterbalances are slightly bigger. So, it just basically means that they will just not fit. So the old frames have to accommodate the new windows. Also, the preparation of the existing frames will never be as efficient as bespoke frames that are designed to work hand in glove with the windows that they are going to support. So, they will never work efficiently or be as thermally efficient as we would like. The other thing about the old frames is, by definition, they sit next door to the walls, they are built into the wall of the house, and these are pre-cavity walls, and I assure you, find me a good Jersey cod house or heritage in this Island that is not damp and I would be delighted to buy you a drink. There is no such thing. But the window frames obviously are attached to the walls, which is damp, therefore they need to have an updated damp-proof course. Now the joiners are telling me that when they do take out a frame in order to repair it, they collapse and fall away. You have to take it out to replace the damp-proof course but then you also have to take it out to do the repairs back in the joinery shop. They previously just collapse, so they are not really practical. I have been told by joiners who look at the reasonable lifespan of the frames and the windows that they could be up to 1½ times more expensive to maintain as opposed to just replace. For most people, for a lot of people who are privileged to have a heritage property, yes, it is a lot of money, but they cannot all afford to do that, so we need to help them to make it more economical if we can in order to protect their properties in the style that we want. They cannot be indefinitely repaired. The aesthetics go after a period of time. You can see it. They start to look worse than a new window. I can carry on, but I just ask Members to support this. I recognise the desire to protect our heritage, however this is just common and practical sense for the protection of the aesthetics of our treasured historic properties. I move the amendment.

The Deputy Bailiff:

Is it seconded? [**Seconded**] Who wishes to speak on this?

Senator K.L. Moore:

Before anybody speaks, should anyone with heritage windows make a declaration in this debate?

The Deputy Bailiff:

I do not think that is necessary. Yes, who wishes to speak on this amendment to the amendment?

4.2.2 The Connétable of St. Brelade:

I rise to speak on this as the result of representation from a historic architect and to put his concerns through. He feels it is a blunt instrument to achieve what I understand the Deputy is trying to achieve and I could allude to a bit of conflict in that I have a building with 18th century windows, which all need replacing, and a Parish Hall full of them, albeit 19th century. The amendment he suggests might inadvertently result in the loss of historically significant, important and rare parts of our cultural heritage. How are 17th, early and mid-18th, and early 19th and rare examples of later 19th and even

20th century windows protected? It cites a background paper from a joinery manufacturer who might be of course more interested in selling new windows than repairing old ones. Certainly, there are 2 different skills ... truthfully, there is an awful lot of work in repairing an old window and I can understand a leaning towards replacement from a business point of view. There is a suggestion that the Victorian, being 1837 to 1901, windows are made of poor-quality timber. This is not borne out by the facts. Old windows are usually made of higher-quality timber than those of the second half of the 20th century, which often fail after only 30 or 50 years. Those of say 1770 or 1820 have lasted for some 250 or 200 years already. This tells you everything you need to know about the quality of the window. I know that the Deputy refers in his paper to pitch pine from North America and I think I can vouch that some of my better windows are in fact made of pitch pine, albeit a couple of hundred years old. There is always a case for replacement when wood is beyond repair. The bridging Island Plan proposals allow for that. We are trying to reduce C.O.₂ (carbon dioxide) generally, certainly by 2030, and get our net zero by 2030. Manufacturing and importing building materials to make these new windows creates C.O.₂ and I was trying to find, before speaking, what the C.O.₂ impact of using timbers such as Accoya, which is popular among window manufacturers at the moment. Because it effectively has an impregnation process to make it last longer. I am not sure, I would like to be clear, maybe the Deputy can clear up later on whether that is better for the net-zero process than just using conventional timbers. While secondary glazing is far cheaper than a complete new window, about 20 to 25 per cent of the cost, it will of course save energy in the same way. The amendment claims that the methods proposed in the bridging Island Plan, including secondary glazing, are ineffective. This is demonstrably untrue. Approximately 6 per cent of buildings, I am advised, in Jersey are listed; some 3,000. We should be retrofitting unlisted traditional buildings, approximately 30 of the building stock in Jersey, 15,000, which quantify those, to have a greater impact at reducing C.O.₂. I am empathetic to what the Deputy proposes, but we need to be cognisant of the effects of so doing.

[15:30]

4.2.3 Deputy J.H. Young:

The policy as submitted in the draft plan that has been reviewed by the inspector and supported, my list adds to the names here, Association of Jersey Architects as well, the National Trust and so on, we have made a very significant change, which is new, which does allow for the retrofitting of double-glazing within existing window and door frames. That will allow the enhancement of performance. But of course, the key question is whether you replace the whole window or not. Basically, as a layman, I am not an expert in these, I listen to advice. I have also seen the evidence with my own eyes that where you get windows replaced that do not look the same aesthetically. Or you might get a very high-quality one but that is, in my experience, unusual. But the Deputy's amendment wants to say, no, I do not want that test of where the existing frames are beyond repair. So, it seems to be quite a reasonable approach in the draft policy, bringing in a new change, reflecting a new situation. If the thermal performance and sound performance needs to be improved, you can put them in, within the structure. The advice I have given, and I think Members have seen, I do not know if you have all had the chance to read all of the technical information that our historic buildings expert has circulated. But this is very possible. In fact, what we need to do is just set that direction as a principle. Of course, it will deal with ... generally speaking, it applies to listed buildings and what features are important. So, for example, when we are bringing forward proposals, because we are having this debate on 27th April about implementing the longstanding commitment in previous Island Plans to have conservation areas. Of course, the doors and windows on elevations that face the road and face people, it is almost like the eyes of a human being, the face. It sends you the signals whereas you could see if something is false, pastiche or what have you. That brings into question whether it is worth saving the building if you undermine its historical integrity in that way. I myself, my personal view is that I do not own a historic building; I aspire to, I would love to, I do not have listed buildings. I have modern ones that do not work very well either. They need replacing because we live in a high-energy environment and wet winters and all the rest of it. So, it is a duty if one

takes on or whether one inherits a building of that nature, to pass it on as best one can. Yes, it needs to adapt, but the draft policy, as it is drafted, gets it right. I got the technical advice, and Members can read - I do not know if you have all been able to look at it - because it is often argued that we have too many listed buildings. Really, look, we have a wealth of heritage in Jersey, a wealth of it. We are lucky. We should celebrate it, look after it. Now, there is a real point that I do go with the Deputy in, it is morally wrong that for years the budgets of the departments that look after, that have to make these decisions, have withdrawn all funding to support the owners of listed buildings. That is not acceptable. I make the plea for the next Council of Ministers, particularly as we bring in conservation areas, we should restore the cuts that were made several years ago to remove those budgets. They were relatively modest and they were not just dished out to everybody, wealthy people and so on, they were dished out to people with very modest means, as a limited amount of money just to help them do things where, for example, they could not do so. So, I understand the Deputy's frustration, perhaps annoyance, I do not know. Yes, there are things that we need to deal with. But if we take the windows and so on that face the roads, I can tell you now that one of the early drafts I asked to be drawn up for conservation area rules is the windows that face on to the street that are subject to those controls. Not the ones at the back, the ones that nobody sees, very different. This is about recognising our Island that people can still enjoy. I have seen the effects of damaging window replacements. I certainly have seen it in town - plastic windows - we are going through all that kind of thing. So once you lose the fabric of the window, this idea that what the amendment says is that take out the words "where the existing frame is beyond repair". So, in other words even if it is quite repairable, no, get rid of it. I cannot support that. I ask Members please to reject the amendment and go with the amendment that I have brought, which tries to move halfway to try to achieve that balance.

4.2.4 Deputy R. Labey of St. Helier:

I apologise for not being in the Chamber. I only found out late yesterday that the Constable of St. John had contracted COVID and I went to his presentation on Saturday, so I am just playing it careful. At the appropriate time, I should advise you that I would like to seek the leave of the Assembly to withdraw the 74th amendment, which sought to effectively reinstate the previous HE1. I am sorry for the late announcement of this, especially if Members have prepared speeches. But our conversations, or negotiations if you like, on the 74th amendment were quite late in the day. However, I appreciate how busy the officers were and the Minister. I appreciate the movement that is represented by the amendment of the Minister and I came to the decision this morning that it comes down to one word, really, the word "must". I am grateful to the officer for helping me with this and pointing out that the new policy says that listed buildings and those settings must be protected over the old policy, which says there will be a presumption against any destruction of or replacement of a listed building. The Minister should not be too hard on himself because I do not believe he has failed. We are making strides in the right direction and not before time. So, I thank him for that and I look forward to a new era of protecting our identity, the Island's identity, the historic environment, which I have fought for since I have been in this Assembly and before. So, I am prepared and happy to give the new policy a go after speaking to all those involved and also heritage groups. Let us do better. Let us apply this new policy consistently and evenly, which did not happen with the last one, so that we back up our historic environment officer when she has strong objections and we hold the line. So, the Minister's amendment is really good news and I am happy to withdraw the 70th amendment when you call upon me to do so, or ask the Assembly if I can do that. This second amendment of Deputy Huelin is however a complete disaster. This is taking us back decades. It is worth reminding ourselves of the historic environment officer's words here that if the Deputy's proposed amendment to the Minister's amendment is accepted, this will result in the loss of the remaining historic window frames in their entirety throughout the Island in response to the proposals for double-glazing. This loss of historic fabric and detailing and changing the appearance is likely to reduce the significance of windows and the host building and irrevocably alter the character and quality of the Island's

historic environment. The Minister is absolutely right in his analogy of the face. To remove the original windows and doors from historic buildings is like poking the eyes out of a face. It is like a face without eyes. It does huge damage. Imagine if such a proposal were to be considered in Edinburgh or Bath or London or York or Chester or anywhere where the historic buildings are. It has the potential to wreak absolute havoc. I know that Deputy Huelin has had trouble with his own renovations, but he cannot come to this from that singular point of view. I am sorry that he did not consult with the historic environment officer. I know he probably did not want to do that because he would have been told something he did not want to hear. That this is really, really dangerous. I hope Members will throw it out. Some of the planning applications that we spend an awful lot of time on and are the most difficult are sometimes those that are just to do with the replacement of one window. What we have done traditionally over the course of this Planning Committee and the previous incarnation under former Constable Gallichan is we have held the line with the historic environment officer. I would like to see - and we have had to turn these replacements down - if people are disadvantaged financially by having to heat or replace identically their historic windows in historic buildings a fund to help those who are struggling financially to help them do it. But it is unfortunately a responsibility that comes with owning a lovely historic building. It would be easy to slide this away, but the consequences are truly disastrous for our historic environment, the Jersey identity, so I please urge Members not to go there.

4.2.5 Deputy M. Tadier:

I will not repeat what has been said by the previous speaker or indeed the Constable of St. Brelade who referred extensively to some correspondence that some of us have had. That expert opinion provides a stark contrast to the concerns that the Deputy of St. Peter has raised, which has to be said probably have some sympathy with some members of the public. But I will lay down a further challenge to the Minister and to the Government, whoever that is in the future, and I am glad that the Minister has already touched on it, but only part of what I was going to say, is that it seems to me we play into the hands, those of us who want to preserve Jersey's heritage in terms of historic buildings, the Government plays into the hands of those who want to call for such things as putting in P.V.C. (plasticised polyvinyl chloride) double-glazing, because it does not properly maintain and regulate the historic environment anyway. So, I put a valid question there. If you are walking down a country lane or a town street, and I have done that today in fact, Deputy Huelin will know very well my usual route where I walk the dog, and you walk past a particular building, it could be anywhere, and you look at it and it has old dilapidated wooden windows with glass just about hanging in there and the paint flaking off. You think to yourself, well, I do not know about in this particular case, I am sure the person in that big house is not short of a bob or 2, they could afford to do it, what are they waiting for? That may or may not be the case of course. It could well be that somebody has inherited a house and does not have the means to do up the building, and then finds out that they are not allowed to do certain things. So, they might be able to afford to replace the windows when they get that tap on the door from the double-glazing salesperson and say, yes, I would like to sign up. No, you cannot do that, I am afraid. But at the same time the Environment Department does not ask people to maintain their buildings. So which is it, are these buildings truly valuable to the public and are they things that we expect people to maintain, and do we just do that on trust?

[15:45]

Do we do that on trust even if the individuals do not have the financial means to do that? Even if they do have the financial means to do it, what if they just do not have the interest, cannot be bothered? If it is an outhouse, if it is a shed, why would they spend money fixing it if it is of no commercial interest to them? That 2-way relationship needs to be strengthened. The department, I imagine, has been seen by some as just a stick to beat people with, you have a historic building and for some it might be considered a benefit to live somewhere like that or to have part of their property, which is listed, but others probably see that understandably as a liability for which they will get little

aid. Now I have to contextualise that. I know that the department do go out of their way to help people and they are very approachable. But I go back to the point, and this is not just about listed buildings, it is about the built environment, it can be said about greenhouses, it can be said about walls that are falling down in our various communities. If we have the laws there, and if the Minister has the laws or he has delegated laws to his officers within the department and none of this is ever enforced, that is what needs to start happening. Somebody needs to get a knock on the door and say: "Look, I have noticed you own this beautiful building and you have let it go to rack and ruin. Not only do you have a moral responsibility to fix it, you have a legal responsibility to fix it." Then start to have that conversation. If they say: "I do not have the money to do it" then you make sure that there is a fund that has been set up, a heritage fund, and you say: "Did you know that, if you need it, there is a means-tested fund, which you can apply to and we will help you do this and we can recommend certain architects or there is a list of architects who can do that for you." At the moment we have the worst of both worlds where we are forcing people to do something with their own property, which they may not reasonably be able to do, but at the same time we are not providing any help and we are not providing any enforcement. So, you get dilapidated old historic buildings that look terrible but which we have ticked a box for on paper to say it is not our fault, but if you do want to repair your building you have to do it in a certain way. Because I know that there are so many out there who would probably prefer to see an old building with P.V.C. windows that looks good rather than a dilapidated old historic building with sorry wooden-looking windows where the panes are falling out and the paint is stripping off. But that is a false dichotomy that we should not be led into. But I do put that challenge back to the Minister in summing up. Or rather he is not summing up, is he? At some point he will. But whoever it is to sum up.

4.2.6 The Deputy of St. Martin:

A Minister for the Environment in some jurisdiction owned a very old car and he loved this old car, the engine was pretty terrible and it emitted smoke and fumes and all sorts of stuff and it was a bit rusty but he loved it. But one day he became convinced that he needed to save carbon and he needed to do a better job for the environment. He went to his mechanic and he said: "I have made significant change here; I have decided to go halfway and I bought an environmentally-friendly engine to go in my old car and do the right thing. I am going to save carbon." The engineer looked at the 2 and he said: "Yes, you are absolutely right, but the problem you have is that just by a couple of millimetres this engine is not going to fit in the engine bay and what you are going to need to do, do some modifications to the engine bay and then your whole car will be transformed and you can save all this carbon." I think Members will know where I am going to. The Minister has said he has made significant changes to windows and doors. The problem is you cannot always fit a double-glazed window into a frame that is not made for a double-glazed window, any more than you can fit an environmentally-friendly engine always into an old chassis. It sometimes just does not fit. I want Members to think about that because we are talking millimetres here, it could be the engine in the engine bay, but we are talking literally a small number of millimetres to make the difference. But, if you cannot make the difference, you cannot fit the double-glazed window, and that is the important thing. If we are going to be serious about saving carbon, we all know the most difficult buildings in Jersey to heat are the old Jersey traditional granite buildings. We all have it. I have tried my best to see if I can convert mine to electric from oil fire. It is really difficult. We have to find ways to save the carbon escaping from these buildings and windows are one way. Before I sit down, I would like to say that I have always been very much against internal glazing and internal shutters and more recently I have been very much convinced by internal shutters, which look good, they are very smart and they do a fantastic job of saving heat escaping from the house. But let us get back to the amendment here. We need to be careful. It is great saying we are going to allow double-glazed wooden windows and you cannot tell the difference from more than 10 feet away. But really careful, because if we cannot fit those, in many cases you will not be able to fit those windows into the existing frame, which is why I am going to support the Deputy of St. Peter on this one.

4.2.7 Deputy K.F. Morel:

Picking up from the Deputy of St. Martin, the Deputy of St. Martin has a really good point. The trouble is that the Deputy of St. Peter's amendment does not address that point. The Deputy of St. Peter's amendment does not say: "But where double-glazing cannot be fitted into the frame, then exceptions can be made." It does not say that at all. The Deputy of St. Peter's amendment just says: "Delete the words 'where the frame is beyond repair'." So, the Deputy of St. Peter's amendment is absolutely 100 per cent carte blanche just to rip out windows, historic windows, that is what his amendment does. If he had brought a more-refined amendment I would have been absolutely fine and happy to support such a refined amendment, because I absolutely agree that, in a world where we are trying to be more environmentally friendly, a lot of these old buildings are, as the Deputy of St. Martin said, oil-fired heating and they are difficult to convert. So, it has always been that someone who once lived in Almorah Crescent with very large single-paned double-glazed windows at the front, I knew how they just let the heat in and out, or they did not let the heat in, they just let it out. So I see the problem. I have lived with that problem. Had I paid more attention perhaps to all the amendments coming through I may have amended the Deputy of St. Peter's amendment a bit further to refine it the way it needed to be refined. But unfortunately, his amendment is carte blanche just to say: "Sorry, I want to change these windows, do not like them anymore, and I am just going to put them in." There is value in the original, not in every single instance, but there is often value in the original fixtures and the original frames. I keep thinking about, not Jersey farmhouses, but I keep thinking about in town. I cannot think of the proper phrase, but for the curved windows that form a part of many historic buildings in town. Not the bay windows in the English style, but they are just a single pane of curved glass, which goes across, and you will see them throughout in town on corners usually. They are incredible. But of course, there is no such thing in a modern set of windows, nobody bends the glass to fit. Modern standards do not allow you to do that. So, in those cases, this is an entirely innovative way of Jersey building, it is incredibly idiosyncratic, and I believe that according to the Deputy of St. Peter's amendment people will just be able to remove them. That would be appalling. So, I hear what the Deputy of St. Martin is saying. But I cannot support that position. The Deputy of St. Peter's amendment, while the Deputy of St. Martin is saying the Minister for the Environment is not going far enough and is perhaps causing problems where in theory it is possible to change the windows but the reality is you will not be able to because of a couple of millimetres. The trouble is that the Deputy of St. Peter's amendment goes far too far and just gives permission to remove window frames and historic windows left, right and centre. I do not think that is his intention but that is exactly what happened. So, I really do, for the sake of many window frames in Jersey, historic window frames in Jersey, and particularly those which are unique to this Island that you do not find elsewhere on the planet as far as I understand, please reject this amendment to the amendment.

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

If we adopt the Deputy of St. Peter's amendment, the damages it will cause will be far-reaching. This is not just about replacing a few windows. I would go as far as to say that it may be vandalising our heritage. Double-glazing, to put plastic double-glazing in to save energy is not really required in heritage buildings. You can use secondary glazing, which is far cheaper than a complete new window, and is energy efficient. I will also agree with the Deputy of St. Martin that internal shutters also keep the heat in. I have those at home. P.V.C. windows just do not look good in an old building and I disagree as well, you can see from 10 feet away that it is a plastic window. They look awful. Deputy Labey said that we may be able to help people with some sort of fund to keep wooden windows in situ. I would just urge people not to vote for this. It is destroying our heritage. I know that would not have been the Deputy of St. Peter's mission. Much of my speech was said by the Deputy of St. Brelade, so I just really urge Members not to vote for this.

4.2.9 Deputy D. Johnson of St. Mary:

I endorse what the Deputy of St. Martin said and this is the root of the problem that I confess I have an interest here. I recently did apply to have windows replaced. We came to an accommodation with the historic buildings officer. But the main point was this, that we are - and one member of my family in particular is - obsessed about energy conservation. We cannot have the degree of energy efficiency we want within the framework of the windows. So, it is a stark contrast. To observe this to the letter of the law we are going to be prejudicing our ability to conserve energy because we are not allowed to, as the Deputy of St. Martin says, by the tune of 1 or 2 millimetres, be able to amend the window frame. I take Deputy Morel's point. I am not sure that the Deputy of St. Peter's amendment quite hits the spot and I blame myself for not having told him this before. But I am also slightly confused because ... there are so many amendments going around, forgive me, but there is an additional sentence to be added somewhere, which says: "The use of double-glazing in replacing windows and glazing in doors will therefore be supported where replacements replicate the historic window and doors as far as practicable helping to meet Jersey's commitment to energy efficiency. Taking that in isolation, it seems there is perhaps mileage to the idea that the historic buildings officer can be more accommodating. I simply throw that out for future reference. But very reluctantly I perhaps cannot support the Deputy of St. Peter's amendment, but I fully endorse what the Deputy of St. Martin is trying to say is that we have a conflict in the rules as they are between energy efficiency and maintaining of windows. If we can arrive at a situation where new windows, to all intents and purposes, look identical to the other ones, why should we not move in that direction?

4.2.10 Deputy I. Gardiner of St. Helier:

I got probably an effectively different space with this amendment because when I read the amendment, and I am pleased to follow the Deputy of St. Mary, I thought about double-glazing. For me, double-glazing is an energy-efficient house. When I am thinking about my constituencies who live, for example, around the Rouge Bouillon area, that need to spend a substantial amount of their not always high income for the heating or to choose to be in the cold house, double-glazing can definitely save their heating bills and make their home more energy efficient and better to live in.

[16:00]

Now, if Members have in front of them the proposition on page 3, if you can open the link, there are 2 windows. When I looked at the windows - I did not maybe read all the necessary details - I did not think about P.V.C. and different types of window what will be replaced, it is also not specified in the proposition that it will be replaced with plastics. So I would like the Deputy of St. Peter in his closing speech to clarify would it be a replacement that would look like the original? I mean if we lost somebody else would make this point. Or it will be plastic windows, which are completely not connected to the building. Because for me it is important to keep the heritage buildings. It is important to keep this look that we will have the same feeling at the same time when you hear about the people who live in these buildings. So, I will listen to the summing up.

The Deputy Bailiff:

No Member wishes to speak. I call upon the Deputy to reply.

4.2.11 The Deputy of St. Peter:

Thank you, all. Can I just make sure something is absolutely clear, the Minister has accepted that the windows can be replaced with double-glazed windows regardless of the condition? So, a lot of Members have mentioned in their speeches of ripping out windows. That is not correct. That has been accepted by the Minister that, as we try to go towards carbon neutrality by 2030, and I have written down here, I cannot remember, I think it is a supermarket chain in the U.K. (United Kingdom) that says every little bit helps, or every little bit matters. This is one of those things. If we are going to go towards carbon neutrality we have accepted the fact that double-glazing works. It is essential

within heritage properties. I am not talking about that. I am talking about, as Deputy Luce eloquently and perfectly described, the fit between the double-glazing and the frames that those double-glazing will sit on, that is what we are talking about. We are not talking about ripping it out, we are not talking about everything wholesale assassination. I can say to Deputy Gardiner the frames will be like for like compatible with the windows that the Minister has accepted. There is no mention of P.V.C. or plastic anywhere. In fact, there are quite a few heritage properties that, before the heritage laws came in to protect the windows, have got plastic P.V.C. heritage out there. Those owners are particularly happy at the moment. They have got nice warm houses, they involve absolutely no maintenance, but I think they are ghastly to have the plastic there. That really has gone against the heritage look of the buildings that we are trying to protect. If those certain friends were listening now, I will not withdraw that comment. I do not know the answer. The Constable of St. Brelade has gone. I do not know the answer about whether Accoya wood is going to be more carbon neutral than other wood. The Minister talked about inherited properties. We have a challenge here because I admit I inherited the property from my father, it was not a long-term family, it had only been in the family since about 1964 or something like that. When we moved back to Jersey, the intent was to restore this property. I was gobsmacked at the hoops you have to jump through to look after a property. Thermally making it warm is not just windows, it is full insulation and across all the ceilings. The ceilings between the ceilings need to be insulated if you can, if you have plaster and lath on your ceiling you cannot get access to those ceilings, so there is no protection of insulation. You cannot put thermal board in on the walls of a heritage property because it affects the proportions of the room. You cannot put thermal board in. So, all these old windows, and they are not cavity walls, they are thick and they are damp. Lots of them have damp on the inside, when you warm them, too much condensation, which we are not allowed. They have that, you cannot do anything about it, you cannot protect it. We put, and I know lots of other people have put underfloor heating in. In the heritage properties, if you have wide floorboards, about those wide floorboards, you are not allowed to replace them, which is fair and reasonable. They do not get seen from 50 years to 50 years and they only get seen when the carpets are changed, but you have to protect them. The only way to put underfloor heating in is to put the underfloor heating on top of the thermal boards. It is only about an inch thick but it changes the proportions of the room. There is another conflict for you. You cannot change the walls of the room with thermal boarding, but you can by putting in underfloor heating. So, I just say I am privileged and I am honoured to have inherited a heritage property and my wife and I spend an enormous amount of time doing what we can for it. But let me assure you it is a labour of love. Another point is I walk around the Parishes and it comes up on every single debate about empty properties, and Deputy Tadier mentioned that. The majority of empty properties I see are potentially wonderful, I do not know if they are heritage or not, I have not checked each individual one, small farmhouses that you see in little pockets around the Parishes. We have to answer the question, why have they been left to rack and ruin? I do not know. One of the reasons I would say is the owners do not have the stomach or the desire or the pockets in order to bring them back to their former glory. So, I think Deputy Tadier has a very good point there in that we need to work with Heritage. He mentioned the flaking off windows in the area. I would say that the Jerseyman who owns the Jersey property is playing the long game here and waiting for those windows to collapse until he can get his necessary permissions because they are beyond repair. Deputy Labey spoke as if he is a heritage officer. He used the words: "Removal of windows and doors." It is as if, I am sorry, Deputy Labey, dear friend, I am sorry, it is as if you have not read the proposition. The removal of the windows and doors has been accepted by the Minister. This amendment is purely for the frames that it is going in. I have mostly covered that. I think people have had enough of me. In summary, the windows have been accepted, we can replace them with hardwood sash windows. All I am asking, as Deputy Luce explained very, very clearly, is that the window and the frame are built together, installed together in harmony and designed to live and operate and work together. There is no intent here of ripping out and destroying our heritage is purely

a practical solution to a problem we are all facing of carbon neutrality, a purely practical solution, and I urge you all to support me in this.

The Deputy Bailiff:

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

POUR: 16		CONTRE: 23		ABSTAIN: 2
Senator I.J. Gorst		Senator L.J. Farnham		Connétable of St. Ouen
Senator S.C. Ferguson		Senator K.L. Moore		Deputy I. Gardiner (H)
Connétable of Grouville		Senator S.Y. Mézec		
Connétable of St. Peter		Connétable of St. Helier		
Deputy J.A. Martin (H)		Connétable of St. Lawrence		
Deputy K.C. Lewis (S)		Connétable of St. Saviour		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy S.J. Pinel (C)		Connétable of St. Martin		
Deputy of St. Martin		Connétable of St. John		
Deputy of St. Ouen		Connétable of St. Clement		
Deputy L.M.C. Doublet (S)		Deputy G.P. Southern (H)		
Deputy S.M. Wickenden (H)		Deputy of Grouville		
Deputy of St. Mary		Deputy M. Tadier (B)		
Deputy L.B. Ash (C)		Deputy R. Labey (H)		
Deputy of St. Peter		Deputy G.J. Truscott (B)		
Deputy of Trinity		Deputy J.H. Young (B)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy R.J. Ward (H)		
		Deputy K.G. Pamplin (S)		

4.3 Island Plan 2022-25: Approval (P.36/2021): eighty-ninth amendment (P.36/2021 Amd. (89)) - as amended

The Deputy Bailiff:

We are going back to the amendment as amended. Who wishes to speak on the 89th amendment, as amended?

4.3.1 Deputy K.F. Morel:

I just wanted to say specifically ... let me just find my place. I was thinking the Minister would have to speak first but of course the Minister has already spoken, I apologise. Specifically, about the area in the 89th amendment which is to do with conservation area designations which is part (d) of the amendment. In case any Members were as concerned about conservation area designations as I was, it is just to say that having looked word for word at the paragraph (d) in the Minister's amendment

versus the amendment that I have brought, I am satisfied that there is only one small change and it is one that I am more than happy with which is to prioritise St. Helier and the historic areas of St. Helier as conservation areas designations. The rest of it is pretty much word for word with the amendment that I was bringing, and so, really, I wanted to say that from my perspective I am happy to support the 89th amendment because the part which affects the amendment I brought is in good order and does not seem to be finding any loopholes around my amendment. If people would like to know why conservation area designations are important, quite simply the first instance is that conservation area designations - as the Minister said yesterday - are meant to have been an Island planning policy for 30 years and they have not been. They were first mentioned 30 years ago and it was said the committee of the time will bring in conservation area designations and then nothing happened. Tumbleweeds regularly blew through that part of the Island Plan. Here we are 30 years later and we still have no conservation area designations. The idea of them is that where you have an area which has a particular character, that character has to be maintained. It does not say you cannot develop in that area. It is not like the coastal national park or the protected coastal area that we now have or we are likely to have. It does not stop development at all, it just says that these particular areas have a particular character and that any development has to bear that in mind and has to respond to that character appropriately. The bridging Island Plan as drafted only referred to St. Aubin as a conservation area designation and I spoke with people, particularly at the Société, who were very keen that St. Aubin, while a valid area, because there is so much protection around St. Aubin already was perhaps in some ways not so needing the conservation area designation because it is very difficult to build there and develop there without taking the character into account because it is heavily protected. But there are plenty of other areas, as I have listed here, from the historic areas of St. Helier which were very much thought of as needing to be kept, all the way through to those kind of village centres around the churches.

[16:15]

I have listed them and the listings are from observation and they are from an understanding in Jersey that these kind of village centres have their own character; so Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, St. Clement, Gorey village and pier and of course Rozel harbour. There are other areas that could be thought of in the same way but I put in this list, the Minister has maintained it, which I also see as a form of agreement that these are particularly important historic areas, and to ensure that something is done about these areas and they do not just sit in the Island Plan for the next 30 years without the designation being properly maintained. The Minister has kept the part of my amendment which talked about 4 of these conservation areas should be designated during the course of the bridging Island Plan. I think that is absolutely appropriate because it does take work. It takes someone to go out there and survey the area in question, to describe the character of the area. There is some work behind that as well. But I think personally this is a really important step forward, a step that should have been taken 30 years ago, but it is an important step forward to making sure that when we develop in Jersey we do not develop in a way which completely ignores the existing character of an area. We spoke earlier about St. Brelade's Bay and there is a character there but too often it is ignored and new development just takes no account of the actual feeling and character of the bay. This is what this part is intended to do, so it may be an incentive to all Members that if this amendment is passed it then means that my amendment falls away and I am quite happy with that. It is one less debate for us to have and I am happy with it because the Minister's amendment takes into account my amendment very well indeed. I just thought Members should know that. From my perspective I am happy to support this amendment with regard to the conservation area designation.

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

I am pleased to follow my Deputy, and just to say I hope Members will support this amendment 89. Shortly after I was elected as Constable I was sorting through some drawers in the office and I found

the proposed conservation area for the village of St. Lawrence, which I believe was prepared about 30 years ago. I am very pleased to say that development over the years has not really impinged on the proposed conservation area from 30 years ago, so St. Lawrence is ready and willing to go with this proposal and it needs very little amending to it before we submit it for consideration by the Planning Department should this be adopted. I look forward to working with them on this.

4.3.3 Deputy I. Gardiner:

I would like just to say thank you to the Minister for working with me and accepting my amendment. It was different wording proposed, which I agree, and it is important that the Minister recognises that anyone should be able to enjoy easy and inclusive access to the historic environment, and that removing the barriers to access can allow more people to use and benefit from the historic environment. If it is done sensibly it does not need to compromise the ability of future generations to enjoy our historic environment. So, I just would like to say thank you to the Minister and I hope Members will support his amendment.

4.3.4 The Connétable of St. Brelade:

Notwithstanding that the Deputy of St. Peter may criticise me for saying what I am going to say, I will take that on the chin, but what I am going to urge the Minister to do is make it easy for owners of historic buildings to replace these windows. There seems to be a presumption sometimes that owners of old properties want to change windows for the worse. It is certainly not the case. A lot of people will be happy to change them to replicate them in cases of decay and rot. But I would urge him to encourage dialogue between the joiners in the Island and the window manufacturers in the Island because sometimes we have a misfit between the aspirations of the Planning Department and what is actually practical. I detect in what we have heard today that there is a difference in that case. It is easy for those sitting behind a computer screen to say: "Yes, they must be repaired" but the harsh practicality is sometimes that cannot be done. The practical people doing the fitting work I think should possibly receive a little bit more consultation, so I would urge the Minister to try and point that in the right direction.

4.3.5 Senator S.C. Ferguson:

A couple of things. The manufacturing techniques and materials available are resulting in good quality plastic windows which do resemble wood and are very difficult to distinguish from wood. Our Victorian ancestors were quite happy to use modern materials in order to get the effect rather than struggling on with medieval materials. So, I think perhaps when Members talk about better liaison with the window glazing industry I think there should be more emphasis on looking at plastic windows which really resemble wooden windows without being wooden windows. The other point I raise is it is all right saying we are going to have decent access to historic buildings; when are we going to have decent access for disabled people to the States Assembly? Just a thought.

4.3.6 The Deputy of St. Martin:

I would just like to talk to a subject which is not addressed directly in this amendment, but the Minister did mention it, and that is a fund to help people who own listed buildings. I am sure that we will all know someone who owns or owned a listed building who may well be asset rich but very cash poor, who will have made an application to the department to replace gutters, downpipes, and maybe some slates on their listed buildings and have applied for non-original type materials, maybe plastic or shaped aluminium to be told: "No, you will fit the appropriate, very expensive options" and the person just cannot afford to do that. The outcome of that going on year after year after year is that the listed building deteriorates and potentially even falls down. In order to try our level best to maintain the listed building structure and fabric we have destroyed it in the nth degree, if you like, and that is the dichotomy that we sometimes get with this. So the Minister is absolutely right; what we do need is some sort of a fund where people who cannot afford to do these type of repairs are

assisted, so for the benefit of the Island we do retain our listed buildings and we can apply listed building procedures and say to them: “No, we would like you to do this in the gutters, this with the downpipes, and this with the slates. It is more expensive, but we are going to compensate you for doing that.” So, I will be voting with this, but it is important that we find a way to do a proper job with protecting listed buildings.

The Deputy Bailiff:

If no other Member wishes to speak, I will ask the Minister to reply.

4.3.7 Deputy J.H. Young:

I am grateful to the speakers who I think kind of summed up this debate on historic buildings, which I think has been a very good one again. A very high quality debate right the way throughout this. A couple of specifics; very much start I think on the theme of conservation areas, picking up Deputy Morel. I am grateful for him explaining his amendment and why I was able to incorporate it in. He is absolutely right; this has not gone anywhere. I am hopeful that the reaction which I have sensed from the Assembly today is very positive to that and is a good portent for our debate on 27th April. Just to remind Members to flag it up, the reason why that provision was not progressed is because the planning law did not allow it. The Assembly has already agreed the in principle change to the planning law to provide that power to the Minister at its debate in September or October. But the Scrutiny Panel did ask ... in fact they did rather more than ask, more or less insisted that they would call it in ... to be fair, it was correct, the panel asked to see the details of how we are going to put this into practice. Therefore, work has been very advanced by the regulation team and the historic buildings team to put in place both the legal regulations that are required and also the mechanics of how we propose to do it. At the moment I am not sure where we are with the briefing. I am pretty certain that we have sent those papers through to the panel. I am getting a nod there from the Constable for which I am grateful. I am hoping that they find favour, but I can flag up now that one of the bodies that the proposals intend to use is the Jersey Heritage Trust in this work because I think it is very, very appropriate that we try and use Island-based facilities to advance this. Of course we will have that debate on the Articles and then if the Assembly approves then we will have the legal basis in place. It is true that it is quite a task to do these conservation areas. It is not a minor matter. It is not a question of simple bureaucracy; it needs a huge amount of research. Just to kind of sum up, the difference between a conservation area and a listed building is that a listed building we protect the building, the particular structure. Conservation areas is where you have an assemblage of buildings or places, streets, what have you, street furniture and all that, the whole is what matters and conserving the whole. Of course, when one looks at the names in Deputy Morel’s list he is absolutely right to have identified all that, but choices will be necessary. I am assured that there are resources in place to make a good start. We will talk to the Scrutiny Panel about how far that work will go and I am very pleased to absolutely support entirely the comments of the Connétable of St. Lawrence. Having had the privilege of living in that delightful Parish a good number of years ago, quite a long time, I remember walking around those lovely lanes at the back of the Parish Hall and thinking: “This is a place that is just sheer heaven.” You could be back in the 17th or 18th century and you would not know that you were in the 21st century. That is just such a wonderful quality, kind of what I call secret Jersey, it is unknown, people do not know about it. Maybe I should not be speaking about it publicly but that was one of the ones on my list. I said to the officers: “Right, we have to do that.” I was not aware that they have done a lot of work already, which is brilliant, and will give a real head start. The Constable of St. Brelade, yes, I think there is no question. I take that as a request for a greater level of assistance and advice. Obviously at the moment we have one person in the historic buildings office; one. There is a limited resource but I certainly will take that on board and have discussions and I think that probably links in as well with what the Deputy of St. Martin said about the question of grants. I am delighted that I have the support of the Assistant Minister for Economic Development, Deputy Morel. What I plan to do from this is have further discussions with the

Assistant Minister and his boss, the Minister, and see where we can free up a little bit of money from their pocket of funds because we do have powers in the planning law to pay grants. We have those powers. They do not need new powers, but we just need access to a budget. I give that commitment that I will take that away. I want to just pick up one other point.

[16:30]

I really am grateful, and I am so pleased ... hopefully the Members will endorse Deputy Labey's request to withdraw his subsequent amendment which would have changed a very great deal or had the potential to change a very great deal of what we discussed. I am so grateful. I want to be sure, I want to put on the record, the changes that I made in what is now I think called the second amendment are absolutely designed ... the officers have written them responding 100 per cent to the concerns that gave rise to his previous amendment, which the Deputy has now said he would withdraw, and I am grateful for that, about having a stronger policy. The wording in point (b) of my second amendment is intended to cover that. Of course, we have debated that as read, as it were. That is in there as well. Deputy Gardiner, I am absolutely with you on this; we will do our best. I remember there was always a big debate about Mont Orgueil. How do you get disability access into Mont Orgueil? There are buildings which are extraordinarily difficult. I think ways can be found for some of that but, in the end, those things are difficult but one can do one's best. This building is a classic, is it not? We should be able to do better than this, I think, to be able to accommodate persons with disabilities. Although personally I do think a brand new States building might be a good idea, but we will leave that aside. Senator Ferguson, thank you. I do apologise, Senator, I think I have forgotten, I got carried away, what you asked. I am sure you will pick me up. Anyway, I make the amended proposition.

Deputy K.F. Morel:

If I may, a point of clarification? This is very cheeky, I was wondering if the Minister would clarify from his speech he referred to money being available for historic buildings and if he could clarify whether he knew that that is in the heritage strategy as presented by Economic Development, Tourism, Sport and Culture?

Deputy J.H. Young:

I am delighted to hear that. Hands up, I did not know that. I think it is wonderful news. I think I think just have to have a quick conversation and we are away.

The Deputy Bailiff:

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

POUR: 38		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy of St. Peter		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				

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

The Greffier of the States:

The one vote *contre* is the Deputy of St. Peter.

The Deputy Bailiff:

The 74th amendment lodged by Deputy Labey has been withdrawn.

5. Island Plan 2022-25: approval (P.36/2021) – forty-fifth amendment (P.36/2021 Amd.(45)) – amendment (P.36/2021 Amd.(45)Amd.) - lodging approval

The Deputy Bailiff:

Under Article 4A of the Planning and Building (Jersey) Law 2002 the Minister may propose an amendment to the Island Plan without the usual lodging period being applied if the States agree. The Minister has lodged an amendment to the 45th amendment which should be debated later on today.

It has now been circulated to Members and published, although recently. Minister, do you wish to propose the amendment to the 45th amendment to be debated at this sitting of the Assembly?

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

I am able to. I think the Constable and I have had prior discussion and if the Constable feels content with it I am content to go ahead with that.

The Deputy Bailiff:

Do you propose that the States agree that you be permitted to lodge this amendment today?

Deputy J.H. Young:

Yes, I believe it is a minor amendment and under the rules I have tried to discipline myself that these are technical amendments. I think this is a minor but important adjustment on the matter that the Connétable is bringing that will help this Assembly clear business.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]**

Male Speaker:

Could we just have notice of what it actually says?

The Deputy Bailiff:

If Members have not had the opportunity to reading the email that was sent very recently then in that case I invite the Greffier to read the terms of the proposed amendment to the 45th amendment lodged by the Connétable of St. Brelade.

The Greffier of the States:

Page 2 - after the words “should be deleted” insert the words “and”, after the words “tourist destination area”, there should be inserted the words “or for new or extended uses associated with daytime economy uses within the defined centre at Les Quennevais”.

The Deputy Bailiff:

Does any Member wish to speak on the proposal that this amendment be debated today?

5.1.1 Deputy M. Tadier:

I was slow on the mark to intervene but I wanted to hear from the Minister before this was proposed as to the nature of it. I know it has been circulated but as to what it covers and why he thinks it is a good idea and whether it has been accepted before we can agree to that. He can do that in his summing up, no doubt.

The Deputy Bailiff:

Yes, he can.

The Deputy of St. Peter:

May I request the wording is put into chat, I do not have it in my pack, I am sorry. It is on my email? Well, can we have in chat so we all have the same version.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition? Accordingly, I call upon the Minister to reply.

5.1.2 Deputy J.H. Young:

The amendment is to make a change for this particular policy in the draft plan, which deals with what I think used to euphemistically be called the night-time economy. At the moment the plan that we have includes also the defined centre at Les Quennevais. The defined centre is the whole area of Les Quennevais that we discussed the other day; it is a very tightly drawn area of where we have current businesses. Maybe one of my officers could put this map in the chat. At the moment the draft plan says that we should extend ... I cannot remember, this is relating to evening economy to which the intent would be applied also to Les Quennevais. I believe now that that goes too far in the situation of Les Quennevais and the amendment is to effectively limit the effect of that policy in Les Quennevais to daytime uses, the daytime economy. The idea being that instead of opening up the possibility where you could have late night functions, I am not an expert in licensing law but there are all sorts of things, nightclubs and what have you, which potentially could increase the level of noise pollution in that area. What I mean is the daytime economy is slightly widening the range of uses to allow cafés and this type of daytime use that would generally finish their use around probably 8 p.m. or 9 p.m. That does give the opportunity for both inducing vitality and gives an opportunity for getting some investment in that areas. Those conditions on those uses can be controlled by planning conditions. So what I put to the Constable is the Constable has his amendment, it is on the agenda, and what I would ask is that when we get to his amendment that my amendment can be debated so we remove any suggestion of night-time economy in what I would call the true sense of the word from the Island Plan policy so that we just deal with something which I think was less problematic. Obviously it is up to Members whether they want to go ahead to allow me to bring that last minute. I see it as a technical minor change, but an important one nonetheless, certainly for residents in Les Quennevais and, obviously if Members do not allow it to be debated, we will have to make a choice on the Constable's amendment as it stands to remove that reference entirely. I hope we do not do that because I do believe we do need increasingly a range of uses for pure, what I call, retail which that centre has struggled with would assist, I think, some economic regeneration and encourage their use as an investment. I am in the Assembly's hands whether we can debate this.

The Deputy Bailiff:

Are Members content to permit the Minister to propose the amendment on a standing vote? Those in favour, please show? Thank you very much. That proposition is adopted. The 14th amendment is lodged by the Deputy of St. Peter. Deputy, this also concerns windows.

The Deputy of St. Peter:

As I understand that is my original amendment that was amended by the Minister that we debated.

The Deputy Bailiff:

But it is still listed for debate, not been formally withdrawn. Are you content to withdraw it now?

The Deputy of St. Peter:

Yes, of course, it has been superseded. Yes, sorry, I did not realise that was the question.

6. Island Plan 2022-25: Approval (P.36/2021) – forty-fifth amendment: Night-Time Economy (P.36/2021 Amd.(45))

The Deputy Bailiff:

We now move on to the 45th amendment lodged by the Connétable of St. Brelade and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2 – After the words “the draft Island Plan 2022-25” insert the words “except that, within Policy ER4, part 1, the words “, the defined centre at Les Quennevais” should be deleted.

6.1 The Connetable of St. Brelade:

This amendment is proposed in order to give residents of the area the confidence that their present peaceful lives will not be shattered by a night-time economy. We respect there is a night-time economy, it is principally centred in town. We have seen the clubs and various venues attracting people and I do not doubt it is popular within certain sectors of residents of the Island. There is nothing wrong with that at all, I am not a party pooper by any stretch of the imagination, but a residential area such as Les Quennevais is unsuitable for that. Unamended the Island Plan indicated that it would be opened up to businesses of that nature. The present infrastructure, quite frankly, is not equipped to deal with this at that end. Our Honorary Police can only do so much. We have limited resource. Without consultation the States of Jersey Police are excellent in their support but they have enough on their plate during the late evenings in town to deal with without having to come out to the west. I simply suggest that Les Quennevais gets taken out for that purpose and the Minister will be proposing his small amendment to that in due course, which will basically allow a daytime economy up until early evening. We do not want to stop any restaurants or coffee shops or anything like that being set up in the area. That is the last thing we would wish to do but there has to be an evening cut off time of 8 p.m. or 9 p.m., something like that so that residents can live in peaceful tranquillity in that suburban area. I make the proposition.

The Deputy Bailiff:

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

6.2 Island Plan 2022-25: Approval (P.36/2021) – forty-fifth amendment (P.36/2021 Amd.(45)) - amendment (P.36/2021 Amd.(45)Amd.)

The Deputy Bailiff:

There is an amendment lodged by the Minister and I invite the Greffier to read the amendment.

The Greffier of the States:

Page 2 - after the words “should be deleted” insert the word “and”, after the words “tourist destination area”, there should be inserted the words “or for new or extended uses associated with daytime economy uses within the defined centre at Les Quennevais”.

[16:45]

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

Like everyone else, I only had the final version just a couple of minutes ago and I am just trying to refer to the list. I think Members will probably want to know most importantly what are the uses that this would include. The list that I am given that my amendment would enable to happen in Les Quennevais are under the use class orders which would include class B, café and restaurants; it would include class G, social including gallery, museum, libraries, community centres; class I, entertainment venues such as a cinema but excluding Class M, late night entertainment including bars, nightclubs and public houses. So that is the essence of it. The suggestion in the report that the planning consent for such uses, if they happen, can be conditioned to limit hours of opening to 9 p.m. to 10 p.m. by planning condition. I think that could be subject to ... certainly it is not in the policy, that would be a decision I think for the Parish and the community to decide what levels of that restriction of hours is appropriate if such a use was to happen. That is normally the case in all sorts of places. I am probably stepping out of line of the brief here, I do not think that includes takeaways. I think takeaways have an issue of their own. I think because takeaways involve a lot of traffic comings and goings and hanging around and all this type of thing, they do unfortunately give rise to some anti-social activity, but well managed that could be avoided. Those can be downstream planning decisions but in principle I think what we are doing is changing a policy to remove the night-time reference to make sure this is daytime only. I am sorry that that came about lately. I was

reviewing over the weekend the Constable's amendment and I advised the officers that I was going to support the Constable because I did not want to see evening ... I am getting shaking of heads here but, look, I am afraid I live in that area, I have to listen to what residents have to say and I will make a judgment. In working with my officers I think the objective is to try and have planning policies - I can hear a lot of mumbling, I do not know what I have done to upset that - but I think it is important that we have opportunities to be able to enable a wider range of activities which have economic benefit. In the end, if Members do not wish to do so, then please vote against my amendment, in which case I shall probably vote with the Constable to vote to support his amendment. There we are, you have got the range of choices. I would hope you go with my amendment.

The Deputy Bailiff:

Thank you.

Deputy R.J. Ward:

Sir, can I ask a point of clarification, please?

The Deputy Bailiff:

Of the Minister?

Deputy R.J. Ward:

Yes.

The Deputy Bailiff:

Yes.

Deputy R.J. Ward:

Just to be clear as to what this amendment does, this amendment adds the words defined centre ... sorry, it is very difficult because we have now got 2 formats for the amendments, along with the fact that also the Minister has messed up my spreadsheet, which I will never forgive him for. Sorry about that. It should be: "After the words 'tourist destination' there should be inserted the words 'uses in the daytime economy'." Is this amendment saying that these extensions in ER4 can happen but only within a daytime economy? How does the Minister define daytime? Is it within light hours or is it a particular time of day? Because I think that is quite important in terms of seeing the implication of this amendment. I hope that clarification is clear.

The Deputy Bailiff:

Yes, thank you. You have been asked a question by Deputy Ward.

Deputy J.H. Young:

I do apologise, Sir, I was trying to read the policy. Page 152 is where the relevant policy is, we have now moved on into what I call the economy section of the plan. This is a policy for daytime and evening economy uses and I think the opening paragraph is what I am seeking to change. I will read what at the moment it says in the draft plan: "Proposals or new or extended uses associated with the daytime and evening economy within St. Helier town centre, the defined centre at Les Quennevais or at a tourist destination will be supported where the proposal does not have an unacceptable impact on neighbouring residents and uses." Then it goes on in a lot more detail. But I think the key thing is that first paragraph. The first paragraph sets a policy, if you like, St. Helier town centre, the defined centre at Les Quennevais or at a tourist destination centre, like, for example, St. Aubin or Gorey; we all know where they are. This is an enabling policy that this gives positive support for daytime and evening economy. What my amendment seeks to do is to amend that, so that the reference to night-time economy at the defined centre at Les Quennevais is changed to be only daytime economy activities. What uses would that be? This is where the use class order, which is an order set by the

Minister who classifies the type of uses as to when and so when a use moves from, say, one class to another there needs to be an application for a change of use. Obviously if it is the same use class it does not need an application. That is probably something that in the fullness of time the new Minister or indeed probably I could do it under business as usual, I suppose. If I could get the legal resource, so just enhance that. I am making an enabling change to the policy, but I am proposing to make that change, which will provide the tools for the new Planning Committee, the new planning decision-makers, to be able to deal with planning applications for changes in Les Quennevais area but they would not be able to include night-time uses. That is why I have made the change and I said I should have perhaps spotted that before and that should not have included night-time uses at Les Quennevais. The defined centre, there is a map and I wish I had it here. Unfortunately, it has not been circulated in the draft. It is very tightly drawn around the Les Quennevais shopping parade. It also includes, I think, the sort of area around Industria House and that around the back corner of Red Houses, and I think it probably includes the Horse & Hound and other places. I am pleased to see nodding, there is a map but it is a tightly-drawn area. That is what my proposal is. But, as I say, I am trying to be helpful because I think that is an important change. But I say if Members do not want that change, I will be quite frank, I will probably support the Constable in his request to take out the reference to Les Quennevais entirely, I think.

Deputy R.J. Ward:

Sir, just one further clarification ...

The Deputy Bailiff:

I think you were also asked by the Deputy when daytime finished and evening began.

Deputy R.J. Ward:

Sorry, I have a further clarification as well. Can we assume that the Les Quennevais defined centre does not contain a tourist destination in any form because there could be a contradiction in the words, unless you take "tourist destination" out as well? I am assuming that the area drawn around Les Quennevais - I might be being a bit pedantic here but I just want to understand what is going on - which I can see, helpfully, on Deputy Ahier's screen does not contain any tourist destination because that is also a separate area for night-time economy development within ER4, I thought.

The Deputy Bailiff:

Yes.

Deputy J.H. Young:

I confess I am not able to answer. I would have to take advice. I do not know if I am able to ask for an adjournment, if you wished, for 5 minutes to get clarification on that or maybe the Attorney General. I would be seeking the use class as being what be a use and the hours of use, I would have thought, is a matter that the Planning Committee can put on any individual consent and that is done all the time. Lots of premises on the Island have limits on their hours of opening; that is routinely done. If we want to adjourn or I will need to come back, Sir ...

Deputy R.J. Ward:

Sir, if it may help it is not that important. It is the main debate, I think, that is the issue with regards this, so I am not too worried.

The Deputy Bailiff:

Thank you.

The Connétable of St. Brelade:

Sir, if I may assist ...

The Deputy Bailiff:

If you want to make a speech that is fine. You are entitled to make a speech on the amendment to the amendment if you wish to. Do you want to make a speech now?

The Connétable of St. Brelade:

I can, Sir, indeed.

The Deputy Bailiff:

Yes.

6.2.2 The Connétable of St. Brelade:

In terms of tourism destination of places, the only one nearby, that I am aware of, is the Lavender Farm, which is outside the actual centre as mentioned. Really, I thank the Minister for bringing this, which is an improvement to my amendment, simply because I did not wish to preclude the daytime economy and that was a risk that my unamended amendment was throwing up. We are used to the night-time economy to a degree in St. Brelade and I might refer to St. Aubin, some have referred to it as being the frying pan of the Island. We have a lot of restaurants, we know that restaurants run generally until around 11.00 p.m. and those who make use of it, I know appreciate it, that we have a good offering. Those that eat there they will generally leave by about 11.00 p.m. The last buses leaving St. Aubin at 11.00 p.m. are an experience to behold and the Honorary Police do struggle sometimes to manage the queues of 100 people waiting to get on a double-decker, which takes something like 20 minutes to do. I applaud the bus drivers and the bus company for managing it in the way they do. But it does need to be managed and it takes up a significant amount of resource to do that. I say that we do not have the resource in the Parish to manage that and Les Quennevais as well and I believe neither do the States of Jersey Police, unless drawn by emergencies, which obviously we do not want to encourage. While I want to preclude the Les Quennevais area from having a strong night-time economy, I believe the wording, as submitted by the Minister in his amendment to mine, makes it more acceptable. I would urge Members to support it.

6.2.3 Deputy K.F. Morel:

I think, as well, I will be supporting the amendment to the amendment. I think this is touching on an interestingly kind of overlooked part of the plan, almost certainly not overlooked by the Connétable of St. Brelade or any of the Deputies of St. Brelade. But the Island Plan does start talking - I think possibly for the first time and I may be wrong in that - about Les Quennevais as a second town for the Island. What we are seeing in this debate is that kind of taking shape. I suppose for most of my life I accept the Les Quennevais precinct and those other small precincts around there, Les Quennevais has, in my mind at least, been principally a suburban area, a residential area and with certain services, such as education, to support the people living there. Because now we are talking about it being a place where people go for enjoyment, for recreation as an alternative to St. Helier. I am neither for nor against that. I am still trying to wrap my head around it and understand what it means. But given the Connétable has graciously said that Members can support this amendment to the amendment, I certainly will be and I just think it is worth Members thinking about that. This is, essentially, step by step a second town appearing in Jersey, be that for the better or the worse I truly do not know, but it is an interesting part of the Island Plan but it is not being talked about much.

6.2.4 Deputy M. Tadier:

I will follow on from that point very quickly. I see it in a slightly different way is that I think what the plan is doing is it is acknowledging that Les Quennevais is the second urban area just de facto, I think it uses those exact words, purely because it has got such a high-density populated area and it will be even more densely populated in the future, thanks to the amendment of the Minister.

[17:00]

I guess the question then is about are we going to have the corresponding flipside of the coin, the positive stuff that goes with all that, that gives it value and status, if you like? Because it is one thing to say this is the second town from a housing perspective but it is a very different proposition if you are going to invest in that as well. Just as a historical aside, of course we know that the important towns in Jersey have changed. St. Helier was not always the capital and St. Aubin was in many ways not necessarily the capital but it was a significant town, as was Gorey, as a port, and things do change. But it is quite right that St. Aubin still is the major tourist destination, in the same way that St. Brelade Bay is already. I welcome the removal of the night-time economy possibilities in the Les Quennevais area because that would have been wholly inappropriate for somebody who has lived and grown up there and was going out socialising well into my 30s living there. I knew the routine fairly well, is that if you wanted to go out you have got a couple of venues, so the Horse & Hound is the classic one, and that is tightly defined within that orange boundary that the planning officers have kindly circulated. If you want to stay out later you have got the opportunity of going to St. Aubin or more likely what you do is head down into St. Brelade's Bay in the summer where there are hotels that stay open a bit later. If you want to socialise until, say, 12.00 a.m. or so, you can do that and that is going to remain the same. Les Quennevais does have those tourism and social and leisure offerings on its doorstep but we have also got to remember - and this is, I guess, the question and part of the problem of this amendment coming very late - is that it cannot be that restrictive and I will give an example, that there are places outside of that very tightly controlled area which still constitute Les Quennevais. Of course, we would not want to see a wide proliferation of commerce and anything late night, even outside of that area. You do have places like the social club just up the road, which is still in Les Quennevais, but as you are getting towards the airport. You have the tennis clubs and the offering that goes on behind there as you are going down towards Mont a la Brune. Of course, as you are going towards Les Creux, you also have another social club there. Those are not going to be swinging nightclubs, but they might be areas, of course, where you will have late night functions on occasion. That is quite right. That is not something which will be defined or designated by Planning. It is something that would be dealt with under the usual Parish and licensing ventures. The key thing for me is we want to see appropriate offerings and regeneration possibilities in the Les Quennevais area without it resorting to late-night opening. I do welcome the Minister coming to the table fairly late with this. I hope that even if it is an imperfect amendment ... I do see the confusion as to why do we need to say daytime. If it is not night-time then it is obviously going to be daytime. Of course, daytime hours vary during the year, so the wording that is being used is perhaps not necessarily the clearest. We understand what the intention is there. It will provide some relief to the representatives and the residents of the area.

6.2.5 Deputy G.J. Truscott:

I am pleased to follow Deputy Tadier and really concur with what he said. I can totally understand where the Constable was coming from originally, 11 p.m. throw-out time, effectively, would not be acceptable going forward, but both Deputy Tadier and I go back a long way in the Parish and certainly I can remember originally there was a restaurant above the store that was there originally. There was a Chinese restaurant above Industria House. There was Roosters. Sadly, we have lost those. I guess it is down to economics and profitability. It is perhaps not that much of a tourist destination in that respect if businesses like that cannot stay afloat. For the vibe of the area, certainly an 8 p.m. or 9 p.m. finish would not be out of the way. It brings that little bit of vibrancy to the area that is so needed. Certainly the Planning Committee ... recently we do get involved with setting times and I am sure that would continue in this case. Even at the Parish Hall Assembly where the Licensing Panel often will designate opening and closing times. I am that we are all supporting the amendment to the amendment.

6.2.6 Deputy R.J. Ward:

I am slightly confused because the wording is that there is an extension for uses associated with daytime economy. Therefore, you can extend different businesses and different activities for people. It seems that after a certain time, once the sun goes down ... to quote the Arctic Monkeys: "It changes when the sun goes down." I do not understand how this is going to work and what it is going to achieve. The concern in the back of my mind is the demonisation of people who want to stay out a bit later or companies that want to stay open a bit later. I have to say, and I have a vested interest in this, it is one of the reasons that we have seen the demise of live music on this Island, because there seems to be an attitude that anything that is late has only got to be in a couple of places in the centre of town, and that is it. Those places are dying because of the high costs of rental and rates and lack of facilities and so on. The issues that may arise ... I note the one about buses back to town. Well, the solution is put more buses on. There are solutions to these things, which do not mean that we have a curfew. I cannot believe that the residents of St. Brelade need that much control over their behaviour that they need to go home at 9 p.m. I do not quite understand. Whereas in St. Helier it is okay. Let us open up. It is fine. If you are living in the centre of St. Helier, with no access to park space and no access to anything else and you have a small flat, which is hardly affordable, or you are renting off somebody at some extortionate rate, that is okay, you can have as much noise and as much input as possible. It is fine. There is a built-in inequity here and a fear of something that does not need to be feared. The majority of people who stay out late and have a good time beyond 9 p.m., which is the time that was mentioned, want to create havoc. There are young people in that area who want to go somewhere late. That is what generates the problems. If we do not have somewhere late for young person ... they do not go to bed at 8.30 p.m. and read their book, have their glass of milk and wake up the next morning like the Waltons. There is so much more to be had here. Perhaps I am completely wrong and I may well be, but there is something in the back of my mind that has an unease with this sort of regulation. That is my penny's worth.

6.2.7 Senator S.W. Pallett:

I was not going to speak on this, but there are elements of some of the comments that have been made that concerns me to some degree. The ability to socialise and the ability for residents to be able to find somewhere within a local vicinity to go for a drink or have an evening out is really important. I am pleased to follow Deputy Ward, because he touches on a lot of important points around the ability for people to make their own choice about where they go in the evening and to what time they stay out. I do understand the Constable's concerns and I do understand the Honorary Police's concerns around having the capability to be able to police a large number of public houses. In terms of public houses not behaving themselves or acting in a way that is not beneficial to local residents, there are controls there. Parish Assembly, the Licensing Assembly, the bench itself have controls. The Constable himself can always bring a representation to the Licensing Assembly. There are controls there to ensure that pubs and restaurants behave themselves and are not unruly and make sure they manage the alcohol that they serve. What does concern me is some of the comments in the report around some of the negativity that is attached to public houses and people drinking in them. Do you get anti-social behaviour with public houses occasionally? Of course, you do. Do you get people that drink too much? Of course, you do. Do you need to manage it? Absolutely. Is it a strain on police resources? Of course, it is. However, by merely trying to limit the number of available places where people can drink is only going to do one thing, it is going to drive people to drink more at home, with all the risks that go along with that. Unregulated drinking, drinking at harmful levels, at home, with the risk of ... we know the risks involved with that with domestic abuse. The serious assaults do not go away just because you drive it into people's homes. We need to be really careful where we go with this. There is a process in place at the moment where if the public knew an establishment wanted to open in Les Quennevais there are procedures to follow. The public will have their opportunity to voice their concerns, as they always do at Parish Assemblies. I have been to many where there have been concerns raised around a new outlet opening or somewhere wanting

to extend their hours. That is democracy. What I do not want to do is go down the N.I.M.B.Y.istic (not in my backyard) road of trying to control everything we do. I am going to support this because there is a need to ensure that residents in Les Quennevais are protected, but there are controls there now. What I do not want to see is the inability of a new outlet or a new pub being able to open if it is an appropriate place and if it is intending to act in an appropriate way. It is important that people have social outlets and people can go out and enjoy themselves without having to travel either to St Aubin's or into town to do it. They should be able to walk to a pub or somewhere if they want to go for a drink. They should not have to get on a bus and travel somewhere to do it. I am fortunate I can walk to Les Quennevais if I wanted. I do not drink or if I do it is very, very rarely, but I do appreciate the fact that people do enjoy a drink and I do not want to take that away or limit that to people. There are some risks involved here with amendments such as these. I want us to be a little bit cautious around how we manage this in future. This should not be a carte blanche to stop a new outlet opening. However, I do respect the fact that Les Quennevais is in essence a residential area. The centre part of it, around Red Houses, is a little bit more commercial, as is the area around Les Quennevais precinct. There are other public houses and places where you can go for a drink or restaurants around the Parish. It is vibrant and we want it to remain vibrant. People who come and stay in St. Brelade or visit St. Brelade like to have a choice and that choice in recent years has been greatly diminished. I do not want to see that diminished even more by overbearing planning laws that do not allow people to start up a new establishment if it is in the appropriate place. That is really my message: let us be careful what we wish for here. However, I will support this, because it is the right thing to do if it is managed in the appropriate way. That is something I will be keeping a close eye on.

[17:15]

6.2.8 Deputy R. Labey:

I will be very quick, because Senator Pallett and Deputy Ward have covered what I wanted to say. Are we saying that if I want to book a table for dinner and I live in Les Quennevais and I want to book a table for dinner at 7.30 p.m. or 8 p.m., I cannot do that, because that is closing time in the establishment? What kind of business is going to start up, and a restaurant is a huge investment and start-up financially, if they cannot serve customers between 8 p.m. and 11 p.m.? Is that what this does, it shuts down that? I would like to know.

6.2.9 Deputy L.B.E. Ash:

I am very pleased to follow Deputy Ward as well. It is not often I can say that. I am today. I quite like his analogy of the Waltons. I have often seen his little group: "Goodnight, Senator Sam." "Goodnight, Deputy Ward." It is a nice image. However, we have just had an incredibly damning report from the competition regulator as to how we run our licensing trade in Jersey. Anyone who wants to read it should read it, because it basically says it makes it very difficult for anybody to operate here in a competitive manner. This sort of thing makes it even tougher. You talk to a young person today, and Deputy Ward is 100 per cent right, they are looking for live music, they are looking for places to go to, but under our rules and regulations, and this would just be yet another one, it makes it more and more difficult for people to operate on the Island. Hopefully that will change after this report and we will have to see. If we do not, and it is a fairly light-hearted remark, but it was true that there is a place called Frinton in the U.K., which is very, very famous for being a retirement village. For years and years and years they never even had a pub, music was banned. It was very much a quiet place. There used to be a sign that said: "Harwich for the Continent" and someone wrote underneath: "And Frinton for the incontinent." We do not want to get the reputation where Jersey becomes a really, really boring and dull destination, but if we are not careful that is where we are heading. Not just for tourists, but also for younger people who live here. We have to really guard against that. That is why I would definitely be opposing this.

The Deputy Bailiff:

There is a question for the Attorney General from Deputy Tadier.

Deputy M. Tadier:

It is just to make sure that we are keeping on the right track. It is really important, especially with the last-minute amendment that we know exactly what this amendment does and does not do. The question for the Attorney General is to ask with his legal interpretation if this was passed today, would it stop the kind of activities that Deputy Russell Labey's asked about? If a restaurant wanted to set up within the Les Quennevais area and serve food until 9 p.m. ... and those existing bars can serve to 11 p.m. if they wanted to and someone wanted to open a pub in the area, is that going to be prohibited under what the Minister's amendment seeks to do?

The Attorney General:

I did not hear all of Deputy Labey's speech, I am afraid, but I have the gist of Deputy Tadier's question. Can I have a moment just to think about my answer, please?

The Deputy Bailiff:

Yes. We will come back to you in a little while.

The Attorney General:

Thank you.

Deputy M. Tadier:

I am wondering if it is an opportune moment to ask for the adjournment. I am in Members' hands. We have 10 minutes left and I think it would be good to hear from the Attorney General and Members have time to think about what this really means and read it.

The Deputy Bailiff:

It is a matter for Members not for me, but Deputy Guida is about to speak. Shall we carry on for 10 minutes, Deputy Tadier? It is a matter for you. If you want to propose the adjournment you can.

Deputy M. Tadier:

If Deputy Guida wants to speak, I would not want to cut anyone off, Sir.

The Deputy Bailiff:

Yes, thank you. Deputy Guida.

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

Indeed, the Assembly has strayed quite a bit from the original intent. If I can, and I hope the Minister will correct me when he has the opportunity if I am wrong, the Island Plan has expanded the possibility for development in a few areas. The idea is to include things that are other than retail. For example, cafés, bars, restaurants and museums; those classes that the Minister described. That is the Island Plan. The Constable of St. Brelade has wanted to exclude Les Quennevais out of those new developments, so that there was no chance of a night economy developing in Les Quennevais. The new amendment to amendment 45 that the Minister just brought today, minutes ago, modifies that so that the Island Plan now excludes night-time economy in Les Quennevais. If we vote for the Minister's amendment, the new economy that would be allowed in Les Quennevais is only day-time economy, which can be regulated by time to include restaurants that do serve in the evening. Amendment 45, therefore, becomes unnecessary. That is how I understand it. If you want anything other than retail in Les Quennevais you need to vote for the Minister's amendment.

The Deputy Bailiff:

Does any Member wish to speak on the amendment? No. Mr. Attorney, do you want to respond to the question now or would you rather respond first thing tomorrow morning? There is a suggestion that we might adjourn.

The Attorney General:

Sir, I think I do need just a little more time. The amendment was obviously circulated very late today.

The Deputy Bailiff:

Yes.

Deputy M. Tadier:

Sir, could I propose the adjournment anyway. We are not going to finish this debate today and it would be helpful to do it.

The Deputy Bailiff:

Yes. Is the adjournment seconded? **[Seconded]** Does any Member wish to speak on the adjournment? No. Accordingly, the States stand adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:23]