



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 22nd May 2019

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 8, No. 11

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2019*

Present:

Sir Richard J. Collas, Kt., Bailiff and Presiding Officer

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Procureur),
Advocate G Allez (Procureur Délégué)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall,
B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, T. J. Stephens, C. P. Meerveld

The Vale

Deputies N. R. Inder, M. M. Lowe, L. B. Queripel,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. Yerby,
D. de G. de Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

Alderney Representative S. Roberts

The Clerk to the States of Deliberation

Ms C Foster (H.M. Deputy Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller); Deputy G. A. St Pier (*absent de l'île*); Deputy M. J. Fallaize (*relevé à 9h 48*); Alderney Representative A Snowdon (*relevé à 10h 20*)

Business transacted

Evocation	819
Convocation	819
Statements.....	819
General update – Statement by the President <i>for the</i> Environment & Infrastructure.....	819
General update – Statement by the President of the States’ Trading Supervisory Board.....	829
Questions for Oral Answer.....	838
Transport links – Runway extension; service levels; future policies, infrastructure and joint initiatives	838
St Sampson’s Power Station – Air pollution health concerns; recent upgrades; monitoring..	841
Air Pollution Ordinance – New legislation timescale; air quality monitoring	844
Reciprocal Health Agreement – Negotiations and temporary solution	848
Welcome to delegates from BIMR CPA Conference.....	857
Billet d’État VIII.....	857
I. Election of the President of the Development & Planning Authority – Debate commenced	857
II. Election of Members of the Ladies’ College Board of Governors – Advocate Caroline Chan, Mr Brian Acton, Mrs Catharine Walter and Dr Mary Short elected.....	862
Election of the President of the Development & Planning Authority – Deputy Dawn Tindall elected.....	864
III. Administrative Decisions (Review) (Guernsey) Law, 1986 Election of Chairman and Deputy Chairman of the Panel of Members – Deputy Christopher Green and Douzenier Richard Heaume MBE re-elected	864
Legislation Laid before the States	865
The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019; The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019; The Import Duties (Tariff and Related Provisions) (Bailiwick of Guernsey) Ordinance, 2019; The Companies (Panel on Takeovers and Mergers) (Brexit) (Guernsey) Regulations, 2019; The Companies (Regulation of Auditors) (Brexit) (Guernsey) Regulations, 2019; The Lighting of Vehicles and Skips (Exemptions) Order, 2019; The Road Traffic (Trailer Registration) Regulations, 2019; The Customs and Excise (Safety and Security) (Export) (Bailiwick of Guernsey) Regulations, 2019; The Liquor Licensing (Fees) (Amendment) Regulations, 2019; The Companies (Recognised Stock Exchanges) Regulations, 2019; The European Union (Modification and General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Communications, Broadcasting and Wireless Telegraphy (Brexit) (Bailiwick of Guernsey) Regulations 2019; The Bees (Importation and Prevention of Disease) (Brexit) (Amendment) (Guernsey) Regulations, 2019; The Animal Health (Brexit) (Amendment) (Guernsey) Regulations, 2019; The European Communities (Food and Feed Controls) (Brexit) (Guernsey) Regulations, 2019; The Cash Controls (Specified Amount) (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Export Control (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Medicines (Human and Veterinary) (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Customs and Excise	

(Approved Ports and Customs Declarations) (Bailiwick of Guernsey) Regulations, 2019; The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018 (Commencement) Regulations, 2019; The Customs Transit Procedures (Bailiwick of Guernsey) Regulations, 2019; The Seat Belts (Exemptions) Order, 2019; The Merchant Shipping (Commercial Vessels) (Safety and Crewing) (Guernsey and Sark) Regulations, 2019865

Committee for Employment & Social Security866

IV. The Severe Disability Benefit and Carer’s Allowance (Guernsey) (Amendment) Law, 2019 – Approved866

Policy & Resources Committee867

V. Public Servants’ Pension Scheme – Amendments to the Rules – Proposition carried867

The Assembly adjourned at 12.25 p.m. and resumed its sitting at 2.30 p.m.874

Requête874

VI. St Peter Port Harbour Development – Debate commenced874

The Assembly adjourned at 5.29 p.m.910

States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCAATION

CONVOCAATION

The Deputy Greffier: Billet d'État VIII. To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at The Royal Court House on Wednesday, 22nd May 2019 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate.

5

The Bailiff: Members of the States, good morning to you all.

The sun is shining, it may be warm in here so those who wish to do so may remove their jackets and similarly tomorrow after Roll Call, they may remove their jackets if they wish to do so.

STATEMENTS

General update –

Statement by the President *for the Environment & Infrastructure*

The Bailiff: We begin with a general update Statement from the President of the Committee
10 *for the Environment & Infrastructure*, Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir, Members.

In my statement in December last year I concluded by concentrating on the seriousness of the threat from climate change and today I will continue on that theme.

15 Last month Members received a letter from Extinction Rebellion calling for Guernsey to declare a 'Climate Emergency'. The Committee agrees that this States now needs to increase the urgency and the efforts it makes to address the multitude of environmental issues that we face.

This Committee has within its mandate responsibility to advise the States on policy matters relating to climate change, and we will bring a policy letter to the States with a climate crisis
20 action plan in the first part of 2020.

It is clear that we need a more co-ordinated approach and a set of clear objectives across the States. Setting out a plan will also ensure that this critical work is supported by the resources we will need. We are currently working with the Policy & Resources Committee to address that point.

25 As we develop the plan the Committee will continue to co-ordinate, sponsor and support the ongoing fight against climate change, through work on priority areas such as: energy – the decarbonisation of supply and renewables – the Committee will bring a policy letter to the States in September, followed by an update on the hydrocarbons security programme; a sustainable and integrated transport strategy that is supporting a shift from the internal combustion engine vehicles towards active travel and electric vehicles; along with waste management and
30 minimisation; and sea defences and flood mitigation.

What is increasingly apparent, however, is that we need to act more rapidly and be bolder in our solutions.

We are currently considering the Independent Committee on Climate Change's Report to the UK, Scottish and Welsh Governments which recommends that the UK moves to eliminate all
35 greenhouse gas emissions by 2050.

The CCC recommends a significant increase in clean electricity supply to phase out fossil-fuel use particularly in domestic heating and transport. Our energy policy will also be signalling the transition to electricity and the reduction of fossil-fuel use.

It may be a cliché but there is no Planet B – it is a book too actually and we have received one
40 today on the steps of the Court – there is no Planet B to fall back on if this planet becomes uninhabitable due to our actions focusing simply on the short term. It is also worth noting that a healthy economy is dependent on a healthy environment. It is not one or the other – the two go together.

The delivery of an integrated transport policy is fundamental not just to our environment but
45 also to our economy and social equity. A greater range of alternative, affordable options provides access to transport for all, whilst safeguarding vulnerable road users.

Inefficient transport will be a barrier to the delivery of many of the priorities in the Future Guernsey Plan. The policy will have a direct influence on creating a vibrant, attractive and thriving location, and will help to identify the strategic requirements for transport-related infrastructure.

50 The Committee is currently preparing a policy letter presenting the first periodic review of the Transport Strategy, which will be brought to the States by the end of 2019. This will review the progress in delivering the objectives agreed by the States, and the many projects and initiatives that have been completed or are in progress which support the objectives of the strategy to increase active travel as an alternative to car use; 32.2% – roughly a third – of Guernsey's carbon
55 emissions are generated by transport, so I would hope Members will recognise the importance of this strategy in addressing the climate crisis.

I would, however, like to mention two specific developments. We continue to see rising bus passenger numbers with an 11% increase in Q1 2019 compared with the same quarter in the
60 previous year with over 375,000 passenger journeys. Our analysis shows a growing number of commuters using public transport and this is an encouraging trend and will help to reduce our greenhouse gas emissions further.

The Committee is supporting the Hospital modernisation plan through the funding of the preparation of a travel plan for the Princess Elizabeth Hospital. The Committee is heartened at
65 Health & Social Care's commitment to this project. The travel plan will ensure that the Hospital will successfully accommodate journeys by a variety of travel options, and also improve access to active travel, public transport and shared mobility services to meet the transport and mobility needs of everyone visiting that particular site.

The Committee is now working on a long term infrastructure plan. The plan will identify, co-ordinate and prioritise the investment required to deliver the long-term priorities of Government,
70 the community and the economy; and it needs to deliver the aspirations of the States' Resource Plan, and in doing so drive the investment priorities of the capital portfolio. We will be working

with Policy & Resources in that respect and bringing an update to the States during the first quarter of 2020

75 This plan will include the consideration of our coastal infrastructure, and on that note, work is underway to identify the best solution for the failed wall at Fermain. As everyone will be aware, there has been rock armour placed along the line of the failed wall in an attempt to keep people out of the area for their own safety and this also provides some additional protection for the foot of the cliff. We are actively monitoring changes to the cliff, and this work is feeding into potential options. However, due to the steep, narrow and winding access to the beach, delivering a solution
80 is not as straightforward as other sites around the coast, and the softness and steepness of the cliff behind the wall provide significant design issues.

The Committee has reviewed the initial options appraisal and are looking to construct a half-height wall in advance of the existing failed structure, in line with the 1990 rebuild which itself followed a failure of the original wall. Following an independent review of the options appraisal
85 we need to undertake a detailed design of the preferred option before undertaking a planning application which of course will require an environmental impact assessment (EIA).

Meanwhile, at L'Ancrese East, the Committee submitted a planning application on 6th November 1918 in order that the scope of the required EIA could be determined. As yet the DPA has not advised the Committee of the EIA requirements, so the expected time for delivery is still
90 unknown. Due to this it is now not unreasonable to expect a degree of delay in the works and it is currently unclear whether the project will start ahead of summer 2020.

On improving public spaces the Traffic and Highway Services has been working to significantly improve Market Street. Not only will the street be safer for pedestrians and easier to use for people with disabilities, it will be an area that is more attractive, and that allows businesses in the
95 area to use the space more creatively, including through expanding *al fresco* footfall opportunities.

Access times for the North Plantation now have been changed on a trial basis to provide a safer area for shoppers and more space for outdoor eating and drinking. This area is a well-known hot spot for restaurants and bars and it is expected that this scheme will create a more people-
100 friendly environment which will enhance the area and support its businesses. One business is known to have already applied for a new *al fresco* licence.

The changes to the North Plantation will provide an added attraction in the Town Centre for Islanders and visitors alike. I am confident that it will also benefit businesses in the area by allowing them to offer something a little different and again further increasing their footfall.

105 Finally, sir, the Committee will be reviewing the impact of the voluntary charge of 5p on single use carrier bags in supermarkets. Members will recall that this was introduced in 2008, and has not been adopted by all retailers in Guernsey. One option would be for retailers to increase the charge substantially, but whilst it remains voluntary there remains a disincentive for businesses to lead. The Committee has decided therefore that it will be bringing forward proposals to ban the
110 use of single use plastic carrier bags in Guernsey. It will take time to develop the policy letter to initiate any legislation but by announcing that we intend to bring forward changes we would hope that businesses can start planning for the future now.

On that note, I ask Members to act and support the Committee's proposals in the coming months. If our politics, with a small 'p', in the past has been the art of the possible through
115 compromise, then Politics, with a large 'P' is about making the impossible achievable. It is not too grandeur a reference but the abolition of slavery, equality for women and universal suffrage were all radical heretical ideas once, before they became accepted and political leadership made the impossible achievable. We need strong leadership now and action for a sustainable future.

120 It has been said that 'crisis is the sum of intuition and blind spots, a blend of facts noted, and facts ignored'. I would ask Members to endorse this Statement and to support the Committee in its future plans.

Sir, thank you.

125 **The Bailiff:** We may now have a period not exceeding 20 minutes for questions on any matter within the mandate of the Committee except any topic which is part of another item of business at this meeting.

Deputy Laurie Queripel.

130 **Deputy Laurie Queripel:** Thank you, sir.

I would like to ask Deputy Brehaut about the Havelet slipway issue, the slipway by Castle Cornet. It is not in service at the moment, clearly that is not a satisfactory situation to have such an asset rendered unusable. Is there a plan of action to remedy the problem and bring the slipway back into use, and if so what is the timeline?

Thank you, sir.

135

The Bailiff: Deputy Brehaut.

Deputy Brehaut: I thank Deputy Queripel for his question.

140 The Havelet slipway is the responsibility of the Harbours under STSB but I happened to be at a meeting yesterday where this issue was raised. The slipway was put in in historical terms relatively recently; it is actually not facing the right way and the wave dynamic means that at any point the slipway could move and in fact some components of the slipway were sacrificial anyway. I would suggest that he contacts our colleagues at STSB if he wants a real time update on the progress.

Thank you.

145

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

150 Deputy Brehaut mentioned in his update that there was an objective of eliminating the production of greenhouse gases by a certain date. Methane, which is 22 times as damaging as carbon dioxide, is an interesting one because I am wondering if he has any ideas how you might eliminate this gas from cattle and sheep. It is not a stupid question because the only way you could do it is stop having cattle and sheep. So has he any ideas on that or is it something that we will accept, in which case we will not be able to eliminate all greenhouse gases?

155

The Bailiff: Deputy Brehaut.

Deputy Brehaut: I thank Deputy Kuttelwascher for his question.

160 Well, I have been vegetarian since the age of 18 so cattle methane, I think I have done my bit in that area if he does not mind me saying so. But he raises an important point because as individuals we all have a responsibility and the way that we conduct ourselves, the way we behave, the choices we make must now be seen in the round and the consumption of red meat and land given over for the production of crops to feed red meat is a real issue and a problem. We know that historically on Guernsey the landfill sites have given off methane and some of which is burnt off in flares but I suppose the advance in what we are doing with regard to waste means that we are no longer putting organic waste and putrescible waste in landfill, and I suppose that is some modest advance in that area.

165

The Bailiff: Deputy Dudley-Owen.

170

Deputy Dudley-Owen: Thank you.

175 Members will know that bio-diversity has been hot on the news waves in the last couple of weeks with the La Société bringing over Chris Packham and also Professor Dave Goulson to speak to us in Guernsey about pollinators and the importance of bio-diversity. There have been calls for an increased amount of funding for bio-diversity and I would like to know whether the President

of Environment & Infrastructure would support an increased amount of funding for his Committee in this area?

The Bailiff: Deputy Brehaut.

180

Deputy Brehaut: I would. Would a politician refuse money if gifted? It is an important question and a significant one. The £80,000 budget is not enough and the £80,000 is not to employ one person, it is all costs associated with.

185

What I would ask the Assembly to do respectfully is to see a bio-diversity issue when it is under their nose, if I can be that blunt. If we take, for example, Ecar, Ecar was something of a monoculture it was brambles. When we wanted to remove the brambles, remove the invasive species, there was a bit of pushback and criticism. I think the Deputy herself may have described Ecar from memory as a thriving ecosystem. Actually it was not thriving because it was overgrown with a non-invasive species. I would also go as far as to say – and we would be supported in this by Chris Packham CBE incidentally – that the removal of a tank wall ties into the broader bio-diversity themes (*Interjections*) because you are connecting the dune system to the sea that gave rise to it in the first place.

190

Thank you.

195

The Bailiff: Deputy Fallaize, do you wish to be relevé?

Deputy Fallaize: May I be relevé in order to ask a question?

200

The Bailiff: You may.

Deputy Fallaize: Thank you.

205

There are significant problems accessing the slipway at Bordeaux. I think that probably falls to Deputy Brehaut's Committee rather than to Deputy Ferbrache's. I believe that Vale Parish officials have been in touch with his officers but so far the problems remain. Is Deputy Brehaut able to look into this matter please, and get back to me, and advise when the access problems in relation to the slipway will be resolved please?

The Bailiff: Deputy Brehaut.

210

Deputy Brehaut: Yes, I can –

The Bailiff: You have switched your microphone off rather than on.

Deputy Brehaut: Thank you.

215

Yes, I can do that, but can I just give one illustration? Members will be aware the Douit du Moulin slipway was damaged in a recent storm, initial estimates put the cost of repair at £200,000 so the team that sit under the civil servants that provide the advice to the Committee operate under a policy where sea defences are given priority over other sea structures, if I can put it that way.

220

The Douit du Moulin slipway: people would tell you it was built in 1900 or so; in fact it had a significant rebuild about 1967. So we have a whole hotchpotch of sea defences and items that are not sea defences that need constant maintenance and are very thirsty in resource terms. It is a priority system in place but I will certainly take your concerns to the staff who have responsibility in that area.

225

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

230 I thank the President for the update on the Fermain sea wall. Sir, this part of the coast is a remarkable tourist mecca and delight for all to visit, that may have slipped from view due to the difficulty of access. Can some thought be given to improved access to Fermain Beach and possible improved provision for parking below the chalet hotel?

The Bailiff: Deputy Brehaut.

235

Deputy Brehaut: I am afraid I cannot give a speech promoting active travel and then suggest that we give more priority to the use of cars to get to our bays. That would be a contradiction. But just with regard to Fermain in particular, we could repair Fermain wall and we could spend £400,000 or £500,000 and reinstate something of a wall. The reality is that has been done on a 10-year, 15-year cycle and the wall will fail again. So what we have to do is do one thing and do it thoroughly at a greater cost. The beach can still be used actually. I have to say I am playing by the rules here, there is a minor capital expenditure process. I am going through that, so I am playing by the rules. There is a route to the loot and there is a process which this Committee is going through to ensure that we have funds to do Fermain wall. There are alternatives; I could have placed a requête asking for a significant sum of money and crept ahead of a number of projects.

245

The Bailiff: Deputy Merrett and then Deputies Roffey and Inder.

Deputy Merrett: Thank you, sir.

250

I thank the President for his update.

I wonder if the President would agree with me that – I am pleased our bus passengers are increasing, I am unsure how they have determined it is commuters, however, is it about time that when we report on bus passenger figures we start reporting on how many are paid trips and how many are unpaid trips so that we can start having debates on intelligent informed decision and make priorities on how we feel the fares should be reflected in the uplift of bus passenger figures?

255

The Bailiff: Deputy Brehaut.

Deputy Brehaut: I can advise Deputy Merrett all the figures are there on concessionary fares. The ticketing system gives you every bit of information that you want. A concessionary fare is as valuable to the commuter and to the bus service as to the person who is paying a pound. The bus services connect everyone to get people who are now retired, paid taxes and social insurance year and year upon year, to give them something back to keep them mobile and for some people owning a car and being reliant on a family member to get you out can feel a bit of an obligation for some and a burden for others.

265

So I think the concessionary fare is as valid as one pound given over to the bus driver when you board.

The Bailiff: Deputy Roffey.

270

Deputy Roffey: On the same theme really. The President highlighted in his Statement the significant rise in commuter use of the bus service. On the basis that the best time to really push at a door is when it is already swinging open, would it be worth doing a special promotion to try and get more commuters to try it? Maybe free bus travel at commuter times for a month or even a week sometime during the summer months?

275

The Bailiff: Deputy Brehaut.

280 **Deputy Brehaut:** Deputy Fallaize said just under his breath, 'We have been there'. The original transport strategy through paid parking would have seen a free bus service, and actually Jersey are currently considering a free bus service at some considerable cost to them. The advantage they have of course is they have a bus lane they could use potentially. One thing that really inhibits, at this stage, the real uptake in bus numbers is that people are getting on a bus to be travelling at the speed of the traffic ahead of them and for some people that is a consideration. 285 But we are always open indeed and with CT Plus in looking at incentives and ideas, that can get more people on to use the bus service.

The Bailiff: Deputy Inder.

290 **Deputy Inder:** Sir, Government is often behind the curve when it comes to renewables and has been for many years. Deputy Brehaut mentioned the energy policy which is forthcoming. Would he agree or commit possibly to advising within that policy that all Government buildings, certainly brand new buildings, should include solar PVs and all future builds in domestic should have some form of renewable energy which includes solar PVs?

295

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Yes, I think that makes perfect sense because the nature of PV is scalable then if you have, for example, a building like the Post Office then if you have the roof surface area I think it is a fantastic idea. Sometimes renewables, the costs can get marginal. So if we are, for 300 example, importing electricity through a cable link when it is up and running. Sadly it is not. If 30% is from a barrage and the other 70% is from nuclear, whatever we think of nuclear is the carbon argument wins over, then at the flick of a switch you are consuming renewables. So it is up to the individual whether they want to invest or opt out or go off grid, but actually Government, in 305 setting the policy to reduce emissions through importing renewables, actually makes it easier for everyone.

The Bailiff: Deputy Gollop.

310 **Deputy Gollop:** Yes, my question is I expected to receive a leaflet when I got ... There is no Planet B, despite being shocked at the revelation that plastic carrier bags might become a thing of the past ... my question is: given the almost unanimous with one dissenter in the States of Jersey, renowned for its conservatism, for declaring politically a state of emergency for climate change. Will Environment & Infrastructure be encouraging similar thoughts here either by requête or by 315 department or through the Policy & Resources Committee or policy plan?

The Bailiff: Deputy Brehaut.

Deputy Brehaut: I thank Deputy Gollop.

320 Actually in my speech and I refer to the P&R Plan which now has the environmental aspect in there, front and centre, which it has not done previously. We have to be so careful in declaring an emergency because in doing that, I understand why people want to do that because it says that it is the main issue we are facing, it is fundamental and we need to tackle this issue.

I think that is the signal it gives out in declaring emergency, if you actually declare an emergency you might give people like me and others powers that you do not want them to have. 325 *(Laughter)* I was told, for example, that – these and other statements are obvious – at a presentation given by a former States' Member, a friend attended at the Courtils and the former Deputy Roger Berry said that in the 1976 drought situation where an emergency was declared he could do pretty much anything he wanted; and is really that what we want?

330 But I think you are right in saying there is a climate crisis is the significant thing. The practicalities of an emergency and for some people a state of emergency is quite a frightening thing the more you think about it. So it is acknowledging there is a crisis and putting policies in front of this Assembly that they feel they can buy into and support in resolving this current crisis.

335 **The Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

I would just like to hear Deputy Brehaut's opinion on ... obviously we hear the use of legislation against single use plastic bags which is initiatives like that are going to be encouraged, but I wonder if his Committee has considered working with retailers to develop policy to reduce packaging right the way across the board?

340

A Member: Hear, hear.

345 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: We work with Plastic Free Guernsey who I have met with them personally on more than one occasion. They have introduced the refill scheme and assisted with plastic bottles, for example.

350 The best way to approach this is actually to initiate a process that is voluntary that people feel that they can opt in to in the awareness that legislation is on the way down. So if people are aware that there is legislation coming through that it will focus the mind on plastic reduction.

We know that some wholesalers imported, for example, Styrofoam people may buy that online the probability is they buy it through local wholesalers. Local wholesalers are advised not to stock Styrofoam containers, for example.

355

Guernsey's purchasing power is always a problem here. Guernsey probably does not buy enough at times to give incentive to the supplier to reduce the packaging that comes with it. But I would like to think that because of the political focus in the UK on packaging food that Guernsey would be the beneficiary on occasion of decisions that are taken in other places, but it does not mean that we take our eye off the ball on this matter.

360

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

365 I was wondering if the President would agree with me that we also work with retailers through the Keep Guernsey Green Awards, and there is a big focus on packaging reduction through that, and in fact the retailers themselves have taken a lot of initiatives working with their own supply chains to tackle the issue?

370 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Yes, I thank Deputy de Sausmarez for that because Deputy Leadbeater's question was, 'Are we working with retailers?' and we are and a thank you to her for reminding the Assembly.

375 Thank you.

The Bailiff: Deputy Yerby.

Deputy Yerby: Sir, just to give the point the attention it deserves, will Deputy Brehaut accept my thanks for the work that is being done around Market Square to make it more accessible,

380

people friendly and inclusive and my full support for any further work to make a more accessible Island community.

A Member: Hear, hear.

385

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Well, I sincerely thank Deputy Yerby for that.

390

I think a number of us wanted to see that area of St Peter Port pedestrianised for some time, when I went down to look at the work I was very impressed and it is incredible how paving a space, taking a road out, frees off or gives back the public ground that was lost over time. Ideally when that is completed it should be a seamless walk from Market Street to the bottom of Mill Street and you will not have that traffic congestion which differentiates and people can just continue walking up. So if businesses can spill out onto the street and people can sit, dwell and spend then I think that is a thoroughly good thing.

395

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, sir.

400

In response to Deputy Dudley-Owen about bio-diversity, I think he said along the lines that we should recognise where bio-diversity is under our nose. Recently there have been some Island-wide surveys on the scaly cricket. Now would he commit today to writing to the DPA and putting greater protection into this very rare habitat?

Thank you.

405

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Well it is interesting because when the Bio Blitz team arrived at L'Ancrese they put up a tent and they walked around the Common and they did a search and one of the first things they found was the ubiquitous scaly cricket. *(Laughter)* So I think what we can conclude with the scaly cricket is that it is pretty good at hiding from people looking for it. *(Laughter)* Not unlike an ormer, I have to say to Deputies, and they even come with crash helmets. But people are now looking for, because they have been identified as rare, looking for scaly crickets and actually there are many more of them than we once imagined there were. But that is not to say that it is not a significant issue, but again let's have the confidence in our policies. Environmental Impact Assessments give you that assessment for you to then make the judgement call at a later stage.

410

415

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

420

I would like to ask Deputy Brehaut are the E&I Committee considering adding their voice to that of many doctors and scientists around the world calling for the introduction of 5G technology to be delayed until such time as additional and different tests, and these are tests other than those relied on by the industry, are carried out to more greatly determine whether 5G technology poses a risk for the environment and human health? Would he agree with me that it would be appropriate to consider the invoking or the applying of the precautionary principle because of the concern and uncertainty surrounding this matter?

425

Thank you, sir.

430

The Bailiff: Deputy Brehaut.

435 **Deputy Brehaut:** I think it is important to note that environmental health considerations are overseen by statutory officials. I suppose to be unhindered by political influence and we have to be guided by the professionals in this area who monitor radio activity or whatever levels and wireless transmissions. Well they do just that and if the Environmental Health Unit and officers have concluded that there is no danger then that is the best advice we have to work under at the moment.

440 **The Bailiff:** Deputy Trott. Deputy Merrett has already had a question.

Deputy Trott: Sir, I would like to ask the President, with 13 months remaining of this term and in the knowledge that his Committee's mandate is extremely extensive, what is his Committee's number one priority?

445 **The Bailiff:** Deputy Brehaut.

450 **Deputy Brehaut:** Other than the climate crisis which was referred to, the number one priority has to be the infrastructure plan. I stand in this Assembly and I know infrastructure is all things to all men – people – but we have to get the Island's infrastructure, if we get the infrastructure right then we can deliver so many component points of the mandate that then sits under it. So delivering on the Island Infrastructure & Investment Plan is something we need to at least set in train and if we cannot deliver then it needs to be taken on as a matter of urgency in the next Assembly.

455 I thank Deputy Trott for the question.

The Bailiff: Deputy Merrett, and this will be the last question.

Deputy Merrett: Thank you, sir.

460 As far back as 2016, sir, I contacted the Committee *for the* Environment & Infrastructure with genuine concerns from members of our community regarding a particular area of Routes des Cottes in St Sampson's. Can the President advise me of what mechanism, what tools they have used thus far to try to resolve some of the almost daily *near misses*, sir, on that road on a daily basis?

465 **The Bailiff:** Deputy Brehaut.

470 **Deputy Brehaut:** I have to say regrettably that near misses are common place on Guernsey with regard to traffic. I read a paper just yesterday in relation to the periodic transport strategy review: in 1953 there were 3,700 motor vehicles on Guernsey, we now have what 55,000 people with driving licences, so these episodes occur on a far more regular basis. Can I say the question she has asked respectfully is at operational level but I can follow her question in the Assembly today or take it back to the staff to see what progress has been made.

Thank you.

475 **The Bailiff:** I am afraid the 20 minutes is up.

**General update –
Statement by the President of the States’ Trading Supervisory Board**

The Bailiff: We will move on to the next Statement to be delivered by the President of States’ Trading Supervisory Board – another general update Statement. Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir.

480 Last year my predecessor updated the Assembly on the early work of the States’ Trading Supervisory Board. Since then there has been a change in political membership, with myself and Deputy Kuttelwascher joining the board.

485 While the membership may have changed, the board remains fully behind the vision that was agreed when the STSB was first formed in 2016. That vision is for the States’ owned trading assets to be a consistently well-managed, efficient group of companies that deliver a return in the long-term best interest of Islanders. This is in keeping with the intention of the States in bringing together what is a very diverse portfolio within a single trading group.

490 To enable this appropriate governance arrangements have been established for each of our trading assets to ensure they have both the freedom to operate commercially, and indeed the encouragement to do so.

495 Guernsey Post, Guernsey Electricity, Jamesco and Aurigny all have their own board of directors responsible for delivering the strategic objectives set for each of these businesses. We continue to provide oversight through quarterly meetings between representatives of the STSB and the chairman and senior directors of each company. A dedicated shareholder executive function within the trading assets management team also provides considerable ongoing support and guidance.

500 Similarly most of our trading assets are now working to long-term business plans setting out their strategic direction with clear key performance indicators. The delivery of these business plans continues to be overseen by the individual company boards for each asset who report regularly to the STSB.

We are now seeing benefits of these arrangements reflected in a more commercial mindset through the organisation with greater focus on value, service, efficiency, and most of all, customers.

505 Of course acting commercially does not always mean delivering the maximum financial return. Our trading assets’ primary purpose is the essential services that they deliver to Islanders. It is very clearly not all about maximising profits. In fact I will go further. The STSB is unanimously of the view in the long term the unincorporated and incorporated trading assets should operate on a not-for-dividend basis. Any returns generated through their commercial activities should instead be reinvested into the individual businesses in the best interest of their customers. (**Severall** 510 **Members:** Hear, hear.) That will provide social benefits through minimising the cost to Islanders of these everyday essential services, as well as supporting the economy by helping to control, as best we can, the cost of doing business in Guernsey.

So let’s reflect on some of the achievements.

515 One important area within our mandate that is easily overlooked is Guernsey Coastguards, which falls within the operational remit of Guernsey Ports. The peer review last year by the UK’s Maritime and Coastguard Agency provided a very positive report, and its capability was subsequently tested to the full with the very tragic incident that led to the loss of life of the footballer Emiliano Sala and his pilot, David Ibbotson.

520 The way in which that incident was handled, in the full gaze of the world’s media, was a great credit to this Island. (**Severall Members:** Hear, hear.) It was a great credit to our emergency responders; to the volunteers of Channel Island Air Search and the RNLI; to the staff of the Joint Emergency Services Control Centre; and to Guernsey Harbours who, under the expert leadership of our Harbour Master, Captain David Barker, co-ordinated a major search and rescue effort in the most difficult of conditions.

525 That incident is a good example of co-operation between different agencies, which is a common theme across much of our work. Not being one of the Principal Committees, we could be thought of as a policy taker, rather than a policy maker; but that would be a misconception. We are in fact helping to inform, shape, and implement policy across a wide range of committee mandates.

530 A good example has been our work with the Committee *for the* Environment & Infrastructure on implementing the Island's Waste Strategy. That has been a considerable undertaking for Guernsey Waste over the last year, as well as for States' Works, which have played a key role in delivering the new infrastructure at Longue Hougue – a major construction project, delivered – and I emphasise this – on time and on budget.

535 New collections were rolled out successfully to every household in the second half of 2018, with waste export from the new transfer station commencing in December 2018, following the introduction of the new charging arrangements this February. All this was achieved by a small team as a result of whose efforts we have seen considerable progress.

540 More than 8 out of 10 households are now regularly using food waste and recycling collections. As a result we have seen a very significant increase in material being recycled, and a very significant reduction on general rubbish. The introduction of the new services and facilities has been very effective and Islanders appear to be getting on well with the new system.

Guernsey Waste has also worked closely with the parishes and they continue to have a key role in this and we continue to support them.

545 We are now working with E&I on future proposals for managing inert waste which Members will be well acquainted with as well as other committees. For example, assisting Health & Social Care with a review into problem gambling, and working with the States of Alderney on the refurbishment of the runway at Alderney Airport. Another important construction project and a much needed investment in a key element of the Bailiwick's infrastructure.

550 In addition, we have jointly commissioned with Scrutiny the efficiency review of Aurigny, and look forward to working with Scrutiny on the forthcoming review into funding for States' capital projects.

555 So yes we are not just policy receivers – we are helping committees across the States to shape and deliver policies. At the same time we are also reliant on other committees to deliver on their policy commitments.

For example, the business plan for Guernsey Ports has set a challenging target for Guernsey Airport to grow passenger numbers. To support that aim, landing charges were frozen for this year which it is hoped will attract new operators and encourage the development of new routes. We are now reliant on the Committee *for* Economic Development being able to deliver its tourism strategy if the Airport is going to meet these growth targets.

560 Other policy areas that impact significantly on a number of our trading assets include energy, infrastructure and a regulation of utilities. Again we rely on other committees to provide the clarity and direction we require in these areas.

I spoke earlier of the greater commercial mindset within the trading assets and Guernsey Airport provides another good example. As well as looking to grow passenger numbers the Airport is focussing now on increasing non-aeronautical income.

570 The recent expansion of the duty free shop, to allow the concession holder to offer a considerably wider range of products is one of those examples. Duty free shopping is an established element of the airport experience, and an important source of revenue to airport operators, so any increase in the share of spend by travellers to or from the Island benefits both Guernsey Airport and our economy. The enlargement of the security screening area at the same time should – I emphasise the word 'should' – reduce waiting times for passengers at peak times.

So while we regret the disruption to travellers whilst the works were carried out, it should deliver significant benefits going forward.

575 As I said earlier, encouraging trading assets to operate more commercially does not mean maximising profits, but there will inevitably be occasions when prices have to rise. Guernsey

Electricity is a relevant and recent example, as it is now having to raise tariffs as a result of external events outside of its control following seven years with no price increases. That sort of action is sometimes unavoidable.

580 Equally though there is a focus throughout trading assets on efficiency and containing costs. For example, Guernsey Water has frozen its bills this year. At the same time it has adjusted the respective charges for water and wastewater to better reflect the cost and investment in delivering these services, to be fairer to all customers.

585 As I have already outlined, the STSB provides strategic direction for trading assets and oversight in the delivery of their respective business plans, but the responsibility for their management and operation lies within their individual company boards. Whilst we do not get involved in the day-to-day running of the businesses the board is nevertheless much involved in the critical decision-making.

590 Aurigny's acquisition of new ATR aircraft and Guernsey Electricity replacement of the cable are two prime examples. In both these instances the STSB has been very heavily involved in examining and challenging the business case for these major investments, which in the case of Aurigny included a full review of the airline's fleet requirements. States' Members can be assured that the board, supported by the executive team within the trading assets, is ensuring that all such projects are subject to rigorous examination and scrutiny. Likewise the various different cases in relation to

595 business were involved in the implementation of the Waste Strategy.
Now I would like to acknowledge the contribution of our two excellent non-States' members – Stuart Falla and John Hollis – they have been there since the very inception and they have brought a considerable wealth of experience gained from long and successful careers in business. Along with the Trading Assets executive team, they have provided stability and brought great

600 knowledge, clarity, and direction that has been invaluable to all our various operations.
I would also like to pay particular comment and praise to Deputy Smithies who has been Vice-President since the inception – the continuity and guidance he has given has been considerable – and to Deputy Kuttelwascher since he has joined the board.

605 But finally I would like to give considerable praise to the team at STSB. The officers there are truly excellent, they are diligent, they work commercially but in a proper way and they are a credit to the States of Guernsey.

The Bailiff: Any questions?

Deputy Roffey.

610

Deputy Roffey: Sir, I am pleased that the Committee believes we should, inside the medium term, end the dividend culture amongst our trading assets.

615 I would invite Deputy Ferbrache to consider going further and going back to the situation where our utilities could actually build up strategic reserves in order to pay for future capital investment out of those reserves rather than borrowing. In other words, the old fashioned prudence that used to be around 10 or 20 years ago, rather than this generation wanting bread buttered on both sides, while inheriting infrastructure paid for by our fathers and yet insisting that our sons pay for the infrastructure that we are putting in now – or daughter or mothers, I should add.

620

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I can only agree, sir. That only makes good sense, cautions to save to spend for tomorrow, so I entirely agree.

625

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

630 There have been some concerns raised to certainly the South East Deputies from members of
the community about the cremator and the plans, and there have certainly been rumours floating
around that the plans are not going according to plan. I was wondering if the President would be
able to give us an update or if he is unable to give us an update now to advise us when he will be
able to bring an update to the Assembly?

635 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes, sir, I cannot pretend to have all the detail actually at my fingertips at
the moment but I would be very surprised if there were problems because they should have been
drawn to our attention. If there is any major concern, if there is any slippage then it should be
640 brought to the attention of the STSB. But what I will do is look into it and report back to Deputy
de Sausmarez.

The Bailiff: Deputy Laurie Queripel.

645 **Deputy Laurie Queripel:** Thank you, sir.

I would like to ask Deputy Ferbrache about the plan of action for repairing the Havelet slipway
and what the timeline might be? *(Laughter)*

Thank you.

650 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Well, sir, I have not got my cement mixer with me. *(Interjection)* That is
good; it is probably a long time since Deputy Queripel used it, but it was discussed at the ports
board as recently as this Monday. We have approved it, subject of course to our full board
655 committing their approval to it or giving their approval to it. The work will commence shortly. It
will take into account the points raised by Deputy Brehaut because there were structural problems
etc. that he has alluded to, so hopefully this problem will not occur in the future.

The Bailiff: Deputy Gollop.

660

Deputy Gollop: Thank you.

Whilst welcoming the clear statement about progress that has been made, combined with the
emphasis being placed on the user perhaps rather more than the dividend that is being paid, I
would like to ask further why is it that the Harbour terminal building and the Airport terminal
665 building, the Port's infrastructure are not perhaps more tourism and user friendly with more
marketing opportunities, use of local businesses, promoting Guernsey, and promoting the best we
have of Guernsey cuisine and hospitality?

The Bailiff: Deputy Ferbrache.

670

Deputy Ferbrache: Sir, in my speech I referred to the fact that at Guernsey Airport they are
looking to extend non-aeronautical income which will include the position as Deputy Gollop has
alluded to and equally that should apply down at the Harbour as well.

The Airport terminal building is more modern, more attractive to people who might want to
675 invest and have a business or some kind of activity there than the Harbour terminal and maybe in
due course depending on whatever decision the States makes today or tomorrow or whenever
that the Harbour terminal building should be relooked at and money spent.

The Bailiff: Deputy Dudley-Owen. Oh sorry, Deputy Oliver has tried to speak, so you can either
680 stand or remain seated, whichever is easier, Deputy Oliver.

Deputy Oliver: Thank you, sir.

The Bailiff: Is your microphone on? Yes, it is.

685 **Deputy Oliver:** I have been told by a school that they are doing all they can for recycling, but when it comes to actually the commercial waste being taken away it all just gets put in landfill and it is not actually recycled. Please can you confirm if this is true or not?

The Bailiff: Deputy Ferbrache.

690

Deputy Ferbrache: All I can say is that everything that should be recycled must be recycled. If it is not just mere rumour – because we all hear rumours and we discount them and we should check them before we make a public statement about them – if there is truth in that then we will look into it. What I will do, because I have not heard that, if Deputy Oliver could tell me the sources of her information then I will ask our officers to look into it.

695

The Bailiff: Yes, Deputy Lester Queripel, sorry Deputy Dudley-Owen, I was going to call you a moment ago.

700 **Deputy Dudley-Owen:** Thank you, sir.

Thank you to the President of STSB for the update – it was very useful; and just going back a question referring to Deputy Gollop's question regarding the Airport enhancement, will the Airport be considering a business or frequent traveller fast-track which also could make another income stream for a lounge and a quick track through security through biometrics and different use of technology than is being used currently, because it really is a delay to business travellers?

705

Thank you.

The Bailiff: Deputy Ferbrache.

710 **Deputy Ferbrache:** Sir, I would not pretend that the current arrangements are working satisfactorily at the moment, we know that we are addressing them. The idea that Deputy Dudley-Owen has put forward or was just alluding to, to me seems very sensible. I believe it will be looked at, I cannot promise that it is something that is urgent because we have got to get the basic getting people through from as it were, land-side to the other side first in an efficient manner and that is causing us some thought and some concern.

715

The Bailiff: Deputy Lester Queripel was first.

720 **Deputy Lester Queripel:** Sir, there have been reports recently in the media from passengers travelling by air that security at Guernsey Airport is somewhat over the top and have left many passengers in distress because of the way they have been treated. Now I realise of course that STSB are not supposed to get involved in operational matters but it seems to me as though they should get involved in this issue, so I would like to hear Deputy Ferbrache's views on that please, sir.

725

The Bailiff: Deputy Ferbrache.

730 **Deputy Ferbrache:** The point Deputy Queripel makes is a very good one. We have heard similar stories, if you like, to Deputy Queripel. We are addressing that and it is an issue. I think in my previous answer to Deputy Dudley-Owen, it is an issue which we are addressing. We are addressing it with the providers of that service.

The Bailiff: Alderney Representative Roberts – and actually Alderney Representative Snowdon, do you wish to be relevé?

735

Alderney Representative Snowdon: I do, thank you, sir.

The Bailiff: Alderney Representative Roberts then. Alderney Representative Roberts, then I will come to Deputy Inder.

740

Alderney Representative Roberts: Thank you, sir.

In December 2018 the States of Deliberation approved a policy document, the Air and Sea Route Development and Investment Objectives. Section 2.2 of that document sets out in three core objectives, one of which was to enable economic growth. Can the Chairman of STSB tell us what action his board has taken to ensure Aurigny is fulfilling this objective with the recent moving of jobs from the Bailiwick economy? Could he also remind the Chamber of the current objects that STSB has set out to Aurigny and he can indicate to the Chamber whether he believes these objectives or accept that Aurigny in its current form might practically ever be able to achieve, and should the airline deficit be now placed in the public domain?

745

750

The Bailiff: I think that was at least four questions but ...

Deputy Ferbrache: Well, I will do my best to answer those questions in the sense that the States have mandated that Aurigny be an economic enabler. So the STSB's job is with the Board of Aurigny, to try and achieve that. As I said in my speech, and Deputy Green and I have been involved with our respective Committee/Board, there will be an efficiency review which is being conducted. Nyras have been appointed to do it, they are a reputable organisation, they are the ones that helped us in connection with the purchase of new planes, and that is going to take place any time now. So that will review the issue.

755

760

As to whether Aurigny has always performed the way it should, well people have their own views in connection with that. What I can say is that I think undoubtedly the quality of the board in the last 12-18 months – I am talking about the Board of Aurigny because the Board of STSB has always been of the highest quality – has improved significantly.

So in relation to Alderney Representative Roberts, the points he makes and the questions he asks are very valid and it is a continuing matter that we will address.

765

The Bailiff: Deputy Inder.

Deputy Inder: Sir, thank you.

770

I just want to pick up on something that Deputy Gollop said. Just talking about extracting money out of our visitors, moving to the Crown Pier, it seems effectively on liner days it is somewhere effectively large buses turn around, take the tourists off to various destinations and there appears to be an opportunity there to actually help St Peter Port. We could be selling oysters, ice-creams, hawkers licence; we could do an awful lot more because that is the funnel where our passengers come off their boats and return. I am just wondering, sir, if the STSB, possibly in cahoots with Economic Development, could look at better ways of selling Guernsey product benefiting Guernsey business through the Albert Pier?

775

The Bailiff: Deputy Ferbrache.

780

Deputy Ferbrache: I am sure, sir, we will do what we can, as I say, with the Committee for Economic Development. The trouble with things like ormers is there are not many of them around nowadays, sadly. (**Deputy Inder:** I said oysters.) You did say oysters, but I am a Guernseyman and I eat ormers rather than oysters. (*Laughter*) But in relation to that of course we should do

785 everything that we reasonably can to encourage that kind of activity and I am sure Economic
Development are on it. (*Interjection*)

The Bailiff: Deputy Laurie Queripel.

790 **Deputy Laurie Queripel:** Thank you, sir.

I would like to ask Deputy Ferbrache about the Fontaine Vinery site because one of the main
reasons it was cleared of industrial tenants was because it was or is earmarked for the
development of affordable or social housing. Now according to a recent media report there are
795 no imminent or even, it seems, medium-term plans to develop the site and I appreciate that was
based on comments made by the GHA. So have any discussions taken place with, for example,
Employment & Social Security, Environment & Infrastructure with the idea of trying to advance
development of the site for its intended purpose perhaps via a States' back project, scheme or
perhaps with a different developer if the GHA cannot accommodate the project? If not, would the
STSB consider approaching said committees to commence this kind of dialogue?

800 Thank you, sir.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Well, sir, what happens to Fontaine Vinery is a decision for the States, we
805 as STSB can only implement that decision. The point that Deputy Laurie Queripel makes is a
sensible one. We have not been in any recent discussions that I am aware, but it is a matter that
he raises. I do not know whether it should be the STSB that is the prime mover in this or some
other States' committee, but certainly it is a matter; the Fontaine vinery, as Deputy Queripel is
effectively saying, is lying there not doing anything, and it should be doing something.

810

The Bailiff: Deputy de Sausmarez and then Deputy Tindall.

Deputy de Sausmarez: Thank you, sir.

815 Will the President of STSB accept my reassurance, trying to frame this as a question, that in
reference to Deputy Oliver's concern, the waste from schools is undoubtedly being recycled
appropriately; the problem seems to be in the collection. It is an issue with contractors, it is a
known issue, and it is an issue that the waste team has been working on and in fact there are a
number of schools in a pilot scheme at the moment, St Martin's being one, which is looking at
better segregating that waste. It has always been recycled but the problem is the impression was
820 given that it was all going into black sacks and that was where the problem was. Perhaps the
President would like to agree with that?

The Bailiff: Deputy Ferbrache.

825 **Deputy Ferbrache:** Not only do I agree with it, sir, I am grateful for the information given by
Deputy de Sausmarez.

The Bailiff: Deputy Tindall.

830 **Deputy Tindall:** Thank you, sir,

I would like to pick up on something Deputy Inder said, would the President agree that the
piers are in the purview of Harbours and that the requests that have been made by Visit Guernsey
for stores to be put there to sell Guernsey marked products to cruise ship passengers will now be
reconsidered?

835

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I am sure it will be reconsidered. I am not sure what the result of the reconsideration will be, but it does seem to me that what was said by the initial questioner, Deputy Inder, and backed up by Deputy Tindall makes good sense. Because we should be encouraging people to enjoy when they come ashore in Guernsey, and also the local people, to enjoy the products that Guernsey can produce.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, Aurigny lose around £3 million a year on the provision of air routes to and from Alderney. Can the President of the STSB confirm that Aurigny have advised that the Alderney/Southampton route loses a staggering £75 per sector, or £150 per return fare?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Yes, sir.

What I said to Deputy Trott at a meeting when I attended at P&R I was given an audience by the great men and women, I accept that the current losses of Aurigny are unacceptable and they have got to be addressed. I said that publicly – no, I said it privately and I am saying it publicly.

I believe, and I will be corrected by others if I am not, I believe the figures that have been given by Deputy Trott are entirely accurate.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, Deputy Ferbrache will remember when he was a Conseiller back in the era the first time around, there was an active consumer group on the Island chaired by different Deputies and Douzeniers, Roderick Matthews, Roy Bisson, Peter Wilson etc. I was secretary for a while with but was poor at admin, but my question is where is the consumer being represented now in areas like, for example, the recently announced rise in electricity prices? Because sometimes the bigger users have a stake in talking to the provider but the smaller user is arguably being ignored. Does the STSB consider the interests of starting a consumer focussed group for some of these trading assets?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I am not advocating, and I do not think the board advocate creating such a group but he mentioned there are two points to be made. In relation to Guernsey Electricity of course it is a regulated activity, and I did say that it has not raised its prices for seven years. Inflation over that seven years has been 10%; there is a going to be a 6.8% rise plus 2.7% rise, which is 9.5%, which is less than the 10% inflation. The trouble is that should be done generally annually or biannually instead of in a big lump every seven years. That is due to the processes of regulation which this States and its predecessors supported.

But generally, again in my Statement, I said that the unanimous view of the STSB – and it is a different view to the view that this States has approved previously, and it has got to be approved by the States in due course – our view is that we are not going to distribute dividends, we are going to encourage the various entities to reinvest their monies in a variety of ways which includes for social purposes.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

While Deputy Ferbrache, what he has just said is very interesting and I completely agree with him, would he not agree with me that what he has just said is counter to the Resolutions of the

890 States on the Medium Term Financial Plan and therefore if there is going to be a significant shift
in policy around dividends. He and his Committee or some other group of States' Members are
going to have to lay amendments probably to the Policy & Resource Plan when it is debated next
month?

Deputy Ferbrache: Certainly, I am not sure that we will be able to get because there is
895 something else that we were going to bring before the States to do with the Kuttelwascher
requête because it is not going to be possible to implement that now because we have received a
report from the Director of Civil Aviation saying he is not sanctioning it. I know that is a way of
getting in an answer to a question that has not been made.

900 But right it will have to be a change of policy because Deputy Fallaize is absolutely right, it is
not the States' policy, so we will have to address that, but I said what our intention is.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, I am wondering if, just following on from the sort of question if Deputy
905 Ferbrache could update us on the Kuttelwascher requête and the response from the Director of
Civil Aviation.

The Bailiff: Deputy Ferbrache.

910 **Deputy Ferbrache:** I am very grateful for that because it gives me the opportunity. What we
received last Friday from the Director of Civil Aviation, Mr Lazarus, was an email to Colin Le Ray,
who is known, and copied to Damon Hackley, who is known, and we received a copy shortly
afterwards. I am not going to read it all but what he says is this:

The development proposal does not offer any safety gain whatsoever. It concentrates purely on commercial objectives
to operate with higher payloads. As the regulator I should not be sanctioning any erosion in available safety margins
for purely commercial reasons.

And he said:

I don't think there is any case to allow this project.

915 To me that is the end of it.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

920 Again, I would just like to follow up on the question Deputy Inder has asked. Obviously being
aware of that outcome, could Deputy Ferbrache advise if there is intention of STSB looking in any
other way at making extensions to the runway within the Airport perimeter?

The Bailiff: Deputy Ferbrache.

925 **Deputy Ferbrache:** I am grateful for the question. Again we are going to be discussing this at
our next board meeting, because this came last Friday, we will discuss it at our next board
meeting, which I think is 6th June – it is certainly early June. I am only speaking for myself because
I have not had a chance to discuss it with my colleagues, but I think anything in relation to the
930 runway is a dead duck now during the currency of this particular Assembly.

The Bailiff: Deputy Kuttelwascher.

935 **Deputy Kuttelwascher:** Sir, in relation to the runway I do not totally agree with Deputy
Ferbrache's opinion. I have responded with my views on the response we have had from the
Director of Civil Aviation, and it is only a partial response to my requête, and one of the questions
I asked was is the DCA of the view that he will not consider e-mass mitigation in relation to any
extension of the runway, which appears to be his position and I am yet to have a reply. So
940 although it is kind of the end for now there are other areas which were not addressed, so I am
looking for a fuller response and will take it from there.

The Bailiff: Is this a question or a statement?

945 **Deputy Kuttelwascher:** Yes, so do you agree with me (*Laughter*) that the matter is not
necessarily quite at an end because we need some further clarification from the DCA?

The Bailiff: Deputy Ferbrache.

950 **Deputy Ferbrache:** I am sad to say I do not agree with Deputy Kuttelwascher because the way
it was presented – I supported his requête fully – was that if the Director of Civil Aviation said it is
not safe, it is not safe, we are not going on. He has said, and Deputy Tindall I think has seen the
same document, it is not safe, therefore that is the end of it. That does not mean that when the
future runway extension, which will no doubt be debated in the next Assembly at some time that
that issue will be considered.

955

The Bailiff: Right. I think the – well no-one else is rising and the 20 minutes is just about up
anyway.

Questions for Oral Answer

COMMITTEE FOR ECONOMIC DEVELOPMENT

Transport links –

Runway extension; service levels; future policies, infrastructure and joint initiatives

960 **The Bailiff:** So we move on to Question time and the first Questions are to be asked by
Deputy Gollop of the President of the Committee *for* Economic Development. Deputy Gollop.

Deputy Gollop: One of my Questions has almost already been covered but we will come to
that.

965 My first Question to Deputy Parkinson, sir, thanking you, is: is the Committee *for* Economic
Development actively engaging currently with the Policy & Resources Committee Members, and
the current ferry operator Condor to ensure that satisfactory service levels, speed, passenger, car,
tourism and freight capacities can be sustained this season and year, despite last week, for
example, the alleged unreliability of the vulnerable Liberation operated services?

970 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Sir, performance levels are governed by the agreement in place between
Condor Ferries and the States of Jersey. These include services to Guernsey. The Committee

continues to meet with Condor Ferries on a regular basis to monitor delivery of service levels and to discuss, understand and gain assurance on particular issues as they may arise.

975

The Bailiff: Your second Question.

Deputy Gollop: Yes.

Well my supplementary to Question one would be is the Committee working with its Jersey counterparts, their Minister for Economic Development?

980

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, my Committee does work with our opposite numbers in Jersey, as I say the agreement which provides for our service levels is an agreement between the States of Jersey and Condor and therefore the mechanism for enforcing anything in that agreement is via Jersey.

985

The Bailiff: Is this another supplementary or your second Question?

990

Deputy Gollop: I think it is my second Question.

The Bailiff: Your second Question then.

995

Deputy Gollop: The second Question is, given that the new tourism strategy has apparently been indefinitely postponed, will policies from Economic Development be scoped to decide what transport infrastructure best suits the viable and sustainable tourism and visitor transportation?

The Bailiff: Deputy Parkinson.

1000

Deputy Parkinson: The new tourism strategy has not been indefinitely postponed. The Committee is working on the development of a refreshed set of visitor economy objectives and an action plan to deliver them. In the meantime we will continue to review performance and delivery against the current strategy. Any future assessment of air and sea link infrastructure investment options would need to consider their ability to deliver the visitor economy objectives

1005

The Bailiff: Is this a supplementary Deputy Gollop?

Deputy Gollop: Yes. Given the Answer to that Question and my first Question, will the Committee be wishing to see a similar arrangement to Jersey in having a signed memorandum of undertaking and powers of monitoring the service levels of Condor and other ferry providers?

1010

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Well fortunately my Committee is involved in discussions, tripartite discussions, with the States of Jersey and Condor to try and agree a service level set of conditions that would apply in any renewal of the current Condor ramp agreement with Jersey, and assuming that we can reach a satisfactory conclusion i.e. a conclusion which meets the requirements of Guernsey and assuming that the Condor sale process reaches a satisfactory conclusion. i.e. it ends up in the hands of people who we regard as reliable and responsible, then it would certainly be my preference that Guernsey should join Jersey in signing a new ramp agreement.

1020

The Bailiff: Deputy Inder.

1025 **Deputy Inder:** Sir, there was an 18%, I think it was, drop in passenger figures between 2016
and 2015 on Condor. I think the end figures in 2016 were about 90,000 something passengers – I
say 96,000 just to give him some help. What conversations – I tried to ask this in my Rule 14
Questions I did not get a straight answer. What conversations or what understanding does
1030 Economic Development have whether our northern route with such low figures probably being
subsidised by freight is even viable at all?

The Bailiff: Deputy Parkinson.

1035 **Deputy Parkinson:** Well Condor suffered a loss of passengers when it moved from four to
three ferries and there was a decline in numbers on the northern route in that period. I believe
numbers have, relatively speaking, stabilised since then. It is quite clear, however, from their
operation generally that the freight services subsidise the passenger services, and that is simply an
economic fact. Condor have not put the passenger services under any threat, they are not
suggesting they do not want to carry passengers who presumably do make a contribution, but
1040 the reality is that the service will always be dependent on the freight element.

The Bailiff: Deputy Gollop, your third Question.

1045 **Deputy Gollop:** My third Question is the States distinctly last month did not vote to reject and
rebuff any consideration of a significant airport runway extension option; why then has the
Economic Development Committee been reported as no longer giving resources or attention to
this key workstream a political majority of the board supported in April?

The Bailiff: Deputy Parkinson.

1050 **Deputy Parkinson:** The Committee will do what it can with the resources available to prepare
a report for the States on air infrastructure investment options. However, given that the
Committee has a finite amount of resources which are also required to meet other objectives
within the States' approved economic development strategy, this is unlikely to be before the start
1055 of the next States' term.

The Bailiff: You next Question, Deputy Gollop.

1060 **Deputy Gollop:** My next Question has already been asked. Can the Economic Development
Committee unite behind a shorter RESA airport runway extension as suggested by Deputy Jan
Kuttelwascher on more or less the current footprint?

The Bailiff: Deputy Parkinson.

1065 **Deputy Parkinson:** Thank you, sir.
I propose to digress from the response that I have already given you in that, as has been
explained by Deputy Ferbrache, the Director of Civil Aviation has ruled that he would not consider
a reduction of the RESA at the eastern end of the runway to 90 m presumably including the
option of e-mass and therefore that proposal is, as far as I am concerned, dead in the water.
1070

The Bailiff: Your next Question, Deputy Gollop.

1075 **Deputy Gollop:** My next Question is will the Economic Development Committee be actively
consulting with business and tourism hospitality organisations on what transport infrastructure
would best suit these business trends, aspirations and prospects?

The Bailiff: Deputy Parkinson.

1080 **Deputy Parkinson:** Yes, the Committee continues to engage with industry to discuss these matters as it always does.

The Bailiff: Your final Question.

1085 **Deputy Gollop:** My final Question is will the Economic Development Committee be working actively with Jersey on joint transport initiatives especially in relation to triangular air routes and passenger sea services?

The Bailiff: Deputy Parkinson.

1090 **Deputy Parkinson:** The Committee has a productive working relationship with our colleagues in Jersey and we will continue to conduct discussions with them.

The Bailiff: Deputy Gollop.

1095 **Deputy Gollop:** My final supplementary: does the President and the Committee see an opportunity, for example, for working with Jersey to relaunch direct flights to France from Guernsey?

The Bailiff: Deputy Parkinson.

1100 **Deputy Parkinson:** The Committee is in active discussions about air routes to France with two French airports and with the operators that we think might be interested, and whether those discussions come to anything and whether the proposals that may emerge from them will involve triangular routes with Jersey remains to be seen.

1105 **The Bailiff:** That concludes that series of questions.

STATES' TRADING SUPERVISORY BOARD

St Sampson's Power Station – Air pollution health concerns; recent upgrades; monitoring

1110 **The Bailiff:** Next Deputy de Lisle has Questions of the President of the States' Trading Supervisory Board. Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

The Questions relate to air pollution emissions control with regard to St Sampson's Power Station.

1115 The first Question: power station generators are causing health concerns among St Sampson's residents and fears are increasing that the effect of emissions are having a detrimental impact on health across the Island. Significant health matters are a product of a particulate matter and dioxin emissions. EU standards require proper filters and scrubbers to remove the fly ash. Have these been fitted to the Power Station during recent major upgrades and, if not, why not?

1120 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir.

1125 A review of the Power Station by UK Air Emissions Experts has concluded that under standard operating conditions all of the existing generation plant would qualify for derogations under relevant EU directives and would not require any emissions abatement techniques such as filters and scrubbers. Nevertheless, I should note that Guernsey Electricity has invested in two new generations at D station which are compliant with EU Emissions Directives.

1130 Standard conditions assume the availability of the cable link for imported electricity and the predominant use of the new D station generators. In 2017-18 financial year 98% of our electricity came from those sources. Of course electricity imports are limited at the moment. So in the last financial year 80% of our electricity was sourced from either imports or D station and 20% from the older C station generators. When the cable link is fully restored in November import levels will be more than 90% with the balance being met almost solely by the newer D station generators. I also note that the Power Station does not produce fly ash or dioxins which are typical products of coal combustion and uncontrolled waste incineration, respectively.

1135

The Bailiff: Deputy de Lisle, is this a supplementary?

1140 **Deputy de Lisle:** Can I ask a supplementary, sir?

The Bailiff: Yes.

1145 **Deputy de Lisle:** The current medium combustion plant directive that became Law in December 2017 and brought into force across the UK in 2018 regulates emissions of sulphur dioxide, nitrogen oxides, and dust from power plants. With the sole aim of reducing these harmful substances that are known to be hazardous to human health and the environment. In legislation diesel exhaust scrubbers and diesel particulate filters help comply with regulations by effectively reducing dangerous concentrations of harmful carbon monoxide hydro carbons and particulate matter.

1150 Will GE react positively to concerns of the public and install the scrubbers and filters on the exhaust systems of their generators immediately?

Will the President of STSB, Deputy Ferbrache, give the Assembly and Islanders assurances that this will be done?

1155 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: No, sir, I do not, because I have already given the answer to the question in relation to it is doing all that it can.

1160 Most of the electricity generated comes via the cable. We know that is not happening at the moment for reasons we understand or through the D generators. The C generators are having to be used more than they ideally would; they are the old ones. I have already said that certain fly ash and dioxins are not produced so therefore there is no need to put the scrubbers etc in. so I am not going to give that assurance.

1165 What I would say is that at all times the STSB are confident that Guernsey Electricity are looking to be as environmentally sensitive and environmentally responsible as they possibly can.

The Bailiff: Deputy de Lisle.

1170 **Deputy de Lisle:** Can I ask a second?

The Bailiff: Yes.

1175 **Deputy de Lisle:** This seems to be very different from what the GE Chief Executive said recently. He said: 'We do not have scrubbers installed on the exhaust system from the engines as continued on-Island generation is not part of our long-term strategy. It does not make commercial sense to make these type of investments in the Power Station for engines that are planned to be used infrequently for stand-by purposes when we are progressing other significant capital projects.'

1180 The fact remains that on-Island generation is conducted as stand-by over considerable periods as this one since November and the potential health effects are severe. What is being stated is that commercial interests come before the health of our children and all Islanders. Does the President agree with me that clean air should be a right and not a luxury dependent on commercial interests? All modern societies –

1185 **The Bailiff:** Your minute is up.
Deputy Ferbrache.

1190 **Deputy Ferbrache:** I disagree with the premise of his Question. They are not putting commercial interests first. They are being responsible. Clean air like anything else is something that should be the right of everybody. People also want electricity and Guernsey Electricity cannot do any more than it can at the moment. The cable will come on track in five or six months' time. there will be much less C generation electricity, the problem will be largely resolved. I have already explained it in my answer, my written answer, and I have already explained it in my previous oral answer.

1195 **The Bailiff:** Your second Question, Deputy de Lisle.

Deputy de Lisle: Thank you, sir.
1200 Guernsey Electricity has the responsibility to model and monitor emission discharges. This information is considered in relation to the impact on ambient air quality locally. What is measured and monitored by Guernsey Electricity and to what extent do the results comply with the UK DEFRA standards?

1205 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, the *in-situ* stack emissions data from the Power Station and ambient air emissions data collected at Bora Avenue has been used to model the potential effects of GEL's short-term emissions on ambient air quality levels within the St Sampson's area. The modelling was based on the UK Air Quality Standards Regulation of 2010 because these standards were proposed in the Committee *for the Environment & Infrastructure* 2017 policy letter on environmental pollution.

1210 The modelling showed that under standard operating conditions there was a low risk of emissions from the Power Station materially contributing to ambient air pollution levels above the UK standards for all pollutants measured with the exception of sulphur dioxide, SO₂. In addition under certain emergency conditions that might require all of the C station generators to run simultaneously oxides of nitrogen NO_x could exceed the standards. GEL proposes to control any potential risk of higher ambient short-term concentrations of SO₂ through the use of lower sulphur fuels. Higher ambient short-term concentrations of NO_x will be controlled by minimising the use of the older C station plant and maximising imported electricity with the replacement of the cable link this year.

1220 **The Bailiff:** Deputy de Lisle, do you have a supplementary question?

Deputy de Lisle: Sir, if I can ask a supplementary?

1225 It is one thing to bring up modelling under the 2010 Air Quality Standards Regulations but it is another thing to have facts under current EU regulations. Guernsey Electricity should be operating under the 2017 Regulations. Your answer also states that Guernsey Electricity proposes controls which implies it does not do so currently and also admits through your answer sulphur dioxide and nitrogen oxide emissions exceed regulatory standards at times.

1230 Does the President agree with me that the current emission discharges need review to tackle air pollution of sulphur dioxide, nitrogen oxide and particulates from the Power Station?

The Bailiff: Deputy Ferbrache.

1235 **Deputy Ferbrache:** Well again, sir, the two Questions really align into each other to a degree – the two main Questions that Deputy de Lisle has asked. All I can say is what I have said. Guernsey Electricity is responsible, it does not want to cause anybody any inconvenience, it is alive to the interests, perfectly reasonable interests, of the residents in the St Sampson's area and is doing all that it practically can.

1240 In practical and real terms the sooner that the cable to Jersey is up and running the better.

The Bailiff: A second supplementary, Deputy de Lisle.

Deputy de Lisle: A second supplementary, if I may.

1245 In the UK, sir, power stations produce 22% of nitrogen oxides emissions, 37% of sulphur dioxide emissions and 13% of PM2.5 particulates. Will the President of the States' Trading Supervisory Board, Deputy Ferbrache, use his influence to demand that new air pollution standards are enforced at the Power Station to address public concerns that emissions from the Power Station are having a detrimental impact upon the health of Islanders?

1250 **The Bailiff:** Deputy Ferbrache.

1255 **Deputy Ferbrache:** Well, I would use a different verb; I would not demand anything. I would speak to Guernsey Electricity, which we do, and I would say the contact with them is not necessarily from me, it is from my colleagues on the board and from officers to make sure they are doing all they can. Because the statistics that Deputy de Lisle has just read, I am not aware of those particularly, but if they are valid concerns then they will be addressed.

The Bailiff: Right, no one else is rising to ask supplementary questions.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

Air Pollution Ordinance – New legislation timescale; air quality monitoring

1260 **The Bailiff:** So we will move on to the next Questions, which are to be asked by Deputy de Lisle of the President of the Committee *for the* Environment & Infrastructure.
Deputy de Lisle again.

1265 **Deputy de Lisle:** Thank you, sir.
My first Question: failure to take action to prevent continued exceedances or address areas of increasing pollutant concentrations will lead to increasing negative health impacts on-Island. The Air Pollution Ordinance is currently being drafted which will licence and condition prescribed operations against air quality standards and objectives.

1270 What timescale is in place and when do you expect the new legislation could be introduced and in place?

The Bailiff: Deputy Brehaut.

1275 **Deputy Brehaut:** Thank you, sir, and I thank Deputy de Lisle for his Questions.

The powers and duties relating to the Environment Pollution (Guernsey) Law 2004, including those being drafted under the Air Pollution Ordinance, are exercised by the Director of Environmental Health & Pollution Regulation in his independent statutory function.

1280 The proposals to introduce an Air Pollution Ordinance were presented to the States of Deliberation in Billet d'État III in 2017, perhaps remembered as the bonfire debate but it was a little bit more than that, by the Committee *for the* Environment & Infrastructure due to the alignment of our political remit.

1285 The draft copy of the Air Pollution Ordinance has been provided to the office of Environmental Health & Pollution Regulation. This document is currently being reviewed as part of the regular legislative drafting procedure. It is likely that the Ordinance will be commenced this year, but this will be dependent upon legislative drafting priorities and the Ordinance being laid before the States.

The Bailiff: Deputy de Lisle, is this a supplementary or your next ...?

1290 **Deputy de Lisle:** Supplementary, sir, please. Thank you.

As has been stated, sir, a draft copy of the Air Pollution Ordinance has been provided to the Office of Environmental Health and is being reviewed by legislation drafting.

There appears to be an issue of priority, however. Can I ask that the legislation is given the very highest priority so that it can come before the States quickly and in short order this year?

1295 Can the President give assurance that he will work to hasten its release so that it will come forward this year for States' approval due to the continual damaging effect of air pollution on public health, the environment and the economy?

The Bailiff: Deputy Brehaut.

1300 **Deputy Brehaut:** Sir, I will certainly give a commitment to chase up the legislation, if I can put it colloquially like that.

1305 Can I just say to Deputy de Lisle, respectfully, I was a Member of Health & Social Services for some time, when David Jeffs was the Environmental Officer for Health and when Stephen Bridgman was there. There was always a concern that the risk in politicians talking up the collective community anxiety which in turn is detrimental to people's wellbeing. The air quality, the standard of air in the Vale and St Sampson's complies to Air Standards Island-wide, it is not exceptional.

1310 **The Bailiff:** Is this another supplementary?

Deputy de Lisle: That is a matter of debate, sir.

1315 The Ordinance should adopt tight pollution limits based on the World Health Organisation recommendations and give the local authority, Environmental Health, extra powers and resources to tackle all sources of air pollution. Ideally, people should be given precise and up-to-date information from live local monitors about the level of air pollution near their homes. Only then will they be empowered to take action, seek changes to benefit their health and hold politicians to account –

1320 **The Bailiff:** Are you turning this into a question at some point?

Deputy de Lisle: I ask the President, sir, Deputy Brehaut, will the Air Pollution Ordinance confer a legal right to unpolluted air for everyone in Guernsey?

The Bailiff: Deputy Brehaut.

1325

Deputy Brehaut: I posed some questions to the Director of Public Health or sorry, Mr Tobin Cook. The answer he gave me: 'Once the Air Pollution Ordinance is enacted this will give him the ability to licence Guernsey Electricity's activities as a prescribed operation'.

1330

So the legislation you are waiting for, I think, resolves the issue that you are seeking to address through these questions.

The Bailiff: Your next Question, Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

1335

The Director of Environmental Health & Pollution Regulation has recently stated that staff are looking at implementing an air quality monitoring programme and the proposed monitoring programme was to align with the implementation of legislation to control air pollution locally and the introduction of air quality standards. What is preventing air quality monitoring from happening immediately as an aid to control air pollution locally?

1340

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1345

A robust air quality monitoring programme already exists and was initially implemented in 1992. There are currently two real time permanent air quality monitoring stations on-Island and these are supplemented by the use of diffusion tubes at 11 sites around the Island and a moveable air quality pod. As such there is a wealth of historical and current data relating to air quality on Island. The Director of Environmental Health and Pollution Regulation confirmed that the air quality monitoring programme would be reviewed and not that it would be initiated, so it is in place and being reviewed.

1350

The air quality monitoring programme is reviewed annually for quality and financial purposes and this procedure will continue.

The Air Pollution Ordinance will introduce air quality standards and the monitoring programme will be reviewed to reflect the parameters and measurement periods within the standards although this does not infer that the current programme does not provide suitable oversight of air pollution locally.

1355

The Bailiff: Deputy de Lisle, you have a supplementary question?

Deputy de Lisle: Supplementary, sir.

1360

Given that the President says that we have current data related to air quality and we have air quality monitoring reviewed annually, that is not picking up the health problem around the Guernsey Electricity station. Measures are not in place currently to adequately address air pollution. Only when the Air Pollution Ordinance is enacted will we have air quality standards and objectives prescribed by legislation and we will also be able to licence and condition operations. Until then Environmental Health depends on Guernsey Electricity monitoring pollution exceedances and instances. Does the Minister agree with me that being reliant on the company to monitor itself is very unsatisfactory given the importance of public health?

1365

The Bailiff: Deputy Brehaut.

1370

Deputy Brehaut: I do not know whether being a Minister is a promotion but I will take it wherever I can get it.

1375 I want to just refer directly to information given to me by the director of that office, it says: 'Air quality data from St Sampson's and the Vale and Island-wide continues to show that local air quality is good so there should be no concerns regarding public health locally.'

1380 What Deputy de Lisle is after ... and respectfully we may all have our own opinions but having your own facts is a little different. The facts, the measurements show that there is not a problem at this time. The tool that the Office of Environmental Health & Pollution need is the enactment of the legislation to underpin any measures they can take in the future regarding any likely air pollution. But air quality is monitored on a regular basis and demonstrates through measurement that there is not a problem at this time.

1385 **The Bailiff:** Deputy de Lisle, a second supplementary.

Deputy de Lisle: Sir, to give an example of the inadequacies there were promises given in 2015 by Environmental Health & Pollution Regulation to look at implementing an air quality programme and bring in PM2.5 particulates monitoring equipment and monitor polycyclic hydrocarbons. Can the President explain why this has not been done?

1390

The Bailiff: Deputy Brehaut.

1395 **Deputy Brehaut:** I cannot, I do not have enough information at my fingertips to contradict what Deputy de Lisle is saying. Let me put it in another way. The most polluted area of this Island is Fountain Street. It is polluted by motor vehicles. The levels of pollution are very high in Fountain Street. My Committee is tasked with doing things under the Transport Strategy that resolve that issue through active travel through using the bus service and people not using single occupancy vehicles. Respectfully, Deputy de Lisle's approach is how can we get more vehicles into St Peter Port for a vibrant economy. There is a contradiction sometimes in some of these things. If he
1400 wants to deliver the best environmental outcomes then I would ask Deputy de Lisle to support every measure that my Committee brings to the Assembly in the future.

Deputy de Lisle: Which I do, sir.

1405 **The Bailiff:** Deputy Gollop. (*Interjection by Deputy Gollop*) Your microphone. ,

Deputy Gollop: Given the dichotomy, as the President explains, between areas and policy and opinion, is there any evidence beyond the anecdotal and the opinionated that the incidents of bonfires and other harmful ways of putting pollution into the atmosphere in both urban and less
1410 urban areas of Guernsey has increased due to the policies and charges of the new waste regime?

The Bailiff: I think that goes beyond the answers that you have given, so that is not a proper matter for a supplementary.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**Reciprocal Health Agreement –
Negotiations and temporary solution**

1415

The Bailiff: We will move on to the next series of Questions which are to be asked by Deputy Prow of the President of the Committee *for* Employment & Social Security.

Deputy Prow.

1420

Deputy Prow: Thank you, sir.

I also thank the President of the Committee *for* Employment & Social Security for preparing the Answer to the Questions on the former Reciprocal Health Agreement.

Sir, my first Question is: the President of the Committee *for* Employment and Social Security in her Statement to the States of Deliberation on 30th January ... referred to, and I quote:

... a replacement for the former Reciprocal Health Agreement that we had with the UK.

1425

Deputy Le Clerc went on to say, and I quote again:

... the Committee have met with visiting officials from the UK's Department for Health and Social Care on the possibility of establishing a new reciprocal health agreement between Guernsey and the UK.

– and further and I quote again:

... we aim to bring a policy letter to the States with full proposals in the next few months. I hope that this provides some reassurance to Members, and to the public, that the Committee continues to work on this as a priority.

Sir, I ask what progress has been made on this undertaking to negotiate a new agreement with the UK and produce a policy letter?

1430

The Bailiff: Deputy Le Clerc.

1435

Deputy Le Clerc: Sir, I have to correct what I think is a misunderstanding. The policy letter that I was referring to in the statement that I made in January will concern a scheme covering Guernsey and Alderney people travelling to the UK – those who find it impossible or near impossible to get medical insurance for travel. It will not be a policy letter with proposals for a two-way reciprocal health agreement.

I did indeed mention the possibility of a replacement for the former reciprocal health agreement but that would be a separate initiative. We are not in the near future talking about a like-for-like replacement, we are talking about a one way arrangement for Guernsey and Alderney resident travellers only.

1440

In my January statement I said in response to questions that we are working with External Relations on the option of a new reciprocal health agreement between Guernsey and the UK. I said that discussions had been held last year with officials from the UK Department for Health & Social Care and that those discussions had been encouraging. The President of Health & Social Care was part of those discussions, as were staff from External Relations. Employment & Social Security has become involved because of the obligation to report back on the unilateral scheme but there have been no further meetings with the UK.

1445

So I am afraid I have to report that no progress has been made regarding the possibility of negotiating a new agreement with the UK.

1450

The Bailiff: Do you have a supplementary question, Deputy Prow, or is this your next Question?

Deputy Prow: Yes, I have two supplementaries, if I may, sir.

1455 My first supplementary is please may I ask the President about what she refers to as a misunderstanding. I have the *Hansard* record in front of me, sir, regarding her January statement. In her substantive statement in January the President said:

Since my update to the Assembly representatives of the Committee have met with visiting officials UK's Department of Health and Social Care on the possibility of establishing a new reciprocal health agreement between Guernsey and the UK. The meeting was positive, and the UK's representatives were receptive to our Island's concern.

1460 Does the President accept as she raised the initiative of reciprocal health agreement talks with the UK that the public, especially the elderly and those with pre-existing conditions who wish to travel to the UK, had an expectation that this was a matter that her Committee was going to actively pursue?

The Bailiff: Deputy Le Clerc.

1465 **Deputy Le Clerc:** Well, sir, the misunderstanding was that the actively pursuing was the insurance based scheme which would just be for people visiting to the UK. I think I go on in my next Question to answer some of those questions that Deputy Prow has raised.

1470 The question of the full reciprocal health agreement will be negotiated with the UK when it is ready to negotiate and I think that will be part of the Brexit discussions, wherever we are in there. But his Committee, Health & Social Care, will be included in those negotiations and will be part of bringing that policy paper back to the States because there is a cost to that full reciprocal health agreement and it was about half a million pounds on the previous agreement that we had.

The Bailiff: Deputy Prow, second supplementary.

1475

Deputy Prow: If I may, sir.

1480 My second supplementary is: does the President now believe that bearing in mind the populations of Jersey and the Isle of Man and their visitor economies have benefited for many years from a renegotiated reciprocal health agreement, that the continuation of talks with the UK perhaps supported by Policy & Resources should be urgently continued?

The Bailiff: Deputy Le Clerc.

1485 **Deputy Le Clerc:** Well, sir, we are continuing discussions with Policy & Resources because it is their External Relations Team that arranged those initial discussions with the UK Health Authority. But as I said in my previous answer, it will be Health & Social Care that need to be part of those conversations because it will be Health & Social Care Department or Committee that will be responsible for finding the funding for the reciprocal agreement and that comes at a cost. The Isle of Man and Jersey pay and lose income on people attending A&E and their doctors; it has to be paid for by somebody.

1490

The Bailiff: Deputy Kuttelwascher, you have a supplementary question?

1495 **Deputy Kuttelwascher:** Yes. The issue of Brexit has been mentioned and I think that is significant and my question to the President is, hasn't this interest in a reciprocal health agreement been purely spawned by the fact of Brexit; and if Brexit does not happen, which is a possibility, that the UK will lose interest because they will then have the European health insurance card system in place for everywhere except Guernsey of course? So I think that is the crux of the matter and does she agree that Brexit is the issue actually here, whether or not it happens?

1500

The Bailiff: Deputy Le Clerc.

1505 **Deputy Le Clerc:** Well, Brexit is an issue and I think it has raised this issue within the UK government. But we must remember that Jersey and the Isle of Man have got an agreement; it is not the original agreement that was signed many years ago and I think the Health Authority in the UK are more inclined to be open to negotiations where those negotiations were completed closed and the door was shut several years ago.

So, yes, I think it is dependent on some of the Brexit work, but I think that door is ajar for us to still pursue the reciprocal health agreement.

1510 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1515 Would Deputy Le Clerc agree with me that it is not really for her Committee, given its responsibilities to address the issue of whether visitors from the UK are able to obtain medical treatment while they are in Guernsey; it may be a matter for other committees but not her Committee. However, her Committee has given a commitment that it would act to try to ensure that there is insurance cover for local residents who presently are unable to travel to the UK because of prohibitively expensive insurance. That being the case, is Deputy Le Clerc able to advise the States when her Committee will come to the States with proposals to deal with that narrower issue where her Committee does have responsibilities and where commitments have already been made?

The Bailiff: Deputy Le Clerc.

1525 **Deputy Le Clerc:** I will be responding to that question in Questions that come out from Deputy Prow.

1530 Really Employment & Social Security have got involved in this because of this, and it was Deputy Fallaize's amendment asking us to investigate an insurance-based scheme paid from the Health Insurance Fund. So our involvement in this reciprocal health and the insurance fund is purely as a base fact that we had an outstanding amendment which we are working on.

The Bailiff: Deputy Soulsby.

1535 **Deputy Soulsby:** Sir, would the President agree with me that we should not get hung up about which committee is responsible for this, that and the other? (**Several Members:** Hear, hear.) I think it is actually a responsibility of various committees and little bits fall within various ones including her Committee, Policy & Resources; and really we should be taking advantage that it is Brexit that has led to us being able to get a shoe in and start the reciprocal health agreement and in fact that we are going to be considered alongside the Isle of Man and Jersey for future reciprocal health agreements, because basically everything is up in the air at the moment and, contrary to what Deputy Kuttelwascher said, probably the only one benefit of Brexit is that the UK are going to have to be running around trying to find other countries in which to receive reciprocal health agreements when the E-HIC disappears.

1545 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Yes, I do agree with Deputy Soulsby that it is for all the committees to be working together and that is why I have been working very hard with Health & Social Care and with the External Relations Team to put things forward as best that we can.

1550 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1555 Would Deputy Le Clerc not agree it is worth reminding the Assembly that there was no failure of negotiation with regard to reciprocal health; the fact was the UK government pulled out and in all of these discussions we assume that there is a reciprocity – in other words, that there is a partner out there willing to work with Guernsey, and in fact that partner walked away and did not enter into negotiations?

1560 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Yes that is correct, sir.

1565 In 2009 the UK government decided to end the long-standing reciprocal health agreements which had operated since 1976 and it was in 2010 that a revised form of that reciprocal agreement was negotiated with the Isle of Man and with Jersey but it was a very different agreement to the original one from 1976.

The Bailiff: Deputy Fallaize.

1570 **Deputy Fallaize:** Thank you, sir.

1575 Would Deputy Le Clerc agree with me that it is not a question of worrying about which committees have responsibility, it is a question of trying to get in place as quickly as possible an insurance scheme so that local people who are currently unable to travel to the UK can travel to the UK, and that by messing around with discussions which may or may not bear fruit some years in the future in relation to a replacement reciprocal health scheme, the only effect of doing that instead of dealing with the narrower issue of insurance for local people is that fewer local people are able to travel to the UK than would be the case otherwise? And is the urgent need not to get on with putting in place an insurance scheme for local people and worry about a reciprocal health scheme, and which committee is responsible for it, and how it might come about, and what it might cost, some years in the future?

The Bailiff: Deputy Le Clerc.

1585 **Deputy Le Clerc:** Well actually, I think it is important to pursue both avenues, and I want to say that part of the reason that there has been delay is because we are prioritising our work, and as Deputy Parkinson said earlier in his responses to statements, we have got finite resources, and we are putting our priority into the discrimination legislation, secondary pensions, long-term care funding, as well as our business-as-usual, our annual uprating report, minimum wage, and as Deputy Fallaize knows, we are also working on an outstanding Resolution on Family Allowance.

1590 So I think we are like all committees, our resources are absolutely stretched but we will work on this and endeavour to get something back to this Assembly as soon as possible.

The Bailiff: Deputy Gollop.

1595 **Deputy Gollop:** Another supplementary.

1600 But is it not also the case that to satisfy Deputy Fallaize and many other Members of the States, Employment & Social Security would be obliged to work particularly with Policy & Resources to ensure that there is taxpayers' money available to underwrite the inevitable, even if slight, risk of such a scheme being more expensive in one year than another? So in other words, should we not be testing the appetite of all Members for the stick as well as the carrot?

The Bailiff: Deputy Le Clerc.

1605 **Deputy Le Clerc:** Well, I am not certain which scheme Deputy Gollop was actually talking about, but our outstanding Resolution on the insurance-based scheme would be from the Health Insurance Fund and we will be bringing that proposal back to the States.

But the question on a reciprocal health agreement would be where that funding comes from – does it come from the Health Insurance Fund or does it come from general revenue?

1610 **The Bailiff:** Deputy Dorey.

1615 **Deputy Dorey:** Does the President agree with me that even under the previous reciprocal health agreement people still needed to take out travel insurance, because the biggest risk they took was having to travel back to the Island by air ambulance and that was never covered by any reciprocal health agreement? So the need for health insurance was there then and is still there now.

The Bailiff: Deputy Le Clerc.

1620 **Deputy Le Clerc:** Absolutely, I agree with Deputy Dorey. Yes, it did exclude repatriation, and that is one of the most expensive areas and expensive costs, and even with the draft of the insurance scheme that I have seen we are still saying it is only for those people that cannot obtain insurance and we would still be saying to people that you must try and obtain insurance, and if it is only at not a reasonable cost that we would be able to provide some cover.

1625 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I have much interest in this particular topic.

1630 What I would like some clarity on from President Le Clerc is there is one outstanding States' Resolution and there is also the more broad question of the reciprocal health agreement. Deputy Le Clerc has said it will come back to this Assembly I would like to know when, sir?

Thank you.

1635 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: I am afraid I cannot give that answer because, as I said to a previous question, we have got so many priorities and only limited resources. I would hope that we would get it back within this term.

1640 **The Bailiff:** Deputy Soulsby.

1645 **Deputy Soulsby:** Sir, yes, when it comes to the reciprocal health agreement would the President agree with me that whether we had all the resources in the world to deal with it we are still dealing with a country that is in complete meltdown over what it is going to do and where it is going to be by October next year? So I do not think that this is actually going to be the UK's priority at this present moment in time.

The Bailiff: Deputy Le Clerc.

1650 **Deputy Le Clerc:** I agree that the full reciprocal health agreement will not be the UK's priority at this time, but the insurance is in the hands of ESS and we must try to work to bring that policy paper back to fulfil that outstanding Resolution.

1655 **The Bailiff:** Your second Question, Deputy Prow.

Deputy Prow: Thank you, sir.

My second Question is: in the same statement I referred to on 30th January 2019 the President said, and I quote:

Meanwhile it remains important to provide a solution for those who are unable to obtain medical cover for travel to the UK at a reasonable cost. So we are determined to find a temporary solution that will provide a basic level of protection for those people.

The Committee will be proposing an in-house scheme is created as an interim measure.

What progress has been made with regard to this temporary solution?

1660

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

1665 The interim solution is indeed the policy letter that we are working on which I said we would bring to the States. We do remain committed to providing a solution for Guernsey and Alderney residents who require medical treatment while travelling in the UK but who cannot obtain medical insurance. Unfortunately, having necessarily had to reallocate staff priorities, this matter has not been progressed since my January update.

1670 I was to assure Deputy Prow that this is a source of frustration to the Committee and to the staff, but I have to acknowledge that this matter, while important, ranks below discrimination legislation, secondary pensions, and long-term care financing in our development priorities.

The Bailiff: Is this a supplementary, Deputy Prow?

1675 **Deputy Prow:** I have two supplementaries.

My first one is this. Sir, I thank the President for her very frank response regarding the policy letter which she described in her statement to the Assembly as an interim solution.

1680 My point is as she described it as an interim solution, does that not imply that the full solution is some sort of reciprocal agreement with the UK, and if it is not, what will the final solution look like?

The Bailiff: Deputy Le Clerc.

1685 **Deputy Le Clerc:** Well, I have regarded it as an interim solution because judging from the responses and the questions I have received I see this Assembly seeing that the full reciprocal health agreement would be the desired outcome, but as I say, it has to involve discussions with the UK and they will be ongoing. So I think the insurance scheme potentially would be an interim solution but ultimately it would be for this Assembly to decide how they wanted to fund that and whether they thought it was appropriate at that time.

1690

The Bailiff: Your second supplementary question.

Deputy Prow: Yes, thank you, sir.

1695 Following on from the supplementary question from Deputy Merrett, I appreciate the President in her response has outlined the pressures on her Committee, which I accept, and that the Committee have ranked the priority of a policy letter below the others she has mentioned, despite informing the Assembly in January that it would come to the States, and I quote, 'in the next few months.'

1700 Please could I now press the President to be informed and give some sort of guideline to this Assembly when we can expect that policy letter?

Thank you, sir.

The Bailiff: Deputy Le Clerc.

1705 **Deputy Le Clerc:** Sir, I am unable to commit to a time deadline to bring back that policy letter.

The Bailiff: Deputy Laurie Queripel then Deputy Yerby.

Deputy Laurie Queripel: Thank you, sir.

1710 When Deputy Fallaize and I laid the amendment that led to the idea of an interim scheme being set up we did have meetings with the then Social Security Department and we were told it would be quite a simple scheme to set up. So what has changed since then? Is it just a matter of staff resources or are there other issues involved that have caused the complication and the delay?

1715 Thank you, sir.

The Bailiff: Deputy Le Clerc.

1720 **Deputy Le Clerc:** Well, I think it was naïve to think that it would be just simple to start off with, and we have had ongoing discussions with people in the insurance industry both in Guernsey and in the UK; we have had ongoing discussions with Policy & Resources, and it is far more complex than one was led to believe initially. We think now we have got the solution but there will be *how* we administer that, and again even something as simple as understanding who is being denied insurance, and what is a reasonable amount to pay for that insurance, and therefore who should
1725 be eligible because the – I have forgotten what the word is – insurance premium is too high. So I think when you go into the detail the devil is always in the detail as it has been with this scheme.

The Bailiff: Deputy Yerby.

1730 **Deputy Yerby:** Sir, Deputy Queripel stole my thunder somewhat but would the President agree with me that when the Committee took its seats we assumed it would be a matter that could be resolved fairly speedily but matters of technical complexity, of regulatory complexity, of determining eligibility, of deciding how the scheme can be funded, delivered and underwritten have all delayed its delivery. It is not simply a matter of prioritisation of resources but of resolving
1735 something that has proven to be far more complex than was seen on the surface that has delayed the Committee's ability to report back on this.

A Member: Hear, hear.

1740 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Yes, I absolutely agree with my colleague, Deputy Yerby, and you would think from an Island that is responsible for financial services and sells financial services that there would have been people queuing up in the insurance industry to provide this and unfortunately
1745 that is not the case when we go out to tender, and is the case when many of our committees go out to tender that actually you do not have the uptake, so that also created additional delays in us coming back to the Assembly.

The Bailiff: Deputy Fallaize.

1750 **Deputy Fallaize:** Would Deputy Le Clerc agree with me that the original Resolution related to the scheme being run through the existing Medical Health Insurance Scheme and that that is the proposal now that the Committee is going to come back to the States with after going many times around the houses and trying to set up something with some private insurance firm?

1755 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Yes, that is the case, Deputy Fallaize, but you have to look at all the ... if we had come back with just one offering and saying, 'Here we are, go through the Health Insurance Fund, I am sure there would have been amendments from this Assembly saying, 'Actually, can you go out and have a look at business to see whether they can offer it in a more affordable way?' So we had to go through the pain to get back to where we started.

The Bailiff: Deputy de Lisle.

1765 **Deputy de Lisle:** Sir, can I ask whether there is some discrimination against Guernsey here because the Isle of Man and Jersey were quick to get a renegotiated deal and yet Guernsey is still laggard and waiting for some resolution to this. Can I ask the Deputy whether in fact there is some issue with regard to Jersey and the Isle of Man getting approval for a reciprocal agreement yet Guernsey is still waiting for such?

1770 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: No, it is not. We are not being discriminated against, we would have had the ability to join the new scheme, the revised scheme, in 2010 and it was a decision of HSSD at that time to not go ahead (*Interjection*) because – or the States of Guernsey, I have been corrected by Deputy Soulsby, the States did not go ahead at that time because there was a cost of almost half a million from general revenue and I do not think the case was proved that it was worthwhile to the Island at that time, and I think if you think back to 2010 all committees were looking at where savings could be made. So I think it was a decision of this Assembly to opt out of the scheme rather than us being discriminated against.

The Bailiff: Deputy Prow, your third Question.

Deputy Prow: Thank you, sir.

1785 My third Question is this: during questions on her statement that I have referred to, Deputy Le Clerc agreed that the reciprocal agreement was successfully negotiated by Jersey and the Isle of Man but in those islands that agreement not only covers islanders when travelling to the UK, but protects their visitor economies by providing those visitors with cover. Deputy Le Clerc indicated that this element and costs would form part of the policy letter to the States. I again ask: what progress has been made on this part of the negotiations with the UK?

The Bailiff: Deputy Le Clerc.

1795 **Deputy Le Clerc:** Sir, I think it would be obvious from my Answers to the first two Questions and subsequent questions that the policy letter that we will bring to the States will not cover the detail around a possible reciprocal health agreement with the UK, nor address impact on the visitor economy. Whether or not there is an opportunity for Guernsey to have a reciprocal health agreement with the UK at an acceptable cost will have to await the outcome of Brexit and the UK's willingness to replace arrangements with other countries and territories. As said, the indication that we received from officials when we met last September was positive.

1800 My Committee will continue to work with colleagues from the Committee *for* Health & Social Care with the assistance of External Relations to resume discussions with the UK as soon as the opportunity arises.

1805 **The Bailiff:** Are there any more supplementary questions?
Deputy Prow.

Deputy Prow: Thank you, sir.

I just have one, you will be pleased to know, sir.

1810 Please could I ask the President about her mention of Brexit and in particular awaiting the outcome which, sir, is a very depressing thought.

Does the President agree with me that the UK have in fact opened up an opportunity now to enter into negotiations on reciprocal health – a position both the other Crown Dependencies have achieved very many years before the UK invoked Article 50?

Thank you, sir.

1815

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Sir, I think I have already answered that question in my response to other questions.

1820

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

1825 Alarm bells rang then, sir, when Deputy Le Clerc advised us that she was in talks with HSC. I would implore and ask and request to Deputy Le Clerc that she actually gets into conversations with Economic Development and with Policy & Resources in this opportunity.

The Bailiff: Deputy Le Clerc.

1830

Deputy Le Clerc: Well, sir, my understanding is that the External Relations team are part of Policy & Resources so we are already in discussions with them. With regard to Economic Development I expect that if we have further talks we can invite Economic Development along to those meetings because I am hearing here it is an important part of the visitor economy offering and we will look at that in the round, but as I say there will come a cost to that so again that will be part of that, I expect, business plan – an argument for the reasons for the agreement.

1835

The Bailiff: Deputy Le Tocq.

1840 **Deputy Le Tocq:** For completeness, sir, would Deputy Le Clerc agree with me that in fact during the last Assembly when I was Chief Minister and certainly in my current role we have been banging on doors in Whitehall asking for the opportunity for a reciprocal health agreement, the answer has been no, no, no, no, no, no, no, no and then possibly last year, and now that the door is open discussions can take place but only at the pace at which the UK government is willing to work, and that is the issue?

1845

The Bailiff: Deputy Le Clerc.

1850 **Deputy Le Clerc:** That is exactly the issue. We can only work at the pace that our colleagues in the UK are willing to work with us and as we know they have these – that is why we have mentioned Brexit, they have these – other priorities.

The Bailiff: That concludes Question Time.

**Welcome to
delegates from BIMR CPA Conference**

1855 **The Bailiff:** Just before we move on I would like to welcome to the Public Gallery some delegates who attended the very successful CPA Conference of the British Islands and Mediterranean Region that concluded yesterday. Thank you for visiting this Island. Thank you for coming today, and thank you for your contribution to the conference.

Thank you very much. (*Applause*)

1860 Greffier, we move on.

Billet d'État VIII

DEVELOPMENT & PLANNING AUTHORITY

I. Election of the President of the Development & Planning Authority – Debate commenced

Article I.

The States are asked:

To elect a sitting Member of the States as President of the Development & Planning Authority to complete the unexpired term of office (that is to the 30th June 2020) of Deputy J. A. B. Gollop who has resigned that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation.

The Deputy Greffier: Article I – Election of the President of the Development & Planning Authority.

The Bailiff: Do we have any nominations?

1865 Deputy Gollop.

Deputy Gollop: Sir, in my last role as leaving President I wish to propose my able Vice-President, Deputy Dawn Tindall, for the role.

1870 **The Bailiff:** Do we have a seconder?

Deputy Lester Queripel: Sir, I gladly second that nomination.

The Bailiff: Deputy Lester Queripel.

1875 Do we have any other nominations? No.

Well, under the Rules now I must invite the candidate and the proposer, or the proposer first to speak for not more than five minutes, and then the candidate to speak for not more than 10 minutes.

Deputy Gollop.

1880

Deputy Gollop: Thank you very much, sir.

I indeed have worked with Deputy Dawn Tindall extensively in this term on diverse committees including the Transport Legislation Authority etc.

1885 But I first met Deputy Tindall when she first moved to Guernsey – I think it was in the Yacht Club, I cannot remember – many years ago, and having then had the opportunity of getting to know her and her commitment not just as a solicitor in England & Wales but as a well-known activist with the Citizens Advice Bureau, I recommended her for the role as a non-States' member of the then Legislation Select Committee and a few years later we got our wish. In 2012 she was duly elected.

1890 In May 2016 Deputy Tindall joined me on the Development & Planning Authority and was elected as Vice-President after a contest. Since then Deputy Tindall has not only worked diligently to fulfil the mandate of the Development & Planning Authority but also to promote a better comprehension of it and aspects of it such as the community plans by other Members of the States and in the public domain.

1895 The policy making role of the Development & Planning Authority was self-evident despite some initial confusion during the reshaping of Government from October 2016 when the Assembly clearly debated the Island Development Plan.

1900 Deputy Tindall, as we can recall, worked tirelessly supporting me not only in discussing the amendments with proposers and seconders but also in presenting the DPA's position on each of the many amendments lodged during that debate. I was summing up after those debates because on occasion I think I disagreed with the official position of the Committee but we will not go on to that.

1905 Since then all of us on the DPA have worked to embed the Island Development Plan, initially with Deputy Smithies and subsequently Deputy Leadbeater and then when Deputy Lester Queripel after three years of active work resigned with Alderney Representative Alex Snowdon.

Deputy Tindall has throughout applied herself with all due diligence to her role as Vice-President energetically contributing to the work of the Committee and occasionally chairing when I went off to diverse medical appointments and whatever.

1910 Those first two years were mainly devoted to the new Island Development Plan but Deputy Tindall also placed emphasis on the importance of the Committee having the right skills sets through training and on improving our efficiency. Many of us, for example, undertook monitoring and induction papers and shadowed officers around. I could still benefit from that, I think.

1915 She also diligently reviewed all the documents including draft policies, occasionally actually redrafting them, which the Committee approved, press releases and minutes; and also ensured that other committees' policy letters and statements which affected the DPA were properly considered, and her subsequent membership of Economic Development, for example, has significantly helped that process, with suitable amendments she has laid and robust comments made.

1920 I think we all know Deputy Tindall is not a namby-pamby kind of politician, she is very focussed and she is very straight with her views and will not cover something up with ambivalent amendments or whatever.

1925 Deputy Tindall has also been a keen supporter of making sure that the work of the DPA is communicated to the public and regularly gives television and other media interviews, by encouraging appropriate media releases, presentations and attendance by the Douzaine. Indeed she sits on a St Peter Port working party and I believe the Douzaine working party of Policy & Resources and she observes at DPA meetings to ask questions and to feed back their views. In fact Deputy Tindall is a rare example of a Member who frequently attends as an observer of other committees to gain insight in how we should be chairing meetings.

1930 The work of the DPA is of course not just about myself, Deputy Tindall has encouraged a lot of communication, she very much wants the Committee to work in a more collegiate approach and for everybody's opinion to be respected both at the meetings and through emails and through following up and reviewing supporting documents.

1935 She has always been a vocal supporter of the importance of appreciating the professionalism and probity of the planners and all that they do. She knows that we are lucky to have such excellent staff and receives great support.

Whilst keen to appreciate the planning team, Deputy Tindall though, is never shy in challenging their views, or indeed other States' Members' views, and by having such a thorough understanding of the planning framework this means that what some may accept Deputy Tindall has pushed back to get a change and clarity of outlook.

1940 Whilst all of us on the Committee accept planning legislation and policies –

The Bailiff: Your five minutes is up Deputy Gollop.

Deputy Tindall may now speak for not more than 10 minutes.

1945 **Deputy Tindall:** Thank you, sir.

I will start by firstly thanking both Deputy Gollop for proposing me and Deputy Lester Queripel for seconding me. I have been honoured to work with both as Members of the DPA and in particular I thank Deputy Gollop for his hard work over the last three years navigating the difficult waters of what is the world of development and planning.

1950 I have put myself forward as a nominee for the role of President of the DPA because having spent the last three years helping with the bedding in of the Island Development Plan (IDP) I wish to lead the Committee into the next stage.

1955 It will not be easy as there is clearly a difference of opinion of what the next stage is. In my view what is needed is measured but effective action, action that takes account of concerns raised by both members of the public and Members of this Assembly, and most importantly action that balances competing demands. I believe that all those who contributed to the Island-wide consultation exercise known as Guernsey Tomorrow should not be ignored by changing the IDP wholesale. I do not believe that change should be done without consideration of all those affected and without a proper understanding of exactly how they are affected. I certainly do not believe in

1960 throwing out the baby with the bathwater.

The DPA mandate requires us:

To advise the States on land use policy and to develop and implement land use policies through development plans and any other relevant instruments.

That includes the IDP and by adhering to the policies in the IDP we are fulfilling that responsibility a responsibility I take seriously.

1965 Until the IDP is changed we as a Committee are under this obligation. The obligations also include reporting back on whether the States-approved IDP is working as the States directed it to do when it approved it unanimously after many amendments in November 2016.

We have returned to the States to debate the factual findings of the first Annual Monitoring Report which gave the opportunity for this Assembly to air their views. Those views and those of the public have been heard and are being acted upon.

1970 Whilst the AMR did not indicate evidence for change in the policies clearly there were enough voices asking for change. In response the DPA have approved the principles contained in an action plan which includes changes that can be looked into at the five-year review including GP11 affordable housing and tariffs in lieu. Quick wins actions which can rectify or clarify concerns without the need to go to full planning inquiry and communication plan. However, this needs

1975 resources – resources that have not been available to the Committee, which has meant that I have actually had to work up the action plan myself in the last six months. So if I am elected President I will be seeking for us to lay an amendment to the P&R Plan to get these resources.

We are also tasked with determining:

... development applications of all kinds, including planning, building control, protected buildings and scheduled sites.

This includes:

1980

... schemes of delegation in order that only the most contentious or high profile or atypical development control applications are referred to the elected members of the Authority, and when they are so referred to ensure that they are heard at open planning meetings held in public.

In fulfilling that role in the mandate we have followed the published scheme of delegation and held open planning meetings when the criteria are fulfilled. In order to ensure the criteria are appropriate as to when OPMs are held, I repeat my request to all Members here today for input into this delegated authority and I also extend this to the public, as a review is certainly on the list of my priorities if elected.

1985

Also some consider an open planning meeting should be held in public – all of it. (**Several Members:** Hear, hear.) I agree. The trial should end. Our decision-making discussions should be heard by both applicant and representors. Why else have such meetings? (**A Member:** Hear, hear.)

1990

However, I have made it clear that if the DPA is to continue to adjudicate planning applications then members should be given even more robust training to ensure that the decisions we make are well considered and least likely to have ground for appeal so saving time and costs.

1995

With respect to appeals I would also like to see the possible extension of the role of the planning panel to hear appeals from the planning service direct, improvements such as the way in which they deal with representations, and the inclusion of third-party appeals but I am mindful of the need to:

... be aware of the powers, duties and limits of the committee's mandate and to respect and not to undermine the mandates of other committees of the States;

As these are matters for E&I I do not propose to lay a requête taking up valuable officers' time when we need them to do the work of our own mandate. (*Interjections*) and that leads me to one of the important, perhaps sometimes forgotten, responsibilities. The DPA must be:

... accountable to the States for the management and safeguarding of public funds and other resources entrusted to the committee;

2000

The DPA has consistently said that we have seen no evidence through the monitoring of the plan that the policies need to change. In order to change the IDP in any major way there has to be evidence and a credible alternative.

2005

There are though, in my view, some exceptions such as policies relating to visitor accommodation and policy GP11. In my mind there was evidence in November 2016 and already through the 2018 annual monitoring of the IDP highlighting concerns about the supply of land for affordable housing which we really need to address.

2010

However, despite this there is still good reason to take a look at the changes that people are seeking. One such major change would be local prioritisation of brownfield over greenfield and looking at this in part of the DPA's proposed action plan and would be in the five-year review of housing and employment land. I strongly believe that when having a public inquiry we ensure it is value for money and look at as many matters as we can at the same time.

2015

Some have asked for a review of the IDP earlier than November 2021, the date when it is due. However, as it is a big piece of work which requires an evidence-based approach and a public inquiry, we have started scoping that out.

2020

The IDP was approved in 2016. Members in the next term will look at the five-year review and the Assembly after that will look at replacing the IDP on its 10-year conclusion.

Many of the criticisms the DPA faced have included operational matters. Naturally we have all struggled with the thorny issue of how much do we interfere with that. Whilst it is important for the DPA, being a political body, to oversee the Planning service it is important we do not delve into operational matters wholesale. By viewing the IDP the criteria which planners supply, the supplementary guidance and delegated authority DPA can influence operational matters and that we need to do robustly to ensure confidence in the Planning service.

2025 We need to be accountable to the States but we also need to make sure we make clear what exactly is in the IDP and what is not, and I thank wholeheartedly the Planning service for all their hard work and support.

By continuing to listen to peoples' concerns, by clarifying where we can be at meetings with individuals, at pre-application consulting with community groups such as Douzaines, the Channel Island Occupation Society, *Société Guernesiaise* and many other on-Island specialists and by incorporating change where change can be made without disregarding the consultation exercise under Guernsey Tomorrow I would be following in the footsteps of Deputy Gollop, if elected as President.

2030 However, I believe we sorely need to have a communication plan, one that addresses concerns and misunderstandings at the earliest possible opportunity by taking a pro-active approach with clear messaging, one that follows up on the recommendation I put forward many months ago to hold seminars to promote community plans. This has not happened due to a lack of resources, so those workshops and the ability to undertake pro-active communication is also included in the action plan.

2040 In all that the DPA has done in the last three years and which if elected to President would continue to do, we need to be open and transparent and we need to work to support the States' policy objectives, be it such as the Economic Development Strategy or the Partnership of Purpose but we also need to ensure that we follow the States' direction in respect of the planning policies. It is a fine line which needs good navigation in choppy seas and with my cross-committee work that I have done I think I am well placed to take this forward into the last year of this term.

2045 I ask you to support my nomination and elect me as President of the Development & Planning Authority.

Thank you, sir.

2050 **The Bailiff:** Well, Members, I remind you that as there is only one candidate there is no opportunity to ask questions of the candidates. Had there been more than one we would now have questions, but the Rules do not provide for that where there is a single candidate.

Normally we would go straight to the vote on an *aux voix* vote, but in a move that I think is unprecedented, quite exceptional, I have had several requests for a recorded vote, and a recorded vote would normally be an open vote, as you are aware.

2055 The Rules provide that where there is more than one candidate voting should be by secret ballot. It seems to me it would be consistent with the spirit – the Rules just do not envisage a situation where we have a recorded vote on a single candidate, but it would be in my view consistent with the spirit of the Rules that it should be a secret ballot.

2060 So what I am going to put to you is a motion that the recorded vote that has been requested shall be by secret ballot. I put to you that motion that the recorded vote shall be by secret ballot. Those in favour; those against.

Members voted Pour.

2065 **The Bailiff:** Well, clearly, that is carried. So there will now be a secret ballot on the proposal that Deputy Tindall be elected as President of the Development & Planning Authority. She has been proposed by Deputy Gollop and seconded by Deputy Lester Queripel. If you favour her election write her name on the voting slip; if you do not, return a blank paper or return a spoilt paper, but if you favour her nomination put her name on the voting slip. Deputy Tindall.

There was a secret ballot.

The Bailiff: While those votes are counted we can move on with the next election, Greffier.

**II. Election of Members of the Ladies' College Board of Governors –
Advocate Caroline Chan, Mr Brian Acton,
Mrs Catharine Walter and Dr Mary Short elected**

Article II.

The States are asked:

(1) To elect Advocate Caroline Chan who has been nominated by the Board of Governors as the Chairman of the Ladies' College Board of Governors to replace Mrs Kathryn Richards whose term of office will expire on the 31st May 2019 and who does not seek re-election.

N.B. Nominations cannot be made from the floor of the Assembly.

(2) To elect a member of the Ladies' College Board of Governors, who need not be a member of the States, to replace Advocate Caroline Chan whose term of office will expire on 31st May 2020, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.

N.B. Nominations may be made from the floor of the Assembly.

(3) To elect a member of the Ladies' College Board of Governors, who need not be a member of the States, to replace Mrs Catharine Walter whose term of office will expire on 31st May 2019, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.

N.B. Nominations may be made from the floor of the Assembly.

(4) To re-elect Dr Mary Short for a further term as a member of the Ladies' College Board of Governors, who has been nominated in that behalf by the Committee for Education, Sport & Culture, on the expiry of her current term of office on 31st May 2019.

N.B. Nominations cannot be made from the floor of the Assembly.

The Deputy Greffier: Article II – Elections of Members of the Ladies' College Board of Governors.

2070

The Bailiff: The first Proposition is to elect a Chairman of the Board of Governors of Ladies' College and Advocate Caroline Chan has been proposed. Do we have a proposer and a seconder?

2075

Deputy Soulsby: Yes, I would like to propose Advocate Chan, please, sir.

The Bailiff: And is there a seconder?

Deputy Le Clerc: Yes, I will second Advocate Chan.

2080

The Bailiff: That is Deputy Soulsby proposing, Deputy Le Clerc seconding. Nominations cannot be made from the floor of the Assembly.

So we go straight to the vote and this time hopefully *aux voix*. Those in favour of electing Advocate Caroline Chan as Chairman of the Board or Chair of the Ladies' College Board of Governors. Those in favour; those against.

Members voted Pour.

2085

The Bailiff: I declare her elected.

Which means we move on to the second Proposition which is to elect a member of the Board of Governors to replace Advocate Chan whose term of office will expire on 31st May next year.
Deputy Soulsby.

2090

Deputy Soulsby: Sir, yes, I would like to propose Mr Brian Acton.

The Bailiff: Brian Acton, proposed by Deputy Soulsby and seconded by Deputy Le Clerc.

Deputy Le Clerc: Yes, sir.

2095

The Bailiff: Any other nominations? On this occasion nominations may be made from the floor of the Assembly. No?

We have a single candidate then: Brian Acton proposed by Deputy Soulsby, seconded by Deputy Le Clerc. Those in favour; those against.

Members voted Pour.

2100

The Bailiff: I declare Mr Acton elected.

Next to elect a member of the Ladies' College Board of Governors to replace Mrs Catharine Walter whose term of office will expire at the end of the month and who is eligible for re-election. Deputy Soulsby?

2105

Deputy Soulsby: Yes, sir, I would like to propose Mrs Catharine Walter.

The Bailiff: Catharine Walter, yes. Deputy Le Clerc, you second?

Deputy Le Clerc: I second that.

2110

The Bailiff: Any other nominations? No.

We vote on the re-election of Mrs Catharine Walter as a member of the Ladies' College Board of Governors. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare her re-elected.

2115

Finally, to re-elect Deputy Mary Short for a further term on the expiry of her current term of office at the end of the month and in this case nominations cannot be made from the floor of the Assembly.

A Member: You said Deputy –

2120

The Bailiff: Did I say Deputy Mary Short? I meant Dr Mary Short, sorry. I apologise, Dr Short, if you are listening ... (*Laughter*) Dr Mary Short. Again proposed by Deputy Soulsby –

Deputy Soulsby: No, sir. I think this has to be proposed by the Committee *for* Education, Sport & Culture.

2125

The Bailiff: Oh, this is ESC's nomination, you are right. Thank you for reminding me.

Deputy Fallaize: Yes, sir, I am pleased to propose De... (*Laughter*) It is contagious! Dr Short.

2130

The Bailiff: It is contagious. So ESC are proposing De... Dr Mary Short. (*Laughter*) We go to the vote on the proposal to elect (*Interjection*) Dr Mary Short – well, Deputy Dudley-Owen is seconding but it is ESC's...

So the proposal is to re-elect Dr Mary Short as a member of the Ladies' College Board of Governors. Those in favour; those against.

2135

Members voted Pour.

The Bailiff: I declare her elected.

**Election of the President of the Development & Planning Authority –
Deputy Dawn Tindall elected**

2140 **The Bailiff:** I have just been handed the result of the secret ballot, the election of Deputy Tindall as President of the Development & Planning Authority, and there were 20 votes in favour and 18 spoilt papers. I declare her elected. *(Applause)*

**III. Administrative Decisions (Review) (Guernsey) Law, 1986
Election of Chairman and Deputy Chairman of the Panel of Members –
Deputy Christopher Green and Douzenier Richard Heaume MBE re-elected**

Article III.

The States are asked:

To elect, in accordance with the provisions of section 4(2) of the Administrative Decisions (Review) (Guernsey) Law, 1986:

- 1. A Chairman of the Panel of Members, who shall be a sitting member of the States of Deliberation and who has held a seat in the States for a period of three years or more, to fill the vacancy which will arise on 1st June, 2019, by reason of the expiry of the term of office of Deputy Christopher Green, who is eligible for re-election; and*
- 2. A Deputy Chairman of that Panel, who shall be one of the Deans of the Douzaines but who shall not have a seat in the States, to fill the vacancy which will arise on 1st June, 2019, by reason of the expiry of the term of office of Douzenier Richard Heaume MBE, who is eligible for re-election.*

The Deputy Greffier: Article III, Administrative Decisions (Review) (Guernsey) Law, 1986 – Chairman and Deputy Chairman of Panel of Members.

The Bailiff: Deputy Trott.

2145

Deputy Trott: Sir, I doubt that neither Deputy Green nor, for that matter, Douzenier Heaume would describe these roles as particularly onerous but notwithstanding that they have discharged their roles with distinction and as a consequence, sir, I am very happy to ask the Assembly to re-elect Deputy Christopher Green as Chairman and Douzenier Richard Heaume MBE as a member of this review panel.

2150

Thank you, sir.

The Bailiff: No, I think as Deputy Chairman.

2155

Deputy Trott: As Deputy Chairman, indeed.

The Bailiff: So that is proposed by Deputy Trott and seconded –

Deputy Le Tocq: If I may, sir.

2160

The Deputy Bailiff: – in both cases by Deputy Le Tocq.
Are there any other candidates for either role? No.

2165 In that case I will put both of them to you together – the proposal to re-elect Deputy Green as the Chairman of the Panel of Members and Douzenier Richard Heaume MBE as the Deputy Chairman of the Panel. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them both elected.

LEGISLATION LAID BEFORE THE STATES

The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
The Import Duties (Tariff and Related Provisions) (Bailiwick of Guernsey) Ordinance, 2019;
The Companies (Panel on Takeovers and Mergers) (Brexit) (Guernsey) Regulations, 2019;
The Companies (Regulation of Auditors) (Brexit) (Guernsey) Regulations, 2019;
The Lighting of Vehicles and Skips (Exemptions) Order, 2019;
The Road Traffic (Trailer Registration) Regulations, 2019;
The Customs and Excise (Safety and Security) (Export) (Bailiwick of Guernsey) Regulations, 2019;
The Liquor Licensing (Fees) (Amendment) Regulations, 2019;
The Companies (Recognised Stock Exchanges) Regulations, 2019;
The European Union (Modification and General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2019;
The Communications, Broadcasting and Wireless Telegraphy (Brexit) (Bailiwick of Guernsey) Regulations 2019;
The Bees (Importation and Prevention of Disease) (Brexit) (Amendment) (Guernsey) Regulations, 2019;
The Animal Health (Brexit) (Amendment) (Guernsey) Regulations, 2019;
The European Communities (Food and Feed Controls) (Brexit) (Guernsey) Regulations, 2019;
The Cash Controls (Specified Amount) (Brexit) (Bailiwick of Guernsey) Regulations, 2019;
The Export Control (Brexit) (Bailiwick of Guernsey) Regulations, 2019;
The Medicines (Human and Veterinary) (Brexit) (Bailiwick of Guernsey) Regulations, 2019;
The Customs and Excise (Approved Ports and Customs Declarations) (Bailiwick of Guernsey) Regulations, 2019;
The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018 (Commencement) Regulations, 2019;
The Customs Transit Procedures (Bailiwick of Guernsey) Regulations, 2019;
The Seat Belts (Exemptions) Order, 2019; The Merchant Shipping (Commercial Vessels) (Safety and Crewing) (Guernsey and Sark) Regulations, 2019

2170 **The Deputy Greffier:** The following legislation is laid before the States: The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019; The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019; The Import Duties (Tariff and Related Provisions) (Bailiwick of Guernsey) Ordinance, 2019; The Companies (Panel on Takeovers and Mergers) (Brexit) (Guernsey) Regulations, 2019; The Companies (Regulation of Auditors) (Brexit) (Guernsey) Regulations, 2019; The Lighting of Vehicles and Skips (Exemptions) Order, 2019; The Road Traffic (Trailer Registration) Regulations, 2019; The Customs and Excise (Safety and Security) (Export)

2175 (Bailiwick of Guernsey) Regulations, 2019; The Liquor Licensing (Fees) (Amendment) Regulations, 2019; The Companies (Recognised Stock Exchanges) Regulations, 2019; The European Union (Modification and General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Communications, Broadcasting and Wireless Telegraphy (Brexit) (Bailiwick of Guernsey) Regulations 2019; The Bees (Importation and Prevention of Disease) (Brexit) (Amendment) 2180 (Guernsey) Regulations, 2019; The Animal Health (Brexit) (Amendment) (Guernsey) Regulations, 2019; The European Communities (Food and Feed Controls) (Brexit) (Guernsey) Regulations, 2019; The Cash Controls (Specified Amount) (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Export Control (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Medicines (Human and Veterinary) (Brexit) (Bailiwick of Guernsey) Regulations, 2019; The Customs and Excise (Approved 2185 Ports and Customs Declarations) (Bailiwick of Guernsey) Regulations, 2019; The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018 (Commencement) Regulations, 2019; The Customs Transit Procedures (Bailiwick of Guernsey) Regulations, 2019; The Seat Belts (Exemptions) Order, 2019; The Merchant Shipping (Commercial Vessels) (Safety and Crewing) (Guernsey and Sark) Regulations, 2019.

2190 **The Bailiff:** Well, that was a long list of Regulations and Secondary Legislation, perhaps the longest that I have ever heard read out.
I have not received motion of any notice to debate any of them.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

IV. The Severe Disability Benefit and Carer's Allowance (Guernsey) (Amendment) Law, 2019 – Approved

Article IV.

The States are asked to decide:

Whether they are of the opinion to approve the draft Projet de Loi entitled 'The Severe Disability Benefit and Carer's Allowance (Guernsey) (Amendment) Law, 2019', and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

2195 **The Deputy Greffier:** Article IV, Committee for Employment & Social Security – The Severe Disability Benefit and Carer's Allowance (Guernsey) (Amendment) Law, 2019.

The Bailiff: Is there any request for any clarification or any debate on this? No.

In that case we go straight to the vote on the Projet de Loi – The Severe Disability Benefit and Carer's Allowance (Guernsey) (Amendment) Law, 2019. Those in favour; those against.

Members voted Pour.

2200 **The Bailiff:** I declare it carried.

POLICY & RESOURCES COMMITTEE

**V. Public Servants' Pension Scheme –
Amendments to the Rules –
Proposition carried**

Article V.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Public Servants' Pension Scheme – Amendments to the Rules' dated 27 March 2019 they are of the opinion:

To approve the States of Guernsey (Public Servants) (New Pensions and other Benefits) Rules, 2016 as amended, and as set out in the Appendix to the 'Public Servants' Pension Scheme – Amendments to the Rules' policy letter.

The Acting Presiding Officer (Deputy Lowe): Deputy Greffier, please.

2205 **The Deputy Greffier:** Article V, Policy & Resources Committee, Public Servants' Pension Scheme – Amendments to the Rules.

The Acting Presiding Officer: Thank you.

I invite Deputy Le Tocq, who I believe is presenting this on behalf of Policy & Resources.

2210 **Deputy Le Tocq:** *Madame L'officier Président Intérim*, this brief report recommends the States' approval of amendments to give effect to agreements designed to conclude the process of public sector pension reform which commenced as long ago as 2011.

2215 The report encompasses two major issues: firstly, that one arising from the agreement with Unite the union; and secondly, discussion and agreement with the Crown Officers and Judges plus more limited, albeit important, amendments.

It is not my intention to attempt to explain further matters of detail in the report which were the matter of many hours of discussions, negotiations and mediation, though I am happy of course to take questions, but I will make some general comments.

2220 Madam, firstly, it is regrettable that legal action was taken following the introduction of pension reforms in 2016. But it is good news that it proved possible to resolve the situation without a full court hearing, otherwise we might not be even here today. This was genuinely a solution which met the aspirations of Unite's members within the necessary reform required by us as the employer.

2225 I can thank the leaders of Unite for their constructive approach during mediation which enabled the solution to be reached and also for our legal advisers, Walkers, for their advice and assistance.

Turning now to the Crown Officers and Judges, as mentioned in the report it was always the intention to hold discussions once the reforms in respect of other members had been concluded and implemented.

2230 Here again it has proved possible to implement the reforms required by the States whilst accommodating the aspirations of the members concerned. Again this is to be welcomed and I thank them for their constructive approach. I hope the further issues are adequately explained in the report.

2235 In conclusion, I recommend Members to approve the amended Rules to give effect to these agreements with the intention of concluding the pension reform process.

Thank you, madam.

The Acting Presiding Officer: Deputy Ferbrache.

2240 **Deputy Ferbrache:** Thank you madam, I will not do the French bit because my French is not as good as Deputy Le Tocq's.

But what concerns me, I appreciate that agreement has been reached and that Deputy Le Tocq has made that very clear with the Crown Officers and Judges, but if I have read the details correctly to now get a year of service you only get 1/43rd instead of 1/34th so therefore I appreciate the age could be reached to 68 from 65, etc. to perhaps accommodate that, albeit that is explained properly in the report. So how does that make it attractive for people, for example, from the private sector to put their names forward as Judges or Crown Officers, because it seems to me that it does not? But no doubt Deputy Le Tocq will be able to explain that. I have got no interest, I am too old to be anything anyway, I am already an old age pensioner, I am already in receipt of all the pensions I am ever going to get.

The Acting Presiding Officer: Deputy Gollop.

2255 **Deputy Gollop:** I thank you very much, Madam Acting Presiding Officer, and I am listening intriguingly to also former Conseiller Advocate Ferbrache, Deputy Ferbrache, who has made a point that I think comes across that historically Guernsey has always had impeccable candidates for the Crown Officers and Presiding Officers and Bailiffs, but of course it is generally accepted that the ability of people to serve in those roles has been a great privilege and status for such gentlemen and lady, but also comes at a financial price, and should they be in private practice perhaps if they were of the highest standing as they earn more money. So I think Deputy Ferbrache's arguments have to be considered seriously.

I understand too that mention is made within these issues of special exceptions made for Crown Officers, Judges, maybe police and firefighters; and I think in certain areas, whether we like it or not – and Deputy Ferbrache is not normally renowned for speaking up for civil servants' pay and conditions – one does have to adapt one's view not only to the markets of Guernsey and Jersey and the offshore community but also comparable roles in the United Kingdom.

2260 Therefore I think one of the dangers of over accepting this currently fashionable idea of the States of Guernsey as one organisation run by one central senior executive team is in reality Guernsey is a mini state, a mini country. That is one of the reasons we appreciate being part of the Commonwealth Parliamentary Association because we have the roles of many areas and they attract the controllers to Social Security administrators – where recently Social Security gained an important award, I gather – to public doctors of health, Judges, lawyers, legislation drafters, senior police officers, etc. So although it is one organisation, it is one organisation with many different levels of specialisation skill-set and recruitment ground and we have to be mindful that a cumbersome one size does not fit all.

2270 I also think some of the language used is a little bit confusing on page 1. It talks about an improvement in benefits for qualifying partners. Now I welcome the removal of discrimination against same sex marriage surviving partners but I am not sure whether qualifying partners means spouses or whether it means qualifying partners in the John Lewis sense. It does not mean it, I think, in the legal sense and I think perhaps communication of what the current package is to a wider audience is needed and arrangements need to be less opaque.

2280 But nevertheless I think that these reforms are needed and one has to continue to maintain a balance of protecting the taxpayer from undisclosed liabilities and ensuring that we have a motivated, united, and satisfied professional public sector that feels motivated, with good morale, and are listened to.

The Acting Presiding Officer: Deputy Smithies.

Deputy Smithies: Thank you, madam.

2290 I rise simply to establish complete clarity and declare an interest, in that I am in receipt of two teaching pensions as declared in the Register of Members Interests and indeed my wife is in receipt of a teaching pension as well.

2295 **The Acting Presiding Officer:** Thank you, Deputy Yerby.

Deputy Yerby: Madam, I am going to abstain on these proposals. So I am just going to take a couple of minutes to explain why.

2300 First of all, I do not have a conflict of interest. I was a civil servant, I cashed out my pension on leaving the Civil Service so I do not have an ongoing interest in the pension scheme.

This kind of negotiation with our whole workforce is invariably something that is going to be hugely challenging. I think the fact that we have had to end up here with alternative options and carve-outs for different parts of the workforce suggests that, as Deputy Gollop said, it is not ideal and it is very difficult to find a one-size-fits-all solution for the workforce.

2305 I think it is also worth us asking ourselves, since we accept the unions as having standing to negotiate with us on behalf of the workforce to understand how we reach a position of knowing how representative they are and how effective they are in terms of putting across the concerns of their workforce, because I do think again, having been a civil servant and a union member and temporarily a union executive member, it is worth, in the same way as we recognise the importance of having a democratic mandate and being accountable to those we serve, checking that that kind of democratic mandate is reflected within the representative organisations from time to time. I think reading through these proposals and some of the history that got us here just left that question open. I think it is something that, as an employer, we probably need to refresh from time to time.

2315 But in terms of the proposals generally, madam, we are being asked to act in the role of the States as employer and my experience over the past year has been of trying to have conversations with P&R in respect of the States as employer concerning things that profoundly affect the ability of the committees I sit on to deliver their mandate. Issues such as public sector reform and, more topically, the pay and conditions of health professionals and, madam, from time to time I have found having meaningful conversations, having the opportunity to have meaningful conversations, limited and frustrating, and particularly early on being told that the States as employer was not a role that the rest of us need concern ourselves with.

2320 So although I understand that these proposals are being brought to us simply because the Rules require that these proposals should be brought to us, it does somewhat add insult to injury to be picked and chosen in terms of when we are asked to act as States as an employer and where it profoundly concerns matters that affect our committees not to have the opportunity or reluctantly to be given the opportunity to do so.

So bearing those frustrations in mind, madam, I am going to abstain on these proposals.

2330 **The Acting Presiding Officer:** Deputy Le Pelley.

Deputy Le Pelley: Madam, I stand to declare that I am in receipt of a teacher's pension and therefore would abstain on this issue.

2335 **The Acting Presiding Officer:** Thank you. Deputy Stephens.

Deputy Stephens: Thank you, madam.

2340 I also stand to declare receipt of a teacher's pension although I did join the scheme prior to 1st May 2015.

Thank you.

The Acting Presiding Officer: Thank you.
Deputy de Lisle.

2345 **Deputy de Lisle:** I also stand to declare that I receive a teacher's pension.
Thank you, and will abstain from voting.

The Acting Presiding Officer: Thank you.
Deputy Tindall.

2350 **Deputy Tindall:** Thank you, madam.
I am not in receipt of a pension – (*Interjection*) a shame, yes. (*Laughter*)
Firstly, I would like to say that whilst I am familiar with pension laws, it would have been handy
if the amendments had been in a track-change mode. That is just an observation.

2355 But more to the point for me one of the things that is pleasing to see is the discrimination
regarding partners in same-sex relationships has been amended; but I am extremely disappointed
that the opportunity was not taken to ensure gender neutral was included. It is 'he, he, he', all the
way through and I know some people think it is a minor detail but for me actions speak louder
than words, and actions in this case is changing those words. So I am disappointed, and I have
2360 been reassured many times that it is policy here that this is the case so it seems ironic that we
have one amendment but not the other.

I also actually wish to add simply that I echo the words of Deputy Yerby in this respect and I
too will abstain.

2365 **The Acting Presiding Officer:** Thank you.
Deputy Green.

Deputy Green: Madam, thank you.

I declare an interest, in that my wife is a teacher and a participant in the scheme.

2370 Just a few comments. Obviously I do recall when we debated this in 2016 and I was probably
one of the only Members at that time who expressed some real scepticism at the idea that an
employer can unilaterally change an employee's contractual pension rights without consent. I
think in the end that is why the matter had to go to mediation once litigation was commenced
and it is all good that a mediated settlement was reached and I applaud that, because it was
2375 absolutely necessary nonetheless to reform this pension scheme.

I know many people still have ongoing concerns about the sustainability of even the new
scheme the Career Average Revalued Earnings (CARE) Scheme. Clearly it is a step forward from
the Final Salary Pension Scheme but we are still talking about significant pension liabilities in the
future and if you measure it on the FRS measurement it still raises considerable concerns and as
2380 the States moves towards IPSAS that there will be interesting analysis in relation to the scheme
under IPSAS. But nonetheless there are people out there in this community who still have
significant concerns, scepticism about the sustainability of this scheme even though it has been
amended.

2385 So I absolutely endorse this, it was the right thing in the end to come to a mediated
settlement, but I think we need to continue to monitor the sustainability of the scheme.

The Acting Presiding Officer: Thank you.
Deputy Prow.

2390 **Deputy Prow:** Thank you, madam.

I too rise to say that I will also be abstaining and I will be abstaining on two grounds. The first
being the fact that I was a civil servant and enjoyed a statutory role with the States for eight years
and was a public servant for 43 years and I receive a pension.

2395 The second point that I am going to be abstaining on is that I agree with Deputy Yerby's and Deputy Tindall's points made around the democratic mandate and the role of the States as an employer; public service reform, picking and choosing agendas of matters which come to the States, also my frustration with the lack of resolving the nurses pay, a matter which is outstanding affects the delivery of HSC's mandate.

2400 I should also say that I agree with the points made by Deputy Ferbrache and I support his question.

Thank you, madam.

The Acting Presiding Officer: Thank you.
Deputy Oliver.

2405

Deputy Oliver: Thank you.

I have just got a quick question because there are lots of people standing up saying they are abstaining; what happens, or what is the reality of if this does not actually get passed? I do not know if it is a question for Deputy Le Tocq or actually somebody else.

2410 I give way to Deputy Le Tocq.

Deputy Le Tocq: I could answer that now to save time.

2415 The fact is these have both been the result of mediated legal settlements, so it is because the Rules require us to settle this in the States that we need to bring it to the States, maybe that should not be the case, but we will be back at litigation if we do not accept that, because these have now been accepted through mediation. We entered into that as employer, it is not possible for the States for us – I started doing this job before I had ... well I had hair when I started it! – so it is not possible for us to do this in a way that we could all get engaged with in perhaps a manner which some would like, but that is a fact, we need to approve this because this has been through months of work and hours and hours and days of mediation.

2420

Deputy Gollop: Could I make a point of order, please, Madam President, or point of correction really?

2425 **The Acting Presiding Officer:** Point of correction, Deputy Gollop.

Deputy Gollop: I am not sure it is a point of correction but some of us are actually, by implication, members of the States' Pension Scheme as, having been longer serving States' Members as we have not reorganised that from the past, but I am not going to abstain on that, but it was just States' Members were included in the pension arrangements until 2012.

2430

The Acting Presiding Officer: Thank you.
Deputy Tooley.

2435 **Deputy Tooley:** Thank you, madam.

I rise simply to say that I hope the Law Officers will be able to support this, but my understanding is that a majority of voting Members need to approve the legislation and therefore those who choose not to vote, to register a *Je ne vote pas* are not counted in the ballot, so choosing to abstain does not potentially affect the result overall if it carries amongst those who vote *Pour* or *Contre*.

2440

Thank you.

The Acting Presiding Officer: Deputy Merrett.

2445 **Deputy Merrett:** Thank you.

I will be abstaining. I will be doing so because I totally endorse Deputy Yerby's comments.

I will abstain and I have the same understanding as Deputy Tooley that if we abstain if there is enough *Pour* actually it will still carry. If we need to have that clarified, madam, then we will.

Thank you.

2450

The Acting Presiding Officer: Deputy Graham.

Deputy Graham: Madam, although I have never served as a civil servant, I do draw the equivalent of a Civil Service pension and my wife draws one as a retired teacher. But unless I am advised to the contrary, I do not interpret that as precluding me from voting. (*Interjection*) I will exercise my right to vote.

2455

The Acting Presiding Officer: That is right.

I see no-one else standing so I call on Deputy Le Tocq to sum up please.

2460

Deputy Le Tocq: Thank you, madam.

There were not actually that many questions, but I will start with Deputy Ferbrache's question which is a valid one and I think whilst he confused the two factions of multipliers. The fact is with regard to Crown Officers the mediated settlement provides for them to have accrual rates and multipliers that are equivalent to the UK scheme for the judiciary. Broadly speaking, that is the same as the UK Civil Service Scheme which was also the basis on which our Public Service Employees Scheme was reformed. The difference with regard to Crown Officers is their multiplier, and that is the fraction used and the CPI is used instead of RPI and it is therefore a UK rate and it is based on that level.

2465

This was done because of the very reasons that he alluded to and that was in mediation their representatives were concerned that those in the private sector otherwise might not be attracted, and realising that those who might come into office from the private sector do so perhaps later in life, and as a result of the mediation we came up with this Proposition which alleviated their concerns from that respect.

2470

So again the concerns that he raised were raised by the parties in negotiation and this was the result of the mediated settlement, as others have mentioned, which is always a degree of compromise, but it was something that enables us to come to an agreement with the Crown Officers and Judges.

2475

I do not think there were any other particular questions if any Member has alluded to that, but there were comments made generally concerning the Scheme. I have dealt with the issue of why this has to come to us today; it is in the Rules to do so and any Member that has not already contacted us for explanations of details, the like of which I have just given now, can do so afterwards obviously as well, but if you wanted to do so we could have provided that before. Obviously they are complicated pension actuarial calculations and the basis on which they are made all the different types of jobs – Deputy Gollop alluded to the fact that we have got slightly different arrangements for certain types of employee – because we try and have one scheme that applies to all.

2480

In the UK there are a number of different schemes depending on which part of the public sector you work for. We used to have a separate scheme for teachers, we do not any longer, because it is just much simpler in terms of administration and we would not be working effectively if we continued in that way.

2490

I understand the issues that Deputy Yerby and others have raised, and this is still a matter for P&R in terms of ongoing concern, but they should not be conflated with the proposal that is before us today.

2495

So, madam, I do encourage Members to vote for the one Proposition which is before us now.
Thank you.

The Acting Presiding Officer: Thank you very much.
There has been a request for a –

2500

A Member: Madam, a recorded vote please.

The Acting Presiding Officer: Yes, there has already been a request for a recorded vote.
A recorded vote please, Deputy Greffier.

2505

The Procureur Délégué: Madam, may I just intervene briefly for the Assembly's comfort?
Rule 26(6) Rules of the Assembly are:

Unless otherwise stated, in order for a proposition to be carried it needs to be supported by the nearest whole number above one-half of the Members present and voting on the proposition.

So Members present and voting, the abstainers do not count.
Thank you.

2510

The Acting Presiding Officer: Thank you, Procureur Délégué.

There was a recorded vote.

Carried – Pour 24, Contre 0, Ne vote pas 12, Absent 4

POUR

Deputy Ferbrache
Deputy Kuttelwascher
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Stephens
Deputy Inder
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy Langlois
Alderney Rep. Roberts
Alderney Rep. Snowdon

CONTRE

None

NE VOTE PAS

Deputy Tindall
Deputy Tooley
Deputy Le Pelley
Deputy Merrett
Deputy Meerveld
Deputy Fallaize
Deputy Yerby
Deputy de Lisle
Deputy Soulsby
Deputy de Sausmarez
Deputy Prow
Deputy Oliver

ABSENT

Deputy Brehaut
Deputy St Pier
Deputy Lowe*
Deputy Roffey

The Acting Presiding Officer: Thank you very much.

2515

Members, I declare the vote as 24 *Pour*, 12 *Je ne vote pas* and 4 absent. Therefore the Proposition before you is carried. Thank you.

Now it is approaching 12.30 p.m. I have been informed by the proposer of the requête that his speech is a lot longer than six minutes.

2520

So I propose that we adjourn for lunch but before doing so I would like to pass my thanks to the Procureur Délégué for stepping in this morning (**Several Members:** hear, hear.) for us. Thank you very much.

Members, we adjourn for lunch and resume at 2.30 p.m.

*The Assembly adjourned at 12.25 p.m.
and resumed its sitting at 2.30 p.m.*

REQUÊTE

VI. St Peter Port Harbour Development – Debate commenced

Article VI.

Requête – the States are asked:

1. To agree in principle that, in place of the proposed extension and development of the Longue Hougue South site, the preferred option for the disposal of inert waste (once the current Reclamation Site has reached full capacity) should be a redevelopment of St Peter Port Harbour in phases, which may include:

*(a) Phase 1: For a period of approximately four years, the creation of an initial bunded area and infill, to create an anchor point for a potential jetty (Phase 2) of up to 160 metres (or such other length or depth as STSB and the Harbour Master could consider to be a useful size); and
(b) Phase 3: To consider an extended inert waste facility subject to the further consultation and investigation proposed in Propositions 3 and 4, over an estimated period of around 10-15 years;
With such adjustments to this design as may be considered appropriate further to the research and consultation proposed in Propositions 3 and 4 below;*

2. To note that such a development remains consistent with the States' strategy for inert waste, which 'includes provision of future on-island facilities for residual inert waste, through means of either on-island coastal land reclamation or quarry infill', that it reflects the objectives of the 2013 Ports Masterplan, and that it could enhance significantly the work of the Seafront Enhancement Area (SEA) Group;

3. To direct the States Trading Supervisory Board (STSB) to develop detailed plans for a phased development of the St Peter Port Harbour using the Island's inert waste, as set out in Proposition 1, exploring in particular:

(a) The creation of a jetty of 160 metres (or such other length or depth as STSB and the Harbour Master may judge to be useful) and any strategic advantages this might create for Guernsey, including opportunities to reorganise the existing Harbour site, e.g. by moving the ro-ro ramps to the new jetty

(b) The creation of an extended Restricted Zone at the Harbour and its uses;

(c) Significant opportunities to improve current freight and security issues;

(d) Extensive opportunities to improve general harbour operations;

*(e) Practical opportunities to improve accessibility in and around the Harbour;
and*

(f) Genuine opportunities to use areas in and around the Harbour differently, to the benefit of Guernsey's economy, by supporting the marine and/or tourism trade;

4. To direct STSB to consult widely on such plans, including with relevant Committees of the States, the SEA Group, the Harbour Master, St Peter Port Harbour user groups, including logistics and ferry companies, business groups, and other relevant parties, to establish the benefits and disadvantages of the proposals;

5. To direct STSB to consult with the Committee for the Environment & Infrastructure, the Development & Planning Authority, and any other relevant parties, to consider how best these proposals can be progressed as a medium- to long-term solution for inert waste disposal, which should include:

(a) Exploring any requirements for temporary storage or disposal of inert waste which may arise while these plans are being developed, or in between phases of the proposed harbour development;

6. To direct STSB and, as appropriate, the Committee for the Environment & Infrastructure to report to the States, at the same time as the forthcoming Inert Waste Strategy Policy Letter, with a complementary report entitled St Peter Port Harbour Development that includes a benchmarking report, timelines, costs, and a full business plan, no later than the end of December 2019; and

7. To direct the Policy & Resources Committee to make available to STSB the resources necessary to complete the additional investigations and policy work required to facilitate this.

To delegate authority to the Policy & Resources Committee to approve expenditure on any Environmental Impact Analysis and Business analysis.

To direct Policy and Resources to make available any extra resources to STSB for any work required by the Harbour Master in his investigations and considerations for the extension of the Restricted Zone which may include variations of Phase 1, Phase 2 and Phase 3 as described in 1(a) and 1(b)

The Greffier: Article VI, Requête – St Peter Port Harbour Development.

2525 **The Bailiff:** Members, two amendments have been circulated but I believe that Deputy Soulsby and Deputy Prow are not intending to lay their amendment. Is that correct?

Deputy Prow: That is correct, sir.

2530 **The Bailiff:** So what will happen, then, is that Deputy Inder will open on behalf of the requérants, Deputy Ferbrache will then lay his amendment, he will open in respect of that and I propose that we run general debate and debate on the amendment together, because the two overlap with each other. So that will be the sequence of debate and, clearly, Deputy Inder will have to have a chance to reply on the amendment before we go to the vote on the amendment. 2535 Once that amendment has been voted on, if anybody has not yet spoken, I suppose there could be some general debate for anybody who has not spoken. But ideally let us get the general debate before we vote on the amendments. I hope that is clear.

So Deputy Inder.

2540 **Deputy Inder:** Sir, Members of the Assembly, I am going to ask you to cast your minds back to December 2017 when a joint policy letter between the States' Trading Supervisory Board and Environment & Infrastructure was laid before this Assembly to agree the strategy for the disposal of inert waste. I remind Members that inert waste is typically waste derived from the local building industry from construction or demolition.

2545 The policy letter outlined proposals for future inert waste disposal. They began with a list of 50 or so options from Albecq to Les Vardes and – I will get to this later in my speech – included a variation of St Peter Port. I would ask Members to hold that thought through this speech.

2550 From the recommendations contained in the policy letter, Longue Hougue South – or Spur Bay, as I like to call it, because that is what it is – became the joint policy letter's recommendation to this Assembly. In debate, Deputies Merrett and Yerby laid an amendment and I will read their Propositions, just to remind ourselves: 'To direct the Committee for Environment & Infrastructure ...? and I will say STSB –

... to identify two sites from their shortlist of possible options for inert waste management, each to be subject of a detailed EIA and environmental statements setting out the findings of the assessment as described in paragraph 7.3 of the policy letter.

From the explanatory notes:

Rather than focussing on one site only, this amendment directs the two Committees to take two potential inert waste management sites forward to the detailed environmental impact assessment (EIA) stage.

They went on to say in the explanatory note:

The amendment also removes land reclamation from a definition of recovery in the inert waste hierarchy. For all its benefits, land reclamation also undoubtedly has social and environmental harms and, in our view, the proposed alteration to the inert waste hierarchy artificially inflates the benefits and minimises the harms.

2555 Now I am quite clear that in the amendment they said the removal of land reclamation, but please hold on, give me a while. I may be here some time. You may remember from the debate Deputies Ferbrache, Mooney, Leadbeater and myself had had conversations with the directors of Ronez to establish when Les Vardes was coming out of productive use. I cannot remember if it was on or around that time.

2560 We were informed that the end of extraction was around 2023, but this was heavily caveated. The firm has something called concealed and exposed product. Their single product is stone. What you can see is what they can dig. What you cannot see is what they cannot dig out. Their best guess was, at the time of the meeting, around 2023.

2565 In debate I said something along the lines of we drive past Les Vardes every day and I often wonder why we are considering building holes in the sea when we have holes on the land. We could see that if Longue Hougue was finishing by 2022, if that is indeed the correct date because nothing is fixed in this world, and Les Vardes was finishing in 2023, then possibly an opportunity for Government to revisit one of their dismissed options may have been on the table.

2570 But it changed later. A vote was taken on the Yerby/Merrett amendment and STSB were directed to consider other options. I would say, sir, Members, at that time St Peter Port had not really been part of my thinking to be honest with you. I had not recognised the value of inert waste and was quite happy for a deal to be done with Ronez and have an inert waste site that could be used for the next 100 years: job done, happy days, we can go off and do something else.

2575 Other Members are likely to have voted for the amendment for different reasons, but that was why my vote was laid. I wanted time. That is my interpretation of the debate. Other people have different interpretations, but that is my interpretation of the debate. We broke for Christmas; we were left with a favoured option of £30 million at Spur Bay. Committees that were coming back at some point in the future with other options, as directed by this Assembly.

2580 Roll forward seven months. We were invited to Beau Séjour for a presentation by the Environment & Infrastructure Committee. It was the response to the amendment. Two things came out of that presentation. We were informed that the Longue Hougue South project estimate had risen from £30 million to a whopping £40 million. It was the first time we had found out that the £30 million estimate was now heading towards £40 million. A reminder, it is looking like it is substantially north of that and I will get to that later. And that the response to the amendment – two small quarries in the Vale, L'Épine and Guillotin.

2585 If my memory serves me well, the Mont Cuet solution was going to be around £74 million. I have completely forgotten; so I am happy to be corrected.

2590 There was new information regarding Les Vardes. It was now coming out of use at 2030, when we thought it might have been coming out at 2023 and I can only assume that Ronez had conducted the assessment of what they called the concealed product and the remaining stone was when they were going to have finished mineral extraction.

I did not know whether to laugh or cry. I think I just cried. The project had jumped 30% to £40 million and two small quarries in the Vale were in scope for an infill. You can imagine that, as soon as the quarries became public knowledge, guess what? Our emails lit up and letters, phone calls started to arrive.

2595 North of Rochelle Road – and I will declare an interest because it is in the Vale and that is where I live – is an area of water-filled quarries and the whole area is brewing with life. L'Épine I know very well and in that quarry I have seen bats, owls, buzzards, herons, egrets. Recently there has been a cuckoo as an early visitor – and that is not me! (*Laughter*) I may have been projecting

2600 myself into the quarry; anything is possible down there; it is a republic after all! In recent years I have seen kingfishers in what is basically a very odd oasis for life. I am quite sure there is a pair of sparrow hawks on one of the ledges, but do not tell anyone.

It truly is a special habitat; quite unique to Guernsey. If you remember, the budget for the economic impact assessment on both of the quarries was around £100,000 per quarry, give or take. So we are streaming towards £200,000 for EIA assessments on two quarries. Why on earth we need an EIA on any of those quarries, when sticking your head over the wall for about five minutes would tell you there is a cat's chance in hell either quarries would pass either public sentiment or a planning application, is not for me to answer. However, that was the proposal.

2605 In the summer Deputy Trott sensibly removed the authority for the EIA; effectively told the Committees – and these are my words – you are not spending any more public funds on this project. I commend Deputy Trott and Policy & Resources for their swift action. It was absolutely the right thing to do.

2615 With no sense of irony, Deputy Trott, he may have been looking at the numbers on this but he has become the accidental environmentalist. The quarries were indeed safe. But it did leave us in an odd place. E&I did have a stab at the amendment, I will give them that. Mont Cuet was out of the park, in terms of figures, and the quarries were not going to be filled and Les Vardes could continue until 2030 as a working quarry.

2620 My reading of this, anyway, was that Spur Bay was still in play. The two quarries were gone; Mont Cuet was out to the field. It looked like E&I or STSB jointly, the pair of them, had responded to the amendment and my reading of it we had now had a hole in the sea which was now £40 million. I was becoming more and more uneasy with this whole process, to be perfectly honest with you.

2625 Enter Deputy Paint. I probably had my bottom lip out somewhere and we discussed Longue Hougue and he introduced me to the value of inert waste. You will remember that, as I said previously, I was happy to chuck it all in Les Vardes and be done with it. It is Deputy Paint who actually persuaded me to start looking at a better use of inert waste. I had not really twigged that myself.

2630 In the same discussion he coined the phrase 'no purpose'. What he meant was that Longue Hougue South had no purpose whatsoever. Longue Hougue itself, that which we are filling up at the moment, has a weigh station on it, an incinerator, and a bit of metal recycling. If Longue Hougue itself, what we have now, where we are putting our inert waste, was finished today, no one could tell me what they could do with the land that we have already graded.

2635 So what is the purpose of Longue Hougue South at then £40 million? There is not any. There is no strategic use whatsoever for Spur Bay. I am a Johnny Come Lately to this, it is the master of hindsight; I accept that. That is not where I was at the beginning of this debate. It is just an expensive offshore dump for building rubble. When I challenged one Deputy on this he told me it would be good for light industry and heavy industry. My response was: what light industry, what heavy industry?

2640 Unplanned land reclamation is not very useful land. It may look vaster to the eye but the groundworks cost significantly more than they would be building on Guernsey granite. That is a fact. Land designed for no purpose costs us millions more than we need to, to build on. If you build something on the solid foundations of Guernsey, the foundation of groundworks is a heck of a lot cheaper.

2645 If you build something on what is effectively a not very well designed gravel pit, where you have not had a clue what you wanted put on it in the first place you are piling effectively all the way through that to what was the old sea bed and the construction costs on reclaimed land are far in excess than they are on normal, digging through a bit of topsoil, bit of subsoil, hitting Guernsey granite.

2650 Reclaimed land with a plan is better than land with no plan. Better segregation of waste, better engineering, better compacting would benefit any land reclamation works. If we know what we are doing with reclaimed land, it can be engineered with into the end result.

2655 Now Deputy Paint gave the background to St Peter Port Harbour. For myself and, being around both St Sampson's and St Peter Port harbours most of my life, having some knowledge of the infrastructure, I was aware that both the old ladies were in a bit of a state. He explained St Peter Port harbour was not fit for modern shipping and its current berthing arrangements are not great.

2660 I will remind Members that Guernsey's largest berth capacity is 130 m and both the Goodwill and the Clipper are custom-built to put into Guernsey and Jersey. Restrictions, as we know, are actually Jersey. We have got more opportunities than Jersey have; far more. Jersey is currently restricted by its 130 m berthing operations. Our harbour was constructed in the late 19th Century, in the age of sail. Then you could probably get six ships alongside a single quay and, 150 years later, we can only just about get one. That is how things have progressed in 150 years and boats are getting bigger. Whether you like it or not, boats are getting substantially bigger; we are designing boats for St Peter Port, custom-built boats.

2665 To coin an ex-harbourmaster, Captain Peter Gill's phrase, it has been repeated before and he is absolutely right, 19th Century infrastructure with 20th Century equipment for 21st Century needs. The reality is that successive governments have failed to invest in any significant way to address the way freight and passenger vessels are going. The harbour has been allowed to fall into disrepair. Vessels are getting bigger and our harbour is stuck in the middle of the 19th Century with some decrepit bolt-ons.

2670 It is a national disgrace; 98% of everything – I will just say 100%; what is the point? – that we eat, see, wear, look at, basically comes through that 600 feet of harbour mouth. That is where everything comes through – with the exception of some of the fuel – and we have let it go to rack and ruin.

2675 In developing the Requête we did have some substantial support from the officers of STSB and I thank them for that. I will make special mention of the senior planning officer who guided us to get us to this point. That much I will concede. STSB officers assisted on scoping the land areas for phases one and three, which are in the proposals, the planning officers gave us guidance through what was possible under Planning Law. We will add a bit of democracy into that at some point later on.

2680 I asked a very simple question of planning officers. What is the difference between the planning process for Longue Hougue South and a scheme in St Peter Port? The response from the officers, and there was a more detailed one, was that they were effectively the same. A planning inquiry through to an EIA and an application. It was, however, caveated by the officers. There were greater conservation issues at St Peter Port – we accept that – that would extend the process and we can all accept that. However, and importantly, the planning process for Longue Hougue South and St Peter Port would be the same.

2685 I am just going to read a piece, because I do not like putting words in officers' mouths or suggesting in some way that they have said something that might not be said later. I do not like doing that. I will just read a piece from one of the officers:

The main constraint is not about resources. To summarise, the main disadvantage of a separate approach to inert waste disposal, involving St Peter Port Harbour, rather than Longue Hougue South, are firstly having to revisit the pre-planning site selection process again to prove that this is the best practical, environmental option. Secondly, if it were proven, then to have a separate LPB planning inquiry in isolation for that project.

2690 It is fact. It is more complicated. But it is not impossible and it is not impractical. But from the IDP, in debate much will be made of planning process but my understanding is that, on occasion, when the democratically elected representatives of the Island make a decision that is of strategic importance, policy S5 comes into play. We cannot always play second fiddle to a planning process. It is this Assembly that makes decisions and if this Assembly elects to go down a certain route today, if it were St Peter Port, then I am afraid planning would have to work their way around that.

2700 We cannot be in a position where effectively a process makes it unachievable for us as a Government to say we want an extended harbour where our harbour is and get into a situation where, possibly, six months down the line, we will be told we cannot have a harbour where our harbour is, it is utter nonsense.

I think there is get-out. Sir, not sir, not yet anyway.
Deputy Fallaize.

2705 **Deputy Fallaize:** I thank Deputy Inder for his kind comment and for giving way. I have every sympathy in the world with the point that he is making in terms of the objective but would he not agree with me that to achieve what he thinks might be necessary to achieve actually would require a change in legislation because what he says is simply not true? Planning legislation would trump a Resolution of the States. Now I have, as I say, every sympathy with him that it should not. We ought not to have arranged the legislation in that way but it would require a change, probably
2710 in primary legislation, to get to where he wants to get to. I just wonder whether he accepts that?

Deputy Inder: No, not really. I do not. The simple reason is I think this Assembly trumps absolutely everything. If there is a deficiency in the Law then we change it. Deputy Fallaize may want to shake his head but I seem to remember an alternative model coming to the States not so
2715 long ago and I do not remember anyone standing up and talking about how Planning must be consulted first before we start building tractor factories on the top of Beaucamps. I do not remember anyone saying that. The policy decision was to change the two-school model and Planning are going to have to, as a democrat in my view –

2720 **Deputy Fallaize:** Point of correction, sir.

The Bailiff: Deputy Fallaize.

2725 **Deputy Fallaize:** Deputy Inder is implying that one part of the States is able to disregard planning legislation and policies and another part is not. The same principle applies irrespective of which Committee is involved or which development is involved. There has to be a planning application and the Development & Planning Authority has to apply Planning Law and planning policy to consider the case. If he wants to get to the same place I want to, where the planning arrangements cannot trump decisions made by the States of Deliberation, it will be necessary to
2730 change primary legislation. You cannot just do it like a bulldozer.

The Bailiff: Can we have one person standing at a time? You must wait until he sits down before you stand. He has now sat down.

2735 **Deputy Inder:** Yes, sir. I will give way to Deputy Merrett.

Deputy Merrett: Thank you, Deputy Inder. I just wondered if Deputy Inder agreed with me that, as we are the legislature, if we need to change the Law then we do so?

2740 **Deputy Inder:** I am very grateful for your Requête because that might be the place where we actually do it, through you, sir. Deputy Ferbrache, after you.

2745 **Deputy Ferbrache:** I am very grateful for Deputy Inder being, as he always is, cautious and careful in his language. In relation to the point made by Deputy Fallaize and, to agree, elaborated on by Deputy Merrett, how long would it take to change the Law and does he accept the States is not above the Law? That is why there has been something called the Doctrine of the Separation of Powers since the late 17th Century, 1600 and something. Is he saying that Guernsey and Deputy Inder and Deputy Paint can go low, because if he is, that is a unique statement?

2750 **Deputy Inder:** No, I am not. What I am saying is that we are the democratically elected Assembly. We can make a decision and if we are happy with that decision we have got – what, two years down the road, three years down the way? – it is possible to make changes within the Law if we do not think this so-called flexible IDP was supposed to work for us. If it cannot allow us to build a harbour where the harbour is we really are in a very odd place indeed.

2755 **Deputy Tindall:** Point of correction, sir.

Deputy Inder: Oh, God! (*Laughter*)

2760 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Planning legislation will allow for a harbour to be developed, provided there is evidence to show it is the best place for it.

2765 **Deputy Inder:** Well I am going to give you an awful lot of evidence. You may choose to ignore it! (*Laughter*) But the evidence, nevertheless, is there. We have had email after email, but I will get to that. I do not know what evidence there is but I would like to see the evidence for putting a ship up Belle Grève, this will be good. But anyway I will move on.

2770 Policy S5, and again I am sure Deputy Tindall will get up, my understanding is – I was trying to get to the rest of the conversation I had with planning officers but I will try my damndest and before I get to this paragraph, if we get anyone – I will not take any more interruptions – my understanding of the conversations I had with planning officers is there is indeed a process that we may need to go.

But policy S5, and I will read the paragraph from it:

The Strategic Land Use Plan requires future development plans to be drafted in such a way that ...

I am already losing the will to live. It is like the Five Books of Moses, is it not?

... to avoid the situation arising where the authority is unable to consider forms of development that were not envisaged at the time of drafting.

2775 Now the IDP may not have envisaged, at the time of drafting, a decision by this Assembly to sensibly look at building our harbour. My reading of it is that they have a policy in place to deal with that. Good.

The Island Development Plan therefore seeks to achieve this through a combination of Policy S5, development of strategically important proposals for development that is of strategic importance and which may conflict with the spatial policy or other specific policies ...

2780 Anyway, before I lose the will to live, my understanding of S5 is that when we make decisions of strategic importance then effectively there is a policy in place for us to move things around a bit. What that misses of course, there are two subsections: there is no alternative available site, based on evidence available to the authority, that is I believe Deputy Tindall's point, is more suitable for the proposed development and the proposals accord with the principal aim and relevant plan objectives. That should take you about five minutes. It really should take you about five minutes. But it will not.

2785 We will get towards the evidence so needed by this Assembly. Early on we met with the harbourmaster to discuss the operation with him and to share what we were attempting to achieve. Bear in mind, Members, this is not actually about the eastern seaboard, this whole Requête is about how we believe that the inert waste strategy has substantial financial issues in it and we are trying to move the inert waste project somewhere slightly more strategic. That is all this is. We did not turn this into the eastern seaboard, we were looking for a solution for,

2790

effectively, an inert waste strategy policy letter whose financials were shot through. Utterly shot through.

2795 From that meeting with the harbourmaster, he informed us that he was currently conducting an operations review. Which, as I say, by now should be complete. What he meant by that, new guy, feet under the desk, looking at what he can do around the harbour and he did say, and I will put it no stronger than that, that the extension of St Peter Port by the yards of the restricted zone, would be of use to him. He did not support this Requête but he did recognise the extension of St Peter Port would be useful for his operation. For clarification I will say that the harbourmaster made no comment about the jetty at all. We only really spoke to him about the extension of the

2800 land.

Now Deputy Prow in his, I think, support for this Requête, I am sure would tell you about our international obligations in terms of security. He has had 30 years of experience of the harbour, which hopefully can explain how we barely comply with international standards in the separation of land and, effectively air side, we barely comply. Extending the land at St Peter Port would be of

2805 huge value to this Island.

We also engaged with Mr Luxon, Condor Ferries, and this is what he said when he wrote to us – I will try and cut this down to as short as possible:

As we discussed, the Ports Masterplan, covered several different options, covering strategic investment in and around the harbour area.

If you remember, Deputy Luxon had his hands at the wheel at the Ports Masterplan, I think, back in 2013, when he was in the States. This is him talking:

As a major user of St Peter Port harbour we look forward to seeing some of those options coming to fruition in the near future.

2810 This is your evidence, Deputy Tindall, the evidence that we need, the one which is not wrapped up in a PwC report, this is from the people on the ground, the working port users, the logistics companies, the port masters, the harbours, the pilots, the evidence you so desperately need. Not you, particularly, but we all so desperately need.

Currently the most important issue that requires solution ... around the heavily congested RZ [restricted zone], past the security line, as this area has freight, logistic shipping, passengers and passenger cars, including boarding, loading and passport control. This footprint is constrained and requires an essential review to improve operational flows at the high demand peak period usage times.

2815 We have overcrowding at St Peter Port. I am not walking into a trap here, it is just a fact, we have overcrowding at St Peter Port. From Mr Langlois from Ferryspeed:

I have discussed the proposal with my depot manager and operations manager and we see a great benefit in having an enlarged commercial area for St Peter Port. Currently the area for large commercial vehicles is small and as a result the parking of trailers is tight. This results in damage on the quay, especially during periods of darkness and especially the winter. When there is disruption of sailing for whatever reason, there is often not enough room on the quay for all the trailers. Additionally at times it is necessary to leave some trailers outside of the restricted area. In the coming months we will also be providing trailers for the expert of RDF waste from the Island, this will inevitably mean requiring more space on the quay. Anything that helps create a better working area is to be encouraged and the proposal, landfill as shown, makes very good sense. We are totally supportive of a project that solves the problem of landfill and provides a better working area.

2820 So what have we got? We have got a ferry operator; we have got a harbourmaster that sort of understands there are land issues down there and we have now got our largest logistics company telling us that we need to extend St Peter Port. I will keep going with the evidence, if you want. From the Guernsey Boat Owners' Association, I will not read all of it but the pertinent points are as follows:

Our Association has been very concerned for some time with the deteriorating state of St Peter Port harbour. Much of the infrastructure is either crumbling beneath the surface, like the new jetty, or is being weakened by a constant

erosion of the seabed, like the White Rock Pier and number six berth. Both of these structures are vital to the security of the daily harbour operations. Should there be an operational problem with them in the meantime, Guernsey would have a major catastrophe. In essence, our mainline lifeline to the rest of the world would be severed.

The construction of this proposed redevelopment as outlined in your Requête would also enable the existing the freight and ferry marshalling zones to be relocated to some of the reclamation area, thus freeing up the current space for additional –

– he does say Town parking, anyway, that is never going to help me.

... which would be welcomed by local retailers, inter-island ferry passengers and leisure boat owners.

That is what he wrote.

There is no doubt that the much-needed protection that your proposed new harbour extension will not only extend the life of our existing port but also provide extensive opportunities for improvements in general harbour operations. In conclusion it is our considered opinion that the States of Guernsey should agree to this Requête. This harbour redevelopment proposal should be our number one priority as it affects our whole Island community. To delay or ignore this vital issue could seriously jeopardise our economy and way of life.

2825 More evidence. Confederation of Guernsey Industry, we had a short letter from them. They support the Requête and when we say the Confederation of Guernsey Industry, they tend to be more the exporters rather than bankers. They support the harbour as an alternative to the site at Longue Hougue. The proposed, I think he meant Requête, has:

... purpose and offers economically beneficial outcomes and opportunities aligned rather than Longue Hougue, which has no plan and just incurs expense.

Interestingly, they say:

We were involved in the initial public consultation on the future of inert waste two years ago and our view then is similar to today. Any major expenditure project has to offer significant benefits to Guernsey.

– which this Requête clearly does. I do not know what the Committees missed two years ago but it seems that they are consistent in their approach.

2830 In Deputy Ferbrache's update to the Assembly in October 2018, he updated the Assembly on the Inert Waste Strategy. It was a specific topic. Do not worry, Deputy Ferbrache, I am not going to misquote you. I am not going to misquote him! Deputy Ferbrache says he is waking up. He had better wake up to the costs! (*Laughter*) Every time he gets up they are going through the roof and the financials are going through the floor.

2835 An area to the east of QEII Marina was in fact one of the options included during the first assessment phase. Based on various criteria it was felt to be inferior to the preferred option of extending Longue Hougue site. Referring to Longue Hougue South, he said:

As a result of that work we now estimate the cost of extending the current site to be around £45 million.

2840 That is still a provisional estimate; not a detailed budget. So within nine months, 10 months, of the initial Inert Waste Strategy letter, it has gone from an estimated £30 million. Seven months later it is £42 million. It is now £45 million. And that was in October of last year. Maybe Deputy Ferbrache would like to get up and tell us what it is now, because every time he opens his mouth it gets more expensive!

2845 **Deputy Trott:** The story of his life! (*Laughter*)

Deputy Ferbrache: Point of correction, it is always expensive when I open my mouth!

2850 **Deputy Inder:** Thankfully we are not working on £6 million increments. In December 2017 – and this is quite serious; I know there is a bit of levity here but I do not really find this that funny – you were asked to vote on a significant capital project that had an estimated budget of

£30 million. Seven months later it was £40 million, three months after that it is estimated to be £45 million. We are now another seven months ahead of that.

2855 When Deputies use the word 'provisional', it will never be south. Last October at £45 million, it is now, who knows what it is? Yet with this new information STSB did not pause for thought; £45 million, probably north of that, we were still informed in that October update that Longue Hougue South was the preferred option and they were continuing.

2860 I will remind Members and I can sort of do this to Deputy Ferbrache but I will not always introduce other Deputies' names because they will get a bit tetchy about things, but I asked about the initial £30 million, the jump; I wrote to one of the Deputies who were responsible for this, how we got from £30 million to £40 million in seven months. You will all have received the email and what we got back was that they took the last job, added RPI, got to a point and then just added 50%. That is not acceptable.

2865 It is not in any way acceptable to put that kind of information, tarting it up as a policy letter, when all that happened was that they – whoever they are, ultimately we are responsible for absolutely everything – they took the last job, whenever that was, I still cannot work out when it was, added RPI, got to 2018 and just added 50% because it seemed like it was a good idea and popped it in a policy letter as fact. Does anyone in this Assembly really think that is right or that is fair, on our voting, and the public of Guernsey?

2870 I am sorry ... Deputy Roffey.

Deputy Roffey: Sir, I agree very much with Deputy Inder that realistic costings are absolutely vital for us to vote on anything. Can he tell us what is not in his Requête, which is what would be the cost of the project he is advocating?

2875 **Deputy Inder:** I am happy to get to that, Deputy Roffey. I will get to that later. It really ...

Deputy Smithies: On a point of correction, (**The Bailiff:** Deputy Smithies.) it was not put into the policy letter as a fact it was put into the policy letter as an estimate.

2880 **Deputy Inder:** Fine. My idea of estimates and Deputy Smithies' idea of estimates are two completely different things. I simply could not run a business like that. I am happy for Deputy Smithies to re-interrupt what he thinks an estimate is. An estimate is not now somewhere near £50 million from £30 million. What is an estimate, 5% or 10% either side? It is not another £20 million. Okay? I am getting bored of these interruptions.

2885 I wish some of our Deputies would get up and just accept that it was unacceptable to put these kinds of financials. Instead of defending the position, defending the centre, justifying it, saying it was just an estimate, would it not be great if we just got up and said, 'Do you know what, we got this wrong'? Would it not be fantastic if sometimes, I swear the public would breathe a sigh of relief, instead of taking our positions.

2890 It is worth pausing for a moment and asking where this has all gone wrong. It may come as a surprise to Members but I do not believe it is STSB's or Environment & Infrastructure's fault. I cannot imagine any of them running around the beach with a tape measure, making calculations on areas. I do not think it was.

2895 My suspicion is that it is an inherited issue. Having had some access to officers there has been an intimation that the Inert Waste Strategy should have been dealt with either by the 2012 or the 2016 Assembly. I also suspect it was a rush job, tarted up as a credible policy letter and something you were asked to take as a true and fair representation of the situation voted on.

2900 If you start wrong, you will always end wrong. I think the path was set way before any of us, certainly this Assembly, existed. Let us roll this whole situation back to pre-December 2017. Let us imagine that both Committees were aware that Longue Hougue South was going to come in north of £45 million. Let us take a figure. It was £45 million in October, so let us pretend it is

£50 million today. You never know, they may have actually changed the whole focus of the Inert Waste Strategy and the advice they were given.

2905 It may have been that suddenly St Peter Port came further up the process, because it is not £30 million anymore; it is now £50 million. Then they had pause for thought and they may have considered more practical ways to dispose of our inert waste, something more strategic. We will never know, it did not happen, and it is not them here now it is me, so there you go.

2910 Sir and Members I will move onto the Propositions and I must write down where Deputy Roffey has asked me to talk about costs. I remind Members that this Requête is about the more strategic use of inert waste and is asking STSB to come back to the Assembly with a compare and contrast. A benchmark for this Assembly to choose between the two; something the original amendment asked for them to come back with. The Requête is really asking do you want this Assembly to spend £45 million on Spur Bay or do you want to divert that public money to somewhere more sensible and more usable and more logical?

2915 Now I am going to move onto Propositions. In Proposition 1 we are asking the Assembly to agree that St Peter Port is the preferred option for the use of inert waste. It does not determine the size of the phases but it does ask STSB to consider a jetty. To sort of answer Deputy Roffey's interjection, you have got a two-mile difference between the current proposal of Longue Hougue South, down south to somewhere at around the same depth of water in a sort of same area.

2920 It is a bund; it does have infill it may be engineered differently because you actually know what is likely to be there but I cannot imagine there is a huge difference in what is a six-month period for the Committee to basically look at the current Longue Hougue South project and bring that down to St Peter Port.

2925 What we do not know is how big a jetty might be. I cannot answer that question at all but it is not beyond the wit of man and Deputy Mooney, I know, has an awful lot of experience in working in a marine environment, I am fairly sure, within six months, with people like Deputy Mooney, we actually use some of the talent in this Assembly, between them it is not beyond the wit to come up with something that we can choose.

2930 I am not in any way saying that quite clearly it is going to be exactly the same price. Quite obviously it is not. All we are trying to do is trying to do something more strategic, with St Peter Port, and use a £50 million commitment and put it somewhere else. That is all we have been asking to do.

2935 Proposition 2, we have asked you to get the Ports Masterplan out of the drawer. Produced in 2012 and was supposed to inform harbour development for the next 25 years but, like many of these consultative documents, expensive to produce and never implemented.

2940 In Proposition 3 I have illustrated the benefits of an extended land area and jetty in the opening speech so I will not repeat them again. Proposition 4, this asks STSB to consult with port users, the experts. Why anyone else, would you? Deputy Fallaize has often said keep politicians out of it, out of education. I honestly think they should be kept out of port management as well.

2945 We are basically acting as a facilitation, asking people, this Assembly, to talk to the actual users. Those people on the ground. Your pilots, your harbourmasters. That is what we are asking you to do. We are not asking for political dreams, political visions, they are not becoming a taxpayers' nightmare. We are asking for you guys to actually look at what is practical and within a six-month period.

2950 Proposition 6 asks STSB to return to the Assembly at the time they are intending to. I accept that the pricing of a jetty might be trickier but actually I have faith in STSB and its officers. I genuinely do not believe it is out of the realm of possibility to provide what the Requête is requesting. You may choose not to deliver it but I believe it is possible to deliver it.

2950 We are asking for prices; we are not asking for planning inquiries. We are just asking for this Assembly to be able to make a choice between two different options, one of them being St Peter Port; come back by December with variations, asking this Assembly to decide. In effect the Requête is a hardened up version of the Yerby/Merrett amendment.

2955 The simple logical fact is that we have an abundance of inert waste and we need to use it in a strategic way. We have operational issues at the harbour, in terms of utilisation of space. We have a need to extend our quays and our jetties and we have general support from the public for this initiative.

2960 The creation of a new parcel of land to the east of the man-made modern North Beach reclamation creates opportunities for commercial and port operators and actually protects the existing Victorian edifice. It protects it. If we move the commercial side of St Peter Port further east, and create modern fit for the future port services, we free up existing land for development and other users. It actually even benefits the seafront enhancement area. It does not hinder it at all.

2965 You need to know the size of the canvas before you start the painting. There is nothing particularly new here. In the original inert waste policy letter there was a very similar use of inert waste as one of the final options. The difference is only that we have moved it a bit, shrunk it a bit and added a 160 m jetty. We have attempted to tie-in the existing needs of the harbour to an existing demand to do something purposeful with the inert waste. I think it is called joined-up government.

2970 Now I had a one-to-one with Deputy St Pier towards the end of last year; a private presentation on the plans in front of you today. A frank and candid conversation about where things go awry. What I said to him was along the lines of there are times when Government gets things wrong and it should put its hand up and state as much. It is quite easy; I do it all the time. Usually to the kids.

2975 I am quite sure the Inert Waste Strategy, as proposed, was one of those times. Rather than us all taking our positions, getting into our bunkers, pointing fingers and hoping to dodge the media bullet or the public backlash, we need to tell the public where we went wrong. If it helps Members, I will go first.

2980 I was wrong not to have read the Inert Waste Strategy properly. I was probably derelict in not engaging with STSB and E&I at the time to express my concerns to them before debate. I was also wrong not to pay the same attention to the document that Deputies Yerby and Merrett did, to this piece of work. I wish I had. I did not; I was in another place at the moment, I did not pay attention. Deputy Merrett you can stop smiling now!

2985 In this opening speech, I have already said that I do not think that individual Members or either STSB or E&I are culpable for the shoddy financials; but they are shoddy. Any builder will tell you that if you start wrong then you will end wrong. Something went awry before we got sight of the policy; £30 million to £40 million to £45 million in nine months. The base financials were incorrect and they set off a train of events and amendments.

2990 Again I ask you now, if you knew it was £50 million before the Inert Waste Policy, might you have done something different with it? Might you have done something different? Could you have done something more strategic? It is not anyone's fault that it is now 50 million quid. The problem is that it was not right in the first place and that set off the train of events.

2995 Now I genuinely believe that if sometimes we just stick our hands up and say, 'Sorry guys, we have not got this right,' the public would breathe a sigh of relief. I cannot believe I am about to say this but I am happy as a Member of the Assembly to share in that responsibility. God that hurt!

There was controversy when our forefathers came up with a scheme to extend the old harbour 150 years ago, to protect their sailing ships and the introduction of steam vessels, and that construction took many years to complete. But their foresight and confidence were proved right. It was absolutely proved right.

3000 We must redevelop this crucial asset to meet the demands of the 21st Century and, for the benefit of future generations of Islanders, long after we have all gone. Think what our forefathers did and think of the kind of conversation we are having now. Now, Members of the STSB, I genuinely do not think this is the time for dilly dallying. It really is the time to accept that Longue Hougue South is dead in the water. The more the cost of it rises, the less reason there is to do it. I

3005 do genuinely think this is the day to do something strategic, to end this term with a practical solution and direction for the Assembly.

The evidence is in front of you, if you choose to see it and, true, it might not be packaged up in a very expensive English expert report, but pop down the harbour; if a lot of logistic firms are telling you, you need more land, if harbourmasters are crying out for land, if pilots are saying to you there is only one place for putting ships into this Island, I am not entirely sure what more evidence this Assembly needs.

3010 St Peter Port has been a port for 2,000 years, it is logical and necessary to use our valuable inert waste in a practical and pragmatic way and I urge Members, I actually urge Members to be bold. Be brave and have confidence in your eyes and your decision. This Requête, I genuinely believe, is achievable and I ask you to support it.

3015 Thank you, sir.

The Bailiff: Now, Deputy Ferbrache.

[Amendment 1](#)

To delete all the Propositions and replace them with the following:

Harbour requirements

1. *To agree that the distinct character, history and setting of St Peter Port Harbour and the surrounding area affords it a special and unique status, and its attraction and value as a primary centre for commercial, cultural and recreational activity would be enhanced if maritime activities were focussed primarily on provision of leisure port facilities.*

2. *To direct the States' Trading Supervisory Board to carry out a detailed analysis of the future harbour requirements, including consideration of any requirement for new berth facilities east of the QEII marina or nearer to St Sampson's Harbour, and an assessment of the impacts, practicalities, and potential benefits of relocating some commercial port operations away from St Peter Port, and to report back to the States by December 2020; and for this analysis to be funded by a capital vote of a maximum of £800,000 charged to the Capital Reserve.*

Planning

3. *To direct the Development & Planning Authority to consult relevant Committees and other stakeholders and prepare proposals for a local development strategy for the St Peter Port Harbour Action Area, this work to be funded by a capital vote of a maximum of £300,000 charged to the Capital Reserve; and to direct the Development & Planning Authority and the Committee for the Environment & Infrastructure to take all necessary steps under the Land Planning legislation to lay such proposals before the States for adoption by the end of 2020.*

4. *To direct the States' Trading Supervisory Board to carry out a detailed Environmental Impact Assessment on potential land reclamation and future development east of the QEII Marina, to be funded by a capital vote of a maximum of £350,000 charged to the Capital Reserve, to help inform the preparation of the local development strategy for St Peter Port Harbour Action Area.*

5. *To direct the Policy & Resources Committee to investigate options for the resourcing, management and delivery of the Seafront Enhancement Area Programme, including the delivery mechanism for development, and to report back to the States with recommendations in relation to such options by the end of 2020.*

Management of inert waste

6. *To direct the States' Trading Supervisory Board, in consultation with the Development & Planning Authority, to consider options, including potential locations, to enable the temporary stockpiling of residual inert waste; and to make recommendations to the Committee for the Environment & Infrastructure on such options, as well as estimates of any associated costs, by December 2019.*

3020 **Deputy Ferbrache:** Sir, do you want me to read the amendment? It is seconded by Deputy Parkinson. It is a matter for you.

The Bailiff: No, it does not have to be read. But if you wish it to be read it can be.

3025 **Deputy Ferbrache:** I am quite happy not to. The only point I would make in introduction is that the original draft had an error in it which was entirely my responsibility and that was in what would be Proposition 2, we did not have a date. It was always intended to be to state: ' ... to report back to the States by December 2020.' That has now been inserted. I apologise for that and, as I say, the fault for that is mine. I think it may have been clear from the rest of the Propositions but nevertheless I am making it perfectly clear.

3030 I really do commend – and I do not mean this with any face at all – Deputies Paint and Inder, as leaders of this Requête in bringing it. Because what one very able member, and they are all very able except for me, of the STSB said, former Deputy Falla, now Stuart Falla MBE who is head of our ports board and is a non-States' member on STSB is this is fantastic because it has enabled us to advance what should have been advanced by at least two years, to bring something back.

3035 Where I disagree with Deputy Inder ... and as I say I commend him and I commend Deputy Paint – and Deputy Paint knows more about maritime matters than certainly anybody in this Assembly and probably more than most people in Guernsey, so when he speaks in due course, I will listen intently to what he says because I know (a) he never wastes the time of this Assembly; (b) he never makes long speeches normally; and (c) he will speak from the heart and truthfully. So I have no problem with any of that at all.

3040 But what Deputy Inder said, 'if you start wrong, it will end wrong' – frankly, that is where Deputy Inder and others are asking us to start. They are asking us to start wrong and we will end up wrong. This, to me, other than the education debate that we had earlier in this Assembly, is the most important debate that we have had in this States in the last three years. Because the east coast of Guernsey is so important. That is where, as Deputy Inder says, 98% of our goods, our people, that is where they come in.

3045 We have two harbours, St Peter Port and St Sampson's, and to use – I am not quite sure I am quoting his exact words, but to use – Deputy Inder's words, they are tired old ladies in some ways and they need love, care and attention. That is what the amendment seeks to do.

3050 Where I also have to distance myself from Deputy Inder – and I do not mean it in any pejorative way – is his gung-ho approach to the Law. Because the States can do whatever it wants, like a proud peacock it can puff out its chest and say, 'We are going to do this; we are going to do that; we are going to do the other,' but we have something called the Rule of Law, and the Island Development Plan, which was debated at length by this Assembly, and by the previous States' Assembly, it has been considered for a long time, is the Law of the land. It is a Law. It cannot be ignored by any decision of this States; it cannot be ignored by any body. It binds this States.

3055 What you have in a separation of powers, and you go back to the days of Danton and Montesquieu and various other people, go back to all those days and it said you cannot have all the power vested in one body. You have got to have a legislature; you have got to have an executive and you have got to have a separate legal system. And we have a separate legal system of complete integrity.

3060 I have been fortunate in my now long legal career to practise in two different jurisdictions, and I have had experience of dealing with other jurisdictions because of the nature of the work that one tends to do as a Guernsey advocate. If you do complex civil litigation like I have done over the years, you deal with other jurisdictions. I can say there is not a legal system that has more integrity than our legal system. So to expect Deputy Inder to persuade 21 people, whatever number of votes that it will be in this Assembly, that you can just ignore the Rule of Law is not going to happen. The courts will not allow it; the people of Guernsey will not allow it. We have to follow the Law.

3070 Just like Deputy Inder, I have had conversations, at length, with planners. They have been entirely honest, frank and, as you would expect from quality civil servants, impartial. But what they have told us is this: whether you have St Peter Port, Longue Hougue, or somehow we have perhaps another willy-nilly scheme and we go back to the west coast and we have it at Cobo,

3075 whatever you have in relation to any of those, you have got to have a planning inquiry and you would have to have an environmental impact assessment.

3080 So that is the same for whichever scheme it may be. But what we have been told and what I also know from my own knowledge, because this July I will have been a qualified lawyer for 47 years and this last March I was a qualified advocate for 38 years. So I have been involved in the Law now for a long time and I have dealt with many planning matters in Guernsey and I know the Planning Law reasonably well.

3085 If this Proposition, if the Requête, was accepted, and it went all the way to the planning inspector in due course, he or she or they would have to reject it because it would not meet the relevant policies of the IDP. That will take a year, 18 months, I do not know – a long time. It would take a year, it would cost a lot of money and it would be absolutely doomed to failure as a matter of Law.

3090 So if the States thinks it is going to do it and we are going to get things done and we are going to show that we are not going to have any rules and regulations, which the States has made, the States has decided it is going to follow and the States has decided is appropriate, let me put it the most neutral way I can and in non-hyperbolic language: it is dreaming, it is unrealistic.

3095 Also Deputy Roffey raised a point with Deputy Inder that Deputy Inder, in my view, never satisfactorily answered. Deputy Roffey said, what is the cost of it? Now I fully accept, I have been President now of the STSB I think since June of last year, I cannot remember because time moves on when you get to my age, it is the blink of an eye, your grandchildren are suddenly bigger, they know more than you do! Nearly a year.

3100 The £30 million figure was, as Deputy Inder explained, that is the calculation, pre-my time, and that was inaccurate; it was not a satisfactory of dealing with it. It was not anybody's fault, it was not that person's fault, and he is right, when I said the figure of £45 million seven months ago, I made it very definitive in relation to that figure, and I see Deputy Inder nodding affirmatively. Because it could be more. I do not know. That was the best figure I was given at that particular time. But at least it was a figure.

3105 When we met Deputy Inder and Deputy Paint, Tuesday of last week, a week ago, they were asked by officers, they were asked by various people: 'What is the cost of your project going to be? What is phase one going to cost?' 'No idea,' they said. 'What is phase two going to cost?' 'No idea,' they said. 'What is phase three going to cost?' 'No idea,' they said.

3110 So they have got no idea. The estimates given from £30 million to £45 million are not satisfactory but at least it is some idea. They have got no idea. So there is no idea how they are going to advance it. Going back to the planning, it is permissible, because this States made the IDP, for it to go through due process and change the IDP. It could come along and say, 'We are going to amend the Law by deleting policies ABC1, DEF2' – I am lost in my alphabet now – 'XYZ3'. It could say, 'We are going to delete those.'

3115 But you have to go through proper process. You would have to make Resolutions of this States; it would have to form part of primary legislation because you would be amending primary legislation. How long is that going to take? And also, the planners, and the very able planner that spoke to us on various occasions and listened to some of our idiotic questions at times, to which she was very responsive and very helpful and extremely patient, said what you have got to think about, too, if you omitted this policy and that policy – she said what they were and I cannot remember, that is my fault not hers – she said that could have a knock-on effect in relation to other parts of the IDP and other areas that may need to be developed in Guernsey.

3120 So it is not just a matter of –
I give way to Deputy Fallaize.

3125 **Deputy Fallaize:** I am grateful to Deputy Ferbrache and I agree with everything he is saying but would he not agree with me that, I am not saying it would be the right thing to do but for the purposes of clarity, an alternative would be to return to the position which persisted, I think, right

up until the 2005 Planning Law was introduced, where the States and States' Committees did not have to make planning applications?

3130 They were effectively outside of the planning process. That would require, presumably, I say simply, it would be a reasonably straight forward process, repealing whatever the relevant section is of the 2005 Law. That may not be the right thing to do but it would be an alternative way around the challenge that he is setting out.

3135 **Deputy Ferbrache:** Deputy Fallaize is exactly correct because, if I remember correctly, the States built the top floor of the States' Insurance Building without planning permission, because it did not need it at the time. I do not know if he was a Deputy or Conseiller Chilcott at the time said, 'I do not need planning permission, I am going to go ahead and do it because it adds value to the States' property.'

3140 That was fine in 1976, I do not know the year, whatever it may be. We are now in 2019. Are we really saying that the States should be above the Law? Because the decision was taken some years ago, 2005 or whatever it was, that that is unsatisfactory. The States should be subject to the Law, just like Developer A, just like Deputy Fallaize, if he wants to extend his property; just like anybody else. No man or no woman is above the Law. We are all equal under the Law. And that should apply to the States of Guernsey.

3145 So Deputy Fallaize is exactly right, but I doubt if more than three or four States' Members would support that. I certainly would not. Deputy Fallaize, I doubt would. I do not know, he might do, because I never know which way he is going to vote when he finishes his speeches, but we never know! He could. But I think, if he was one of those three or four, with Deputy Inder, he would be very much in the minority. Because one thing you know, when you have travelled through the passages of Law like I have, is the value of having an independent legal system, which is free from any proper criticism.

3150 So let us go back to where we are in connection with this particular Requête. As I say, well-intentioned as it is, and it is alright Deputy Inder saying you can come back in six months, because 'the STSB, I have got confidence in them and their officers and they will be able to come back'. I think he has every right to have confidence in the officers of the STSB – I am not too sure about the political Members sometimes – and those officers, who I have grown to respect considerably over the last 11 months to a year, because they have consistently given us good advice – they are first-rate professionals – have said, 'What we are asked to do is impossible. We cannot come back to the States by December of this year with anything that is meaningful.'

3160 Clearly they are servants of the States, like we are servants of the States, if the States make a decision. But was in the point of telling officers who are telling you – and they are first-rate people, they are industrious people, they are proactive people – with the best will in the world that they could not come back with anything meaningful in the next six or seven months –

I give way to Deputy Trott.

3165 **Deputy Trott:** I am grateful because, at the meeting that was kindly laid on at STSB, which I attended, your officers made the point they could come back at the end of the year, however it would require this matter to be given the priority above all other matters. But then in your opening remarks you said that this was the most important matter that the Assembly had dealt with since the education debate. I wondered if you could take this opportunity to square up those two comments?

3175 **Deputy Ferbrache:** Very easily because the two items, I have been entirely logical and consistent, what the officers actually said to Deputy Trott, and I was present at that meeting, is that they could not do anything else; they would not be able to do anything else over the next six or seven months. So with all the other projects that they have got to deal with, the waste project, everything else they have got to deal with, every man and woman – and if we could get some children if we are allowed to employ them – every man, woman and child would have to come in

and devote their energies to this particular project and even then, and they have reflected on it since Deputy Trott – he largely got it right – the meeting he attended, they said, ‘We just would not be able to do it.’

3180

They could come up with something that was value-less, something that was not properly researched, like the £30 million figure that Deputy Inder referred to earlier and he was right to criticise that figure because that should not have been given, but nevertheless we learn from our mistakes. Therefore, because it is so important, my point is we should give it due time, due resource and due weight and we should attend to it properly.

3185

We have also – I have got to say, sometimes you think you are going to say something and something else pops in your head so let me just pop it there. Longue Hougue South went through a tortuous process before it was chosen, after due consideration, as the proper site for inert waste. Now at a whim, and I do not mean that pejoratively or rudely, without any research, without any evidence, are we going to change that? Are we suddenly going to say, ‘We are not going to do that any more because we should do something about St Peter Port Harbour’?

3190

Now he said about St Peter Port Harbour, let us not forget that a lot of money has actually been spent on St Peter Port Harbour in recent years, and I have been told, and I am sure those of you who have been in the States more recently than me, that £20 million was spent on repairs to the new jetty and £13 million on repairs to freight handling berths and in relation to the purchase of new cranes. Now £33 million, to me, is actually quite a lot of money.

3195

I will give way to Deputy Inder.

Deputy Inder: He has not got to this bit. In Proposition 1 he is asking –

3200

Deputy Ferbrache: I cannot hear you, could you speak up?

Deputy Inder: I am sorry; I beg your pardon. In Proposition 1, in his amendment, he is asking that maritime activities would be focussed primarily on provision of leisure port facilities. Having just spent £13 million building out our freight area, does he honestly think that would then be a good use of public money, having spent £13 million on, I think it is, six, five and four berths, putting a couple of cones on and then moving everything to St Sampson’s?

3205

Deputy Ferbrache: That is a very good point. Deputy Tindall, she was not the only one but she was, when I say the leader, I think she knows what I mean in relation to that. She may change her mind, I know not, I am not holding her to her words. But what she said at one of the three presentations we gave to States’ Members, she said, ‘At the moment I can see the sense and logic in Propositions 2-6, but ...’ – I do not think she used this phrase but I think this is her sentiment – ‘... number one it is putting the cart before the horse to say it is going to be a leisure facility.’ She is saying. ‘I am not saying at the end of the day that I might not think it is a leisure facility but we have got to go through the evidential process.’

3210

Now we thought, as a result of comments primarily made by her but also by other people, that perhaps we should amend our amendment and take it out. But we thought leave it in because it is a matter the States can take into consideration. The States, I anticipate, will want that voted on separately and, in any event, it is covered within 2, because 2, Deputy Prow, in one of the presentations he attended, asked just how wide Proposition 2 was. I said, ‘I think it is very wide, because the first sentence of it says, ‘To direct the States’ Trading Supervisory Board to carry out a detailed analysis of the future harbour requirements including ...’ And then it goes on.

3220

So in other words it is not just limited to one, it is everything and it would include whether St Peter Port should be leisure, whether St Sampson’s should have less activity or more activity, whether there should be a third harbour somewhere, not necessarily Longue Hougue, between St Sampson’s and St Peter Port. It would include all of those matters.

3225

Now Deputy Inder said, ‘Look what our forefathers did in relation to the way that this was progressed. They just went on and did it.’ Well they actually did not. If you look at the market

3230 development and you look at the buildings, that building was built in 1822 and that building was
built in 1834. What they did in that 10- or 12-year period between the two, they had further
consideration. They did not have planning inquiries in those days because people did not really
have long lives in those days. They still gave proper and detailed consideration to what would be
3235 in the best interests of the citizens of Guernsey and then, 10 years later, 12 years later, they built
further buildings.

Let us look at perhaps something a little bit more recent. Now in April 1934 – even I was not
alive then, but in April 1934 – the States agreed to set up an aerodrome committee and its
purpose being whether the Island should have an airport; at a time when Jersey and Alderney did
not have one but they had already decided they were going to have one.

3240 Note the date. April 1934. The Airport was eventually opened, I think, in May 1939 – five years
and one month later. Just in time for the Germans to take advantage of it a year later! A nice
bright airport we bought for them. But anyway, going back to 1934, the States received a
representation that L'Ancrese Common was the only possible site. Now the committee
questioned that advice and came up with seven potential locations. As they had no expertise in
3245 aviation they asked the UK Air Ministry for advice and they sent Wing Commander Allen to look at
all the sites. Obviously he could not fly over.

He came over and he looked at all the sites and, after due consideration, La Villiaze was
chosen. Now the committee did not have any technical experience of airfields so it appointed a
firm of UK aviation consultants to compile the full report and an estimate of the associated costs
3250 of construction of the airfield. In January 1935, the committee went back to the States with their
findings. The States thanked them and duly directed them to reconsider the recommendations
and go back to the UK experts to ascertain whether any other suitable sites existed and report
back to the States.

They did that and returned in October of that year with a supplementary report. Once again La
Villiaze was recommended. The States agreed by a narrow majority to proceed with La Villiaze.
3255 However, just a month later, the committee received another approach, this time from the owners
of L'Eree aerodrome, they said their site was better and submitted their own aviation consultants'
report.

So the committee duly approached the UK Air Ministry again, this time in December 1935, and
3260 asked for a further opinion. Well, we progressed from a Wing Commander to Major Mealing –
came over this time. He was the chief inspector of airports and he was despatched to examine the
two sites. His report concurred with the States' decision re La Villiaze and on 22nd July 1936 the
States sought tenders for the construction of our Airport.

However, before doing so they sent their experts away again to review the design in order to
3265 review the costs and the final budget came back in 1937. The Guernsey Airport, as we know,
opened in mid-1939 and the only other request was for £400 to host various dignitaries for the
various opening ceremonies. Perhaps we will have that. Perhaps Deputy Inder, if he is successful,
will come back with a request for perhaps £4,000 for an opening ceremony for his development.

So it took more than five years to get from the idea to something being done. Actually that
3270 research was done very ably by one of our civil servants. It was very interesting. I did some
research in relation to the reservoir project; it was not a lot different. So our forefathers, and they
may have been our fore rather than our fore-forefathers, they actually decided and said that we
should research these things.

The Harbourmaster, because Deputy Paint and Deputy Inder, I think they will concede that,
3275 when they approached me about this topic I gave them open doors and said you can speak to our
officers, you can have as much of their time as they could valuably give you, and they did speak to
our very able harbourmaster. I know he has only been *in situ* for less than a year but I think we all
accept that he is a man of great wisdom and knowledge.

3280 He said he was initially attracted when he saw the attraction of the independent scheme, he
said in my presence and their presence just a week ago that what they were now proposing in the

amendment is much better. It is a much more detailed scheme. It gives a better long-term solution; it would be more considered. That is what he said.

3285 Deputy Inder said something which concerned me and he said that Deputy Prow is going to make a speech about security in due course and I know that Deputy Prow knows a lot about these things, I fully accept that. But I do not think, and I do not mean this disrespectfully to Deputy Prow who I respect considerably, he knows as much as the Harbourmaster about the internal harbour requirements.

3290 Because the Harbourmaster has advised us on more than one occasion, and at least at one of the three – he did not come to the third meeting so it was either the first or the second meeting, I cannot remember which – it must have been the second meeting – Deputy Paint asked the question about do we comply with international and local regulations?

3295 He said we did. I have also had a note today, not from him but from the civil servant we have spoken to, to say we completely comply with those findings and recommendations. So our security in relation to the Harbour is up to international and local standard, according to the Harbourmaster.

I give way to Deputy Prow.

Deputy Prow: I thank Deputy Ferbrache for giving way.

3300 I would just like to make two brief comments on that. I do not think it is particularly fair comparing my knowledge or lack of it on the security with the present Harbourmaster and I would not seek to do that. I think when I have the occasion to do so, and I will not do it now, my comments around security will not just contain remarks about the security zones but also logistical issues of passport control and conducting the other security measures which are over and above that.

3305 Whether we comply at this present moment in time, and we necessarily must comply, is not so much the issue; it is about having to undertake that in an extremely limited and crowded infrastructure and that is the point that I hope I will be able to make as debate progresses.

Thank you, sir.

3310

Deputy Ferbrache: Hopefully once he has heard my speech – I am sorry, I will give way to Deputy Paint.

3315 **Deputy Paint:** Sir what Deputy Prow was going to say, I asked a question about international standards and the Harbourmaster actually said words to the effect that we have complied with international standards, or words to that effect.

3320 **Deputy Ferbrache:** Deputy Paint is right. But for the avoidance of any doubt, the up to date information I have been given on behalf of the Harbourmaster is that we comply fully with all international and local requirements and we are ISPC code compliant, whatever that means. I have been told by an expert what that means. Deputy Prow is making the point for me and I am very grateful and if he wants to make it for me again later in the debate, I will be even more grateful.

3325 What he is actually saying is that it is overcrowded there. We are saying it is overcrowded there. That is why we are saying we need to look at the whole of the eastern coast and have a proper, detailed response. It may be – I would very much doubt it – that in 18 months' time, or whenever it may be and it will not be any longer than that because we would make it our absolute imperative duty for the reasons I explained to Deputy Trott; he has disappeared – that this is a priority for us because it has to be. This could be an iconic development for the Island of Guernsey; it could be the late 19th Century, it could be that kind of development and that is really what we should be looking at going forward in connection with where we are.

3330 I do not mean it, again, in any way pejoratively, there is always a thing about why spend more money on consultants? We have got experts, we have got Deputy Mooney over there who is

going to tell us how this could all be done, in due course. But we are talking about a significant amount of money.

3335 Proposition 2, if passed, will provide that up to £800,000 will be required for STSB to progress the work. Some Members will say that no doubt we will be asking another £800,000 for a consultants' report to tell us some may think what we already know, when we could just get on it. Well you know, as a matter of Law, unless we press the nuclear option that Deputy Fallaize said, that we cannot just get on with it, we will not be able to just get on with it.

3340 The £800,000 is not for another consultants' report, *per se*, it is for the staff resources and the technical support required so that we can progress this matter – we can progress the project properly over the next 18 months. In fact the Requête itself, at Proposition 7, says:

To direct the Policy & Resources Committee to make available to STSB the resources necessary to complete the additional investigations and policy work required ...

3345 And to direct Policy & Resources to make available any extra resources to STSB for any work required by the Harbourmaster. So they know it is going to cost money. The only thing is, unlike them, we have put a cost into it. They have not. Their £800,000 could be significantly more than that.

3350 Now within the £800,000, we will need someone with significant programme management expertise to lead the project, plus also support for them. There may be States' employees that we can use on a secondment, but we need to reflect the cost of these individuals in the programme for the next 18 months. Plus – and Deputy Paint made this point, absolutely right – we will need somebody, we say from the Harbour Office, but we will need somebody with local maritime expertise. Because there is no point bringing in somebody from, I do not know – do they have water in Timbuktu? Probably not! – somewhere up in Stranraer and bringing them down and they do not understand local conditions, which you cannot get in five minutes; it has got to be in your veins, in your blood, as it is with Deputy Paint and others.

3355 So we would need somebody like that – some man or woman like that with that experience. And we will undoubtedly require additional specialist expertise that we do not have within the States in areas such as maritime design, as well as a budget to carry out site investigations, modelling and other technical work.

3360 So yes, clearly some of that is going to need to bring in some expertise to turn this into action over the next 18 months. However, although £800,000 is mentioned, STSB will do its best, its most, to ensure that we can identify savings. Similarly, and I am quoting again from Proposition 7 of the Requête, that would delegate authority to P&R to approve expenditure on any environmental impact assessment. Again that is not specific in the Requête, Proposition 7, whereas Proposition 4 of the amendment, we identify a budget for it: £350,000, which is based on the current cost of the EIA being carried out for Longue Hougue South.

3370 Now I do not want to exaggerate that because, when I asked an officer a day or two ago, and I cannot remember if it was yesterday or the day before, the actual cost of the EIA, was about £230,000. So there is extra money involved in that, so that is why we allowed a figure of £350,000. I have already given that example, sometimes you have to look at history to see where you get to.

3375 There has been in the Requête and the explanatory note of the Requête some misquotations in relation to where we are. I brought this amendment, seconded by Deputy Parkinson, but the reason I brought it is because the STSB is mentioned in more places than anywhere else. I think Deputy Parkinson would admit it. I think Deputy Brehaut would probably admit it, because you have seen it is so important to the Committee *for* Economic Development and for E&I. It really is vital that we get this right, that we decide what we are going to do in a timely basis.

3380 I love that phrase, and I am going to quote it again, that Deputy Inder said, if we start wrong it will end wrong. One of my pet phrases, which I learned from Lord Hoffmann in some case that I dealt with many years ago, where he said, 'A shortcut is sometimes the longest way around.' What Deputy Inder and Deputy Paint and others are proposing is a shortcut but it would be, in this case, not sometimes the longest way around, it *would* be the longest way around.

3385 He has quoted Mr Langlois. We all know Mr Langlois; well I have certainly known Mr Langlois well – I have known Martyn Langlois many years. What he says is right that they would need more space, they do need more space. But can you imagine if this space that phase one is creating, if Mr Langlois is going to carry on more activity here, which it would be perfectly reasonable if he wants to, we would have warehouses there.

Deputy Inder: Point of correction, sir.

3390 **The Bailiff:** Deputy Inder, point of correction.

Deputy Inder: I do not know if it is a give-way. No I will do a point of correction.

3395 There is nothing in freight marshalling that says anything about warehousing. We have heard this time and time again. Freight marshalling is just basically moving containers around yards. Now I have heard this repeated by Deputy Brehaut, I have heard it repeated here, I have heard it repeated in the media. I think I have actually heard it repeated by, was it Hydroport yesterday, one of these other guys pitching for it? There has been no mention whatsoever.

3400 We are not here to sit and design the zebra crossings or what the marshalling might be. What we have said is more land is needed and what is built east of the east arm may not end up being the marshalling area. It is just providing the canvas and the opportunity. No one has ever mentioned anything about warehousing.

Deputy Ferbrache: If you bring more things in, you are going to have to store some of them. Sorry, I give way to Deputy Brehaut.

3405 **Deputy Brehaut:** I thank Deputy Ferbrache for giving way.

3410 In my capacity as a member of the SEA, the group looking at the harbour and the seafront, the freight companies that came to give representation said that they would like the area adjacent to the berth to be used for marshalling yards and sheds because it would make sense for them to unload their trailers close to the vessel and then distribute the goods around St Peter Port rather than going to the other end of the Island, which I think, in any port development is important. But their expectation is warehousing and sheds.

3415 **Deputy Ferbrache:** Indeed, following on from that point, logically made by Deputy Brehaut, it would have to be. We are not going to bring in invisible tins of beans. They would have to be warehoused. The plastics would have to be warehoused. Let us hope we are not going to bring plastics in, I do not want to offend Deputy de Sausmarez! Whatever they bring in they have to be warehoused. Do we really want to see that?

3420 Mr Falla gave an example. Because his wife is Scottish, he said in one of the conversations we were having, his wife was up there in Stranraer, where they came from. He said Stranraer used to be a very pretty port, a very pretty area. They did the kind of development that Deputy Inder is proposing and it is now awful. People stay away from that area because it has been despoiled by development that should not have taken place.

Does Deputy Prow want me to give way again? I do so with pleasure?

3425 **Deputy Prow:** I thank Deputy Ferbrache for giving way.

r within the Requête that is talking about having warehousing arrangements on the harbour. It is about the infrastructure and the lack of the development on the Harbour that makes it very constrained and having, as Deputy Ferbrache said himself, more land to be able to alleviate that.

3430 At the moment we have bonded warehouses, customs warehouses spread all over the Island, mainly to the north of the Island, and there is no suggestion in the Requête that is what we want to change. This is about changing the use of inert waste and using it for a more strategic use by developing our harbour area.

Thank you, sir.

3435

Deputy Ferbrache: Sorry, Deputy Paint, did you want to?

Deputy Paint: I have sat down. I thought you had finished.

3440

Deputy Ferbrache: No, sorry. I would have done but I am going to go on a bit longer now. Deputy Prow, again, is very helpfully making the point. You have got to have logic and logic says that you would have to build these kinds of constructions. But what else are you going to use the land for? What else are you going to do with it? There is no proposal put forward. They just do not know.

3445

Also, just think about it. That roundabout is probably – and Deputy Graham may well know better than me, because he has the statistics – the busiest roundabout. We come down and we have got lorries bringing concrete and old building stuff down, going around there, with youngsters going around on their push bikes. Adults going around on their push bikes, in their lycra. Perhaps I will put those out of my mind because I am more concerned with protecting the youngsters than the lycra people.

3450

But all kinds of vehicles. Little old boys like me driving our little cars around there at 20mph, because we are a bit timid in our driving nowadays. All of that kind of stuff competing with all these lorries, carrying all this waste, down to what is, and our Harbourmaster has said and he has worked in so many places, he said it is the most beautiful harbour he has ever seen –

3455

Deputy Inder: Point of correction, sir.

Deputy Ferbrache: I give way to Deputy Inder.

3460

The Bailiff: It is a point of correction.

Deputy Inder: I am afraid he is going to have to. This is from their own stats. Bear in mind in our Requête, and it is important, as much as we are trying to have a decent conversation, albeit with a nice bit of a twang, but I am getting a little bit bored of some of the spin that is being added to this. **(Several Members:** Ah.)

3465

Now hold on. This is from STSB's own figures. We were proposing that phase one, or a variation on it, whatever it might be, would be infilled over a four-year period. The building of the bund itself is likely to come from the sea. So that is where the stone armour has come. The actual filling of, currently, Longue Hougue, is a mixture of anything from a cab-style up to a fairly large truck with a load of inert waste. So this is from his own figures.

3470

No one is going to be knocking children off bicycles on the North Beach. Under your current waste arising, I think the word is, I am going to be kind, your lowest figure is 91 movements a day. It is your figures, Deputy Smithies; they are not my figures. These are from your officers. So this is filling Longue Hougue as it is now. This is from 2018's figures; 91 maximum movements a day and the most, in 2018, was 139 in February. Now you start dividing that on an hourly rate, that is 15 extra movements an hour per day. We are not going to have thousands of Lagan trucks going down to the port to fill it off.

3475

If this was filled organically over a four-year period you would not even notice it, given the amount of traffic. I will say one thing, and again this is from your officers, Deputy Ferbrache, that of course would change should the building industry start getting an extra hump and a bump at any point. We are not going to have thousands of tractors and trucks going down ruining St Peter Port. I can give these to you, either Deputy Ferbrache or ... these are your figures, from your data. Not mine.

3480

3485

Deputy Ferbrache: Have you finished?

Deputy Inder: I have.

3490 **Deputy Ferbrache:** Thank you, very good. I do not want to get too bothered with figures because, again, sometimes it is common sense and it strikes you in the face and there would be some lorries, there would be some vehicles that would have to go down to St Peter Port, with concrete and other stuff that, if it was to be put at Longue Hougue or somewhere else, they would not have to go there. Do we want any vehicles unnecessarily coming into St Peter Port?

Sorry, I give way to Deputy Parkinson.

3495 **Deputy Parkinson:** I hope my comment will be helpful to Deputy Ferbrache. Surely the point is that the lorry movements will not cease when the land reclamation to the east of the QEII Marina has been completed? For example, if bulk freight shipping came in at St Peter Port, instead of now at St Sampson's, a bulk freight ship containing, say, 2,000 tonnes of gravel, is unloaded into 10-tonne trucks. So that means there are 200 trucks full of gravel leaving the port and 200 empty trucks arriving in the port. That is 400 truck movements to empty one ship.

3500 **Deputy Inder:** Point of correction.

Your aggregate currently comes in at St Sampson's. There is nothing in here that says that the aggregate is suddenly going to start coming from St Peter Port. It is beyond belief what I hear; honestly. Keep politicians out of ports. (**Several Members:** Hear, hear.) Let us have an honest conversation here. Aggregate comes in from the north. We have got Deputy Parkinson, who now believes we are suddenly going to have 2,000 ... there is no mention of that. Your aggregate will still come in through St Sampson's. There has been no mention of it at all. Please stop making things up!

3510

Several Members: Ah.

3515 **Deputy Ferbrache:** I will just wait while Deputy Inder cools down, because I am feeling the hot air back here. In relation to that, I am sorry I cannot get away from it, I have got this mental image – a bit like Leonard Rossiter with his mother-in-law – of lorries, whether the aggregate comes in at St Sampson's or whatever, having to go into St Peter Port and bring out builders' rubble and granite and stuff like that. They would not have to do it if it was elsewhere. Whether that is one lorry, two lorries or three lorries more, you simply would not have to do it. It is not necessary. But never mind, I do not know if Deputy Inder wanted to interrupt me again, but perhaps not.

3520

Bear in mind also the letters of comment. There is a joint letter of comment signed by me as President of the STSB and Deputy Brehaut as President of E&I. There is the letter of comment from Deputy Parkinson on behalf of his Committee and there is also, signed by Deputy Gollop when he was their President of the DPA recently. I am only going to quote from one paragraph of that letter. It comes back almost to the starting point and he says this:

3525

Generally no States' strategy, policy or States' decision can legally 'trump' the requirement to comply with the Planning Law and policies. Therefore, notwithstanding the above, if there was an intention to progress the St Peter Port option, or any other site, as development of strategic importance, which has not been identified as the best practicable option as required by Policy S5 there is likely ...

And I can take out the adverb because there will be.

... to be a requirement to change the IDP policy to allow this to happen. This would have implications for timelines as well as resources, costs and impacts on other work streams ...

Just pausing there. I anticipate Deputy Gollop means work streams for his then Committee. So it is not only work streams for us, it is work streams for the DPA and the Planning Authority. And

3530 they have got lots of other work to do. So his letter carries on and he says it impacts on work streams as well. He said it:

... impacts on the potential delivery of other States' development of strategic importance. It should also be remembered that this policy was developed over a considerable period of time involving consultations with public and stakeholders as well as Committees and tested and agreed through public inquiry and should not therefore be amended unless there is considerable evidence ...

A word used by Deputy Tindall.

... of need to do so.

3535 Now we can do whatever we like, within the bounds of the Law, as I have already said, because that is the difference between my speech and Deputy Inder's; I respect the Law, we have got to follow the Law. He is now, I think, accepting we should follow the Law because nobody is above the Law. But in relation to that we are in a position whereby we are going to get nowhere if we just genuflect and suddenly, because we want to get on and we want to do things, we pass the Requête. I have got to say, and I could go on and say lots of other things, it is a nonsense. It is an absolute nonsense. It would be irresponsibility of the greatest order.

3540 Longue Hougue was selected, and this is only part of the overall thing, because our amendment if it is passed – and I fully accept that number 1 is in doubt and I do not have any great problems with that really, it is 2 to 6 to that, to me, are the guts of it and two are the guts of it – if our amendment is adopted, we can do something historic with the eastern coast of Guernsey and our harbour requirements for the foreseeable future.

3545 Also, for him to say that our harbour has been neglected, it is not only the figures I have given, the ports board have a budget every year for general maintenance and they spend every penny of it and they spend it sensibly. They have received a report actually for a small harbour, which our harbour is, it is well maintained comparatively. Comparatively because, like everything in Guernsey, if you had all the money in the world, you could do everything. We could spend £35 million tomorrow on doing things that we should be doing. We do not have that money so
3550 we can only spend the money that we have.

I give way to Deputy Merrett.

Deputy Merrett: Thank you, Deputy Ferbrache.

3555 Comparatively to what? I am a bit confused. If Deputy Ferbrache could say comparatively to what?

Deputy Ferbrache: Sorry, what have I confused you with? I do not understand what you are asking me. What are you asking me?

3560 **Deputy Merrett:** The question is, if it is comparatively well maintained, comparatively well maintained to the money spent on it or comparatively well maintained to other harbours? What are we comparing it to?

3565 **Deputy Ferbrache:** Sorry, I did not make that clear. Comparatively well maintained with other harbours of a similar size in other places. That is what I meant; I am sorry if I did not explain that correctly. I do not know what the result will be if the States approve the amendment. But I do know that when it comes back after due time and due consideration it will have been properly researched and we can make proper decisions based on facts and evidence and that is what I ask the States to do.

3570

The Bailiff: Deputy Parkinson, do you second the amendment?

Deputy Parkinson: I do, sir, and reserve my rights.

The Bailiff: Deputy Inder, do you wish to exercise your right to speak on it at this stage?

3575

Deputy Inder: I will wait until later.

The Bailiff: Thank you. Deputy Lester Queripel.

3580 **Deputy Lester Queripel:** Thank you.

Proposition 2 of the amendment refers to moving some commercial port operations away from St Peter Port Harbour and I absolutely and wholeheartedly resonate with that. I resonate with it because the current situation as I understand it, although I stand to be corrected in what I am about to say, is that freight is offloaded from boats at St Peter Port Harbour onto trucks and trailers. In general, the majority of those trucks and trailers drive along the eastern seafront to Bulwer Avenue, which as we know is adjacent to Longue Hougue, to offload that freight into numerous warehouses for future distribution.

3585

Going in the opposite direction, along the eastern seafront, from Longue Hougue to St Peter Port, we have trucks and trailers carrying our waste for export. That results in dozens of trucks and trailers travelling along our eastern seafront on a daily basis in both directions. Therefore surely it would make a lot more sense for that freight to be delivered to and our waste to be exported from the St Sampson's Harbour area, by boat in the first place.

3590

But I am looking forward into the future, if we could actually get to that stage, it would really help to reduce, to state the obvious, our carbon footprint. It would mean far less traffic congestion along our eastern seafront, to start with, and anyone who attempts to drive from St Peter Port to St Sampson's Harbour, or from St Sampson's Harbour to St Peter Port, between the hours of 8 a.m. and 6 p.m. will know how difficult that is. It would mean far less air pollution from the traffic fumes. It would mean far less noise pollution from the traffic and it would mean far less wear and tear on the road itself. So there are a multitude of benefits to be obtained should we ever be able to get ourselves to that stage.

3595

3600

Having said that, of course, I realise this amendment is not actually asking us to agree to that transition taking place, but it is definitely a step in the right direction. It has far more scope attached to it than the Propositions in the Requête. I say that because, as we all know, the Propositions in the Requête focus exclusively on St Peter Port harbour, whereas the Propositions in the amendment include both of the harbour areas and a lot more besides. In other words they focus on the bigger picture. They look at the whole issue holistically. Surely that is what we should have uppermost in our minds when we come to vote?

3605

I asked Deputies Ferbrache and Parkinson on Monday of this week if they could provide me with figures for trucks and trailers full of our waste travelling to St Peter Port Harbour and back, from Longue Hougue, on a daily basis, on a typical week day. They very kindly asked a member of staff to get back to me with that information as soon as possible. I was provided with not only that information but a lot more besides, within 24 hours. So I want to publicly express my thanks to that member of staff and to Deputies Ferbrache and Parkinson for their alacrity. It was very much appreciated indeed.

3610

I was absolutely staggered when I saw those figures. Surely the figures I am about to relay to my colleagues prove beyond a shadow of a doubt that we really do need to relocate some of our commercial port operations away from St Peter Port Harbour? I start by saying that I was informed that during the environmental impact assessment for the Longue Hougue infrastructure project, an average of 77 trucks and trailer movements were recorded at Bulwer Avenue, travelling in either direction, at the weekday morning peak between 8 a.m. and 9 a.m. That is an average of 77 trucks and trailers travelling along Bulwer Avenue in one hour on a weekday morning, and that happens every single day of the working week.

3615

3620

That is only in one hour. We have to bear in mind that there are another seven hours in a working day, so the reality is that hundreds of trucks and trailers are transporting freight to and from warehouses along Bulwer Avenue in a working week. With regard to specific movements in

3625

relation to the transportation of our waste, between two and three trucks a day will travel to St Peter Port Harbour and back, from Longue Hougue, and between two and three trucks a week, carrying glass, travel to St Peter Port Harbour and back from Longue Hougue.

3630 The vast majority of all of those truck and trailer journeys could be avoided if we could only get ourselves in a position where the vast majority of our freight was delivered directly to St Sampson's Harbour, along Longue Hougue and we exported our waste directly from Longue Hougue.

3635 Suffice to say I do not want anything to do with anything that seeks to increase the amount of traffic travelling in both directions, along our eastern seafront, because that makes no sense whatsoever. Whereas I fully support any motion or initiative that seeks to reverse that trend and reduce the amount of commercial traffic, i.e. trucks and trailers, travelling to and from St Peter Port Harbour, from Bulwer Avenue and Longue Hougue.

3640 I take great comfort from Proposition 5 of this amendment, because I see that as being an extremely proactive Proposition, due to the fact it seeks to accelerate the delivery of the Seafront Enhancement Area Programme. This whole amendment, in fact, in my view, is extremely proactive because as well as being comprehensive and inclusive, it is indeed proactive at the same time. It seeks to accelerate and address issues and I applaud Deputies Ferbrache and Parkinson for laying it before us today. Of course I also applaud Deputy Inder and his fellow requérants for laying the Requête in front of us today, because the Requête was the catalyst for this amendment.

3645 In closing, sir, it seems to me that my colleagues and I have a simple decision to make. I say that because any Member of the Assembly who wants taxpayers' money to be spent on comprehensive and inclusive research, in other words looking at the bigger picture, looking at the issue holistically, will vote in favour of this amendment. Any Member of the Assembly who wants to show their support for relocating some of the commercial port operations away from St Peter Port will vote in favour of this amendment.

3650 Any Member of the Assembly who wants to show their support for reducing the volume of traffic that travels along the eastern seafront, thereby reducing traffic congestion and air and noise pollution will vote in favour of this amendment. And any Member of the Assembly who wants to show their support for accelerating the delivery of the Seafront Enhancement Area Programme will vote in favour of this amendment.

3660 Members who want to restrict research and not look at the big picture, by focussing exclusively on St Peter Port Harbour, whilst at the same time potentially adding to the amount of traffic that travels along the eastern seafront on a daily basis, thereby increasing traffic congestion, air pollution and noise pollution, will vote against this amendment. Plus of course any Member who would prefer to just wait for the delivery of the Seafront Enhancement Area Programme they will also vote against this proactive, comprehensive and inclusive amendment.

3665 Having said all of that, I very much appreciate that is not going to be the way that some of my colleagues see this whole issue but that is the way I see it. So I intend on voting in favour of this amendment unless one of my colleagues can convince me otherwise when they speak. So I ask that colleagues respect my views when they speak; as I always respect theirs.

Thank you, sir.

The Bailiff: Deputy Paint.

3670 **Deputy Paint:** Sir, first of all, I have to declare an interest: I am a pilotage assessor.

Before I actually start my speech could I just say a couple of things on what Deputy Ferbrache has already said? The real danger we face on both Propositions is that if both fail, where are we? We are left without something that we actually need. Deputy Ferbrache made comment on what we estimate were the costs. Now what he did not say was that what they are suggesting will cost much more and I will begin my speech.

3675 In ancient Greece, Socrates was widely known for his wisdom. The Oracle at Adelphi said that Socrates was the wisest man in the world, because he knew his ignorance. I am sorry to say that

3680 supporters of this amendment cannot be admired for that wisdom! (*Laughter*) Kicking the proverbial golf ball into the gorse, as some of this Assembly may wish to do because they do not want to listen to what others say is, frankly, not what we are elected for.

3685 This amendment is severely wanting for many reasons, which I will refer to shortly, and seeks to demolish the original Requête without even examining the merits. It is based on what would be nice to have; opinion but not fact. The very idea of transferring the importation of freight, and possibly ro-ro PAX vessels' traffic towards St Sampson's from St Peter Port may appear to be desirable from the land management point of view; but it is very impractical. The concept lacks the consideration or understanding of maritime knowledge, especially in the interests of safe navigation practice and manoeuvrability of large ro-ro and PAX vessels.

3690 I would therefore like to draw the Assembly's attention to the following important points which are highlighted in the Requête, which appear, from the content of the amendment, to have been totally ignored. The proposals for the Requête have four actual principles: to build a bund or bunds and fill the cavity with inert waste; to create an anchor point; to build a no ro-ro/PAX berth; to replace the existing ro-ro berths on the new jetty, which are wearing out.

3695 Remember 98% of our imports come via the sea and our discharge and our ageing ro-ro PAX ramps. To pledge a new facility outside the harbour of St Peter Port would require the depth, width for longer and deeper vessels. To design and build a pier which is aligned to the existing southern breakwater pier head, to provide shelter to this new pier and its ships coming into the point. It also protects St Peter Port infrastructure, which is deteriorating with age and wear and tear.

3700 It will also enable Guernsey Harbours to maximise their assets by developing and extending the facilities for the purpose of which to increase their revenue. To eventually extend the north part of the reclamation area to create a large area that could accommodate marshalling of containers and railroad freight, thus freeing up the current area for additional Town parking, there would potentially be additional usage for this area, but undefined.

3705 Part of the Requête is proposing to protect what we already have enjoyed for 150 years and that is the Harbour at St Peter Port as it is at the moment. The Harbour at St Peter Port is open to weather and swell from the east to the south-west, which is very strong and high in Storm Force winds. The Requête seeks to enclose and protect the northern part of Harbour St Peter Port from these natural elements and provide shelter for the harbour in its original form.

3710 No one can dispute that this is true. Considerable work has been carried out at the base, inside the White Rock arm. There is a massive steel band across the pier head holding it together, Permission cannot be granted to construct a building where the signal station once stood, because of the weakness of the construction of the pier. The White Rock arm is badly in need of protection. It was built on a foundation of rubble, inert piles, and has been strengthened and underpinned in years gone by but it is still moving on a base and millions of pounds will have to be spent in the future to rebuild it or renovate it.

3720 With regard to the suggestion to use Longue Hougue for a harbour development, no consideration has been given by the amendment for the major report of WH Wellington, commissioned by the Board of Administration in the early 1990's, to investigate the extension of the arm, to the eastward of St Sampson's Harbour. This report is available in the Harbour Office and was copied and distributed to all Committees and departments who were involved in the investigation. It is therefore surprising that no reference has been made in this past report and amendment, a report that cost £500,000 at the time.

3725 The results of this report were measured against the Permanent International Association of Navigation Congresses, port planning standards. I have a copy here that was given to me by the Harbourmaster at my request at the meeting just before we met at In the paragraph of the conclusion it states:

The Commodore Clipper cannot safely operate at peak tides at all at St Sampson's harbour.

3730 That is what it says. I know that this report is nearly 30 years old but nothing has changed with regard to the approaches to the harbour at St Sampson's. The rock arms are the same and have not changed, the depths of water have not changed, the strength of tidal currents have not changed. The only thing that has changed is the length, draft and beam of vessels have got bigger. The maximum length of a ship using the harbour at St Sampson's is 80 m. Provided, that is with a bow thruster and a high-angled rudder. Otherwise the maximum length is 77 m. The *Commodore Clipper* and the *Commodore Goodwill* are 125 m.

3735 No reference has been made to the supporting amendment. That brings me to the point in the amendment in a paragraph under the heading 'Ports Masterplan' (PMP) and the sub-heading, 'Ports development' – the PMP states: 'potentially to build a deep water berth alongside, to the north side of, the Longue Hougue.'

So much for just talking about Longue Hougue South! It says that in the amendment.

3740 As a retired local, special and general pilot over 27 years, six years as a special pilot and 21 years as a general pilot, with experience in the local maritime knowledge, allow me to explain a little about this proposal, idea, of creating a berth alongside Longue Hougue North. The west end of the area where the barges originally moored to discharge stone for the construction of the Longue Hougue reclamation area as it is now stands at 1.8 m above chart datum and the east end would be 2.2 m below datum. This would mean that a huge amount of mostly rock, perhaps 3745 10,000 tonnes or more would have to be dredged to allow a ship alongside there.

The dredging would no doubt undermine the existing stone armour and would have to be piled to support it; another cost. It would have to be dredged regularly because the outer harbour consists of mostly sand and gravel and would continually find its way to the deepest point, which would be the base of the dredging. Another cost.

3750 The lease of the channel leading from the central Little Russel toward the in and out approaches to St Sampson's is of uneven depths and would have to be dredged to an equal level of what I have said for the north of Longue Hougue. It would also have to be dredged extremely wide because it would mean that vessels would still have to crab across a current to enter the point. That would cause huge problems for larger shipping entering St Sampson's.

3755 The main one ... there are two main international standards, which we will come on to later. Some of the problems I foresee are that many complications in and around Longue Hougue and St Sampson's area, notably the strength and direction and speeds of current, the shelter required in strong winds, the depth of water below chart datum, the number of dangerous reefs that would have to be lowered to enable vessels to approach any new harbour in any of these areas safely in 3760 all tidal conditions, day and night, is a bit of a worry.

Of course that is not to mention in Longue Hougue South the newly laid £13 million foul water discharge point which is buried in the location of Longue Hougue South. Any construction of a harbour facility must comply with international standards. A new sea port, one of those standards of which, tidal currents cannot exist more than 1.5 knots so it would not comply with international 3765 standards.

On the existing entrance to the harbour at St Sampson's, the current runs at four to five knots on high water and, on low water neap tide, it still exceeds three knots. I have to ask how could any ro-ro vessel turn and back into any berth that is built in the area in strong currents and tides? As a ship's master I would not try to even attempt it; as a pilot I would not advise any captain to do it. 3770 So that leaves us with a big problem.

It is true that the current stops on slack water, which is at half tide, on every tide. But it is only for half an hour at best. The tide alters daily, about one hour per tide, meaning that no proper schedule could be made for vessels to enter this port.

3775 Any new build in the harbour for roll-on, roll-off, or PAX vessels, just for roll-off PAX vessels, has to comply with all international standards. Although they are not Law, only a fool would not comply with them. One of those standards, roll-on, roll-off passenger vessels have to be at least 160 m long and comply with these international standards. In UK and French ports, all where our own vessel trade upon, at the time being – the information I have here is from a highly qualified

3780 person who has been harbourmaster and has worked for 25 years in constructing or advising constructing ports, so perhaps the Harbourmaster needs to look at that again.

The Island Commodore is nearly 30 years old. It will have to be replaced within five or 10 years at best. It is the only ro-ro PAX vessel in service to operate in St Peter Port, with no other back-up for fast ferries and we all know the history of that. Guernsey will always play second fiddle regarding sea connectivity and freight and passengers unless we make drastic changes.

3785 Jersey will also have to be addressing these international standards. Their population is 40,000 more than ours and the volume of traffic and freight is much greater than Guernsey's. There are possibilities which could be considered and one of them is to have a major connection with another port nearby.

3790 We have ignored in recent times a port like Cherbourg. It is directly on route from Portsmouth, it would be economical from an operational point of view of fuel consumption, the port and port handling time. The potential for attracting major shipping lines like Brittany Ferries, P&O or others, could be explored if we decide to redevelop St Peter Port, as previously stated. Daily sailings to Cherbourg, along to Portsmouth and return would provide Guernsey with a vastly improved connectivity and would satisfy both Guernsey residents and visitors, plus trade fleets.

3795 The trend for ship owners on building ro-ro/PAX vessels is to address these international standards and to increase the size of the vessels and we have to provide the facilities to accommodate that trend, otherwise we will remain a backwater. An extension to a harbour at St Peter Port has to be the cheapest and would require the least dredging. It would meet the requirements of international standards and cover what is needed for our future.

3800 Timescales and inert waste. If the decision was made to extend the harbour at St Peter Port, as outlined in the Requête, all inert waste could be directed to this site, utilising the Longue Hougue site to stockpile the residential inert waste and transport it by sea on seagoing vessels at St Peter Port. This would reduce greatly any extra additional strain on the St Peter Port-Belle Grève road flows.

3805 Carbo-hydro imports. There have been options and a presentation for the importation of hydrocarbon fuels that have been looked at and so far have failed to materialise. There was one proposal that a liner hydrocarbon pier should be built and two reports on that, costing £1.2 million already. We are aware already that others are going to be proposed but that has not been made public yet, but they remain questionable.

3810 The import of hydrocarbon fuels has reduced greatly in volume because of the much more efficient vehicle engines. New methods of importing fuels, such as ISO tanks and tankers have increased substantially. The movement towards more electric vehicles is on the increase, which should further decrease the demand for fuel. Plus there are proposals for a new cable link to France directly, which would be more reliable than the present Jersey one. I have to ask why should Guernsey spend millions in providing fossil fuel facilities when the trends for electric vehicles are increasing and we can manage as we are?

3815 In conclusion, sir, this uninformed amendment seeks to delay the proposals for the redevelopment of St Peter Port and should be defeated without delay, for the reasons I have stated. The current state of St Peter Port infrastructure is desperately needing renewing or
3820 redevelopment, because of its age.

As one previous harbourmaster has said, it is a 19th Century construction using 20th Century practices requiring 21st Century standards. The constraints on our harbour do not allow enough manoeuvrability for the industry standard roll-on, roll-off and passenger ship vessels and ours is getting much older.

3825 There were wasted opportunities for increasing harbour revenue by winterising for our own vessels in the Victoria Marina, which is currently impossible due to the protection from strong winds. There was increased demand for refuelling superyachts, which take high volumes of fuel but cannot be addressed due to the congestion in the harbour. What the Requête is proposing is a way forward that meets all the requirements I have stated. This ticks all the boxes but is cost-
3830 effective to the Guernsey taxpayer.

3835 The approach to the harbour in St Peter Port: is it clear of obstruction? No, very little tide ...
whereas at the Longue Hougue you have many considerations to deal with. The strength of
current, the direction and the strength of winds, the depth of water below chart datum, the
number and dangers of reefs to be blasted to enable vessels to approach and what I did not
mention before and must have missed, Longue Hougue South is very near to where the new
sewage outfall pipe was laid two years ago, costing £13 million. Another problem.

3840 What I have said in my speech does not only come from me, it comes from others who have
much more experience in international maritime law and standards. Regarding what was said in
the *Guernsey Press* about the £330 million plan for Belle Grève, it only proves the tidal range and
strength of currents we have across Belle Grève Bay but do we want to lose the visitors we have
there? I remind you of the public uproar when this was applied on two previous occasions, or
suggested on two previous occasions.

3845 For all the Members that have already stated that they will not vote for this Requête, for
whatever reason, please think again and vote with your conscience. I may not be the most
eloquent speaker but on this complicated subject of maritime matters I have many years of
experience both in Guernsey, as a Guernsey qualified pilot, by being a certificated master mariner,
and no one else in the Assembly could equal the depth of knowledge I have of the waters.
(A Member: Hear, hear.) Please seriously consider the merits of the Requête and apply good
Guernsey common sense in your decision.

3850 Thank you, sir.

The Bailiff: Deputy Kuttelwascher and then Deputy Prow.

3855 **Deputy Kuttelwascher:** I just stood up and I already wish I had not!

The Bailiff: Oh well, Deputy Prow then. (*Laughter*)

3860 **Deputy Kuttelwascher:** It will not be very long. The first issue I have had with this whole
subject is describing inert waste as waste. It is rubble or hardcore; it is a valuable building material.
The last thing it is, is waste. Putting that aside, I am just going to focus on the first and second
Propositions because I think the whole intention of them has been somewhat over-egged.

I will just read one, slowly:

To agree that the distinct character, history and setting of St Peter Port Harbour and the surrounding area affords it a
special and unique status, and its attraction and value as a primary centre for commercial ...

Note the world commercial.

... cultural and recreational activity ...

Then it says:

... would be enhanced ...

3865 I would have preferred 'could', but there we go.

... if maritime activities ...

It says, 'were focussed', I would prefer might be focussed.

... primarily on provision of leisure port facilities.

Now Proposition 2 basically looks at that and also looks at St Peter Port. My personal view,
from what I have heard from people like Deputy Paint, what I have seen with my own eyes in
various reports and what I have heard almost everywhere else is there is a very high probability

3870 that the outcome of this review will show that you will not even want to look at St Sampson's, if
anything because of the cost involved. You would have to blow up I do not know how many
tonnes of rock to remove reefs and everything else. It would not be a value for money exercise.
(**Several Members:** Hear, hear.)

3875 Some freight deliveries might be able to be diverted to St Sampson's but only if they are of the
hardcore type or aggregate-type bulk deliveries where they have got the cranes there and the
boats can sit on the bottom. So I think the real value of this amendment is that we, when it comes
to what I think will be the inevitable outcome, will look at developing St Peter Port Harbour, will
have all the information necessary to satisfy the planning inspector when it gets to it. We will say
here are the figures, St Sampson's off the radar, because it is just a daft idea, and we will do it this
3880 way.

That is why I like the amendment; that is why I will support it. All of it, including 1 and 2. It is
not worth voting against 1 or 2. The outcome, to me, is 99% sure that it will dismiss St Sampson's
as being this nirvana for all our freight operations.

3885 Having said that, it is interesting to note that Deputy Paint said the way to deal with any
possible development at St Peter Port is not to use it as an inert waste dump, forget all that, we
can mine or dig out the inert waste that is already up at Longue Hougue and ship it down with a
few, one barge even. I think it is work that can be done in a matter of months and not four years
and you would not see a lorry.

3890 What would that do? Think of it. Suddenly – and I believe you need 230,000 tonnes – we have
an extra facility for inert waste, an extra capacity of 230,000 tonnes at Longue Hougue. So the
urgency of finding an alternative like Longue Hougue South is no longer there and, not only that, I
can think of one or two other places where this valuable building material could be used, so the
life of Longue Hougue could be extended by a decade or more.

3895 Even with the Longue Hougue South project, even if it goes through, and there is a big
presumption that the environmental impact assessment will suggest that it is okay, people do not
consider what would happen if the environmental impact assessment said it is not okay, we need
to protect our scaly crickets and other things regarding marine fauna, there is an awful lot of
interesting, unique kelp and other things there, which you may not want to dig up. So it takes
away the problem of what do we do, or where do we store this, I am going to call it hardcore, if
3900 Longue Hougue fills up and the other one is not ready.

I think the amendment actually progresses what it is that the requérants want to do but
progresses it in a manner which is achievable. If we get to the St Peter Port Harbour planning
inquiry and we do not have the evidence it will fail and we are back to where we started. So I ask
Members to support the amendment and then support the amended Requête.

3905 Thank you, sir.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, Mr Bailiff.

3910 As this debate has progressed I am a little fearful about the adversarial nature of it. I hope in
what I am going to say, I want to try and bring some balance back into it. I do not know where or
if there is an assumption that I am completely against everything that is in the amendment laid by
Deputy Ferbrache and seconded by Deputy Parkinson. I have great respect for both Deputies and
their experience.

3915 The problem with it for me is the first line, which says:

To delete all the Propositions and replace them with the following ...

I was very grateful that the Bailiff has allowed us to debate the amendment and go further into
talking about the Requête, because what I was rather hoping is that something really good could
come out of an opportunity that has been presented us through the Requête. I cannot deny that
there are some bits of the amendment that I like. My problem and, as Deputy Ferbrache pointed

3920 out, is in the presentations I found that it started to take and go way beyond where the Requête was going.

Deputy Inder in his opening took us through a journey of where the whole idea of the Requête came from and what I am rather fearful of is what the Requête has done and I think everybody that has spoken so far has praised it for being a very good idea, but what I think what we are in
3925 danger of doing is grabbing defeat from the jaws of victory if we are not careful.

So that, I think, is the dilemma for us still to face. I am not quite sure what the answer to it is. What I am sure about with the amendment is that I do not like Proposition 1 and I think from what Deputy Ferbrache said he is not overly keen on it either. Can I specifically address Proposition 1 of the amendment? I do oppose it and perhaps this is one train of thought that I
3930 can start running.

I actually think that the Proposition goes further than the original Propositions contained within the Prayers of the Requête. This, I think, actually offends Rule 24(6). It is out of scope of the real intent and purpose and is open to wide interpretation. I will explain what I mean. Deputy Kuttelwascher has sort of touched on this; whilst I might agree about the distinct character of
3935 St Peter Port Harbour, its special and unique character, I cannot see what purpose it might be to agree at this stage to limiting any development initiatives under a caveat that St Peter Port Harbour was to be primarily focussed on leisure activity.

To achieve that, sir, it would take many decades to develop and a vast amount of infrastructure, putting all commercial activity elsewhere. I just find this particular Proposition entirely unhelpful and actually only serving to muddy the waters. So I would urge those Deputies,
3940 if they are inclined towards the amendment, that you throw out amendment one.

With regard to the amendment and my dilemma, I take Deputy Ferbrache's points entirely about the rule of Law and the fact that this States must adhere to that. I will not elaborate on that. But I also take Deputy Inder's point around, if the decision of this States and in the best strategic
3945 long-run of this Bailiwick, is to develop St Peter Port Harbour in the way that the Requête suggests, then that is what we must do to finally make a decision to do it. You may say that is easy for me to say and hard to do.

One other point I would make around costings and lack of detail in the Requête, if you actually look at the Propositions in the Requête, which the amendment asks us to throw out, in the
3950 Propositions 3 right through to 7, they are all about directing the States to develop detailed plans in 3, whatever Committee it is, to consult widely on such plans, to consult with the various Committees, to direct as appropriate an infrastructure report to the States and to direct Policy & Resources to make available the resources necessary.

Whilst they might not be to the satisfaction of Deputy Ferbrache, and I see the point he is making to suggest that the Requête is some sort of wild and wacky idea that you are all being
3955 asked to come along with is not actually the case.

Points have also been made around the inconveniences of any huge construction, which is lorries trundling along the east coast. But under the amendment if other sites are investigated there is bound to be a burden on our road infrastructure to cope with it. I think we are not really,
3960 at this stage, to be delving into that. For example, I note in some Guernsey constructions at sea, the use of barges have been used to transport materials to infill. So let us not go down into those weeds; let us try in this debate to find a little bit of balance because, moving onto the Requête, I think actually, and I take my hat off Deputies Inder and Paint, for coming up with actually a quite simple but brilliant idea.

I think that is the opportunity that this States needs to grasp. That is my dilemma. I have got no particular problem with the amendment around the research your own planning, that was well explained by Deputy Ferbrache and others. But how do I get this into the Propositions that I want to support in the Requête. That is my dilemma and perhaps, as the debate unfolds somebody can help me with that.
3965

3970 I wholeheartedly support the Requête –
I give way to Deputy Merrett.

Deputy Merrett: Thank you, Deputy Prow.

I think you can do an amendment, Deputy Prow. If you want to help with how you can get that into the Requête you could do an amendment.

3975

Deputy Prow: Thank you, Deputy Merrett.

Yes, I could or other Deputies could do an amendment but I am not really sure that the debate has moved us into a direction to understand what that amendment would really be. But, yes, that is a very fair point.

3980

I wholeheartedly support the Requête and what the Requête is trying to do. There has been some challenge about what the strategic use of land is in the Requête. Well I would just direct those who are addressing that to Proposition 3 and list (a) to (f). These are all about the strategic use of that reclaimed land. But you cannot picture the harbour as it is now. That extra land would give you the flexibility to produce those things that are detailed in (a) to (f). I will not go through them now because I will bring them out later.

3985

I have already said I congratulate the two Deputies who have led research of this exciting idea. My friend Deputy Paint is a lifelong man of the sea, skipper and pilot. There are few that can match his knowledge of the sea and he has brought ships safely into both harbours, St Sampson's and St Peter Port, over many decades and he gave a very detailed and well-informed speech.

3990

Deputy Inder is a man of ideas and researches with a passion and that passion came out in his opening speech. He is a proverbial dog with a bone. But the ideas laid out in the Requête have also caught the attention and support of three Members of Policy & Resources, Deputies Trott, Le Tocq and Brouard and a President of a Principal Committee, Deputy Soulsby. So you might well ask why I am the seventh requérant.

3995

Well, sir, I have worked around the ports for some 43 years and during that time I have had privilege to work with many harbourmasters and harbours staff, including sitting on working parties considering security and control infrastructures, which we are required by both domestic legislation and international conventions to comply with.

4000

In some challenge so far, please can I make it clear that I am not suggesting that the security arrangements at the moment are not compliant. What I am asking is for this Assembly to decide whether they are fit for purpose for the future. I will give you one example. One of the ramp heads is actually outside of the control zone, so it has to be manned to provide security. How long that requirement will remain compliant I do not know. It is not ideal, it is not really fit for purpose, that means that in theory that ramp could be exposed to risk when it is not manned.

4005

Also logistically, for very many years, when you are conducting passport controls and customs controls the length between the control areas, both upon embarkation and disembarkation, is too short, and that provides logistical issues. It is not only myself that will and have spoken at length about specific deficiencies and shortcomings of both our harbours, St Sampson's and St Peter Port. So I will limit my comments to this and from my background I can confirm the views of one of those distinguished harbourmasters that both harbours are archaic, require attention and drastic investment in. Deputy Paint has outlined that quite graphically and put some detail on that.

4010

The facilities as they are now at St Peter Port Harbour are barely fit for purpose for the vessels currently in use. As I have said, the discharge points, berths, ramps, security and safety zones, the RZs, as they are called, currently cause logistical nightmares, purely through lack of space and traffic disembarkation, struggles to meet the levels of compliance I have already alluded to. Not to mention the frustration of our hard-working staff, commercial operators and the travelling public. Nowhere in this Requête are we talking about putting freight sheds on the harbour.

4015

Quoting from a former harbourmaster, he has spoken publicly, he says the current set-up is full to over-flowing. Every operation at the ports is under pressure, all the diverse activity that goes on. That is today, right now, at our harbours, so what about the future? What ships will we need to cater for to survive?

4020

Perhaps one of the only useful practical lessons of the UK's dismal handling of Brexit is that the no-deal planning scenarios have reinforced how absolutely essential to the survival of this Island are our commercial shipping services. If I have got this all wrong, I am very happy to give way at this point and listen to challenge.

So what have the States done about all this? Well, sir, we have a Ports Masterplan of 2014, we also have a Seafront Enhancement Group but, frankly, no real vision to deal with the harbour infrastructure investment for STSB to get its teeth into and it is so refreshing that STSB seem to want to get their teeth into some sort of project.

There is something else that we have. Yet another cunning plan. This one is not about harbour development at all. It involves researching the disposal of inert waste to reclaim land to the south of Longue Hougue. But there is no identified strategic use for this reclamation. Undeniably, Environment & Infrastructure urgently need to find a way of disposing of inert waste, going forward. This considerable challenge has been debated long and hard in the States. There is no need for me to rehearse this, except to highlight the successful amendment brought by Deputies Yerby and Merrett, to direct the investigation of our other UK options and this has already been covered.

Returning to the Requête, it points there are currently no strategic developed plans to develop St Peter Port Harbour. Interestingly, Deputy Ferbrache did refer to two very expensive projects. One was the repairs of the new jetty and other work around the quays and the cranes. But these were to actually upgrade existing facilities. They were not to actually take a strategic look at St Peter Port harbour and see what we need to do.

The requérants are under no illusion about the enormity of the task. Neither do they have any doubt whatsoever that urgent infrastructure development is needed. So let us investigate the use of inert waste for a plan of gradual construction, instead of disposing of inert waste at Longue Hougue, a site of limited strategic use to the States, or the Island's economy.

I am sure as we already have, the naysayers will pick holes in the Requête and its many Propositions around the process of the unknowns but isn't the concept quite brilliant? Does it not need investigating? I hope so much this triggers action and that we do not grab defeat from the jaws of victory as I said before. I hope it will get P&R, the DPA, Economic Development, Environment & Infrastructure together with STSB, the major player around the table, working to a deadline to come back to this Assembly with a costed, viable plan to develop our most vital assets. This project will take decades but it must meet the needs of an Island surrounded and cut off by the sea, whilst at the same time disposing of our inert waste.

Thank you, sir.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

In reality this is all about the future site for disposal of inert waste. After a long study with regard to various sites, Longue Hougue South was the chosen site. But here we have a new option –

Deputy Merrett: Point of correction, sir.

The Bailiff: Deputy Merrett.

Deputy Merrett: It was not the chosen site; it was the preferred site.

Deputy de Lisle: Now we have a new option, which is St Peter Port east. It is not about a comprehensive development of St Peter Port that we are here to debate today, or St Sampson's harbours, in fact this is going beyond the terms of reference of the Requête. Also the amendment requires a lot of extra money and resources applied to it; £800,000 to analyse future harbour

4075 requirements east of QEII Marina, or nearer St Sampson's Harbour; £300,000 to develop a strategy
for St Peter Port action area by the end of 2020; plus £350,000 to carry out a detailed
environmental assessment of potential land reclamation and future development, together with
resourcing options to investigate delivery of the Seafront Enhancement Area Programme,
something resurrected of what was curtailed a few years ago.

4080 So the whole scheme would add to the cost of what has been proposed for a site for disposal
of inert waste, following Longue Hougue, filled by 2022. It would add comprehensive planning for
a wider development of the harbour area. It would potentially slow down development. It would
commit time and effort and resources from departments, particularly Environment &
Infrastructure, P&R, and the Development & Planning Authority, and add to their current
4085 workload.

Added to that, sir, there are genuine concerns that this could change the character of the front,
compromise the jewel in the crown of St Peter Port, with public/private investment in front of our
historic, much-loved Town as we know it.

4090 **Deputy Inder:** Point of correction, sir. (**The Bailiff:** Deputy Inder.) There is nothing in the
Requête that talks about public/private partnerships. Nothing at all. Nothing.

Deputy de Lisle: I think Deputy de Lisle has got the wrong slant of this. I am talking about the
comprehensive development given, not in the Requête but in the amendment.

4095

Deputy Inder: I take that point and I apologise, Deputy de Lisle.

Deputy de Lisle: In fact this comprehensive development could be seen as a sort of Jersey
port extension. (**Several Members:** Ah.) It could be likened to the Toronto Waterfront
4100 development, with residential and commercial development in front of our historic Town, financed
on a public/private development basis, possibly extending into Belle Grève Bay.

The amendment scenario is costly and of much broader intention than what has been
proposed in the Requête. Also I would like to just comment on the fact that Longue Hougue
south has the problem of cutting across an internationally renowned outcrop, exposure of St Peter
4105 Port Gabbro, in the Spur Point area. It is an area frequently visited by geologists from all over the
world as the outcrop exposures are very rare, internationally and in fact not available elsewhere in
Europe. For this reason I prefer not to cover the outcrops in this area, that is Longue Hougue
South, with inert waste infill, to preserve the rock outcrops for scientific investigation.

Therefore I would prefer that the future site for disposal of inert waste is elsewhere and
4110 possibly in the site designated by the Requête. My preference would be for supporting the
Requête rather than expending additional funds for comprehensive development of the St Peter
Port/St Sampson's area, with respect to infill in future.

Thank you, sir.

4115 **The Bailiff:** Deputy Green.

Deputy Green: Sir, thank you very much. I can be brief.

I am sympathetic to the aims and objectives of the Requête but it is difficult for me to support
it entirely without qualification, given the fact that it is un-costed and it does identify a solution,
4120 which at this stage may or may not be the best solution for dealing with inert waste.

The solution, as Deputy Prow said is on offer in the Requête, is both simple and brilliant and I
agree with that. But it is hard to sign it off now without being certain that it is the best sort. I
agree that we ought to find the best solution for inert waste that can be used in a strategic way
and with proper purpose and I think that is the essential crux of the Requête and I am glad it has
4125 been brought.

We have heard already that the fact the Requête has been brought has been stimulus to the board and to the Committees to actually get on and crystallise their thinking on this. This Requête has set in train something quite important, I think.

4130 I agree with the general point that the major spending on the inert waste plan needs to offer substantial benefits more broadly to the Island than what we presently have with the plan at Longue Hougue and indeed I endorse entirely what Deputy Inder said about the way in which the costs of that project were allowed to seemingly escalate in such a rapid manner.

4135 That said, though, aspects of the amendment do fill me with a certain familiar feeling of dread. Whilst the Requête is clearly imperfect, the amendment is a classic 'Let us look at everything before we do anything,' type of amendment. Whenever people start talking about holistic visions and holistic thinking, it sets off alarm bells in my brain. Especially in the States. You do not really have to be in the States very long, certainly when I was first in the States, I was probably quite naïve to begin with. (**Deputy Trott:** Hear, hear.) (*Laughter*)

4140 I am grateful for that confirmation by the Vice-President of Policy & Resources! Certainly at one stage you would be slightly taken in by the need to look at this, that and the other before we can actually do anything. But then you kind of realise that actually when that happens, when people start talking about holistic visions and holistic thinking, it is really a kind of code, because in practice what it means is substantial delays, probably more costs and probably no action actually happening in any event.

4145 We know that this amendment is extremely broad in scope and could well be vast in some of its ambitions; but will it actually ever come to anything? Deputy Ferbrache I think made the point, which Deputy Tindall made in one of the presentations, which is I think Proposition 1 of the amendment does prejudge the analysis that is referred to in Proposition 2. Proposition 2, I think, itself, is a plausible Proposition and I am glad that there is now a timeframe in there, because that was a point that was going to be made.

4150 But we are talking about something that would spark very wide-ranging reviews. We have had these wide-ranging reviews at the harbour before. The Ports Masterplan was in the States when we debated that endlessly in 2013 and I do not detect there has been any great deal of progress off the back of that in the last six years or so. So I am fearful of history repeating itself, that if we endorse this amendment it will be exactly the same as last time. There has probably been a number of reports as well, again, without much tangible action, and that is what we really want.

4160 That is what I want to see. If I can detect something from the Requête it is that frustration with the need for action rather than just to have some more reports. Deputy de Lisle was right, I think, to pay attention to the cost of the amendment, £1.45 million, I believe. In principle I do not have an issue with asking expert consultants to do particular forms of work, but I begrudge it when we get the consultants in, they do the report, they do the review, and then exactly nothing happens. Why do we do that? I do not really understand why we do that.

4165 The criticism is always why is the States going to use consultants again and again? I do not think that is the point. I think the point is when you need external expertise you should take it but then it is for Government to then actually put that into action.

I give way to Deputy Inder.

4170 **Deputy Inder:** I think it is interesting and Deputy Ferbrache would agree with me that part of a very sensible conversation we had in a meeting with STSB and Deputies Prow and myself I think the harbourmaster pertinently said, having reviewed the myriad of reports that he had seen relating to the harbour, what was quite clear was there were no actionable items at the end of any of these reports. There was no actual decision. He said nothing more than that but I suspect, the way these consultancies work, here are a couple of ideas, could I have another five or six rounds of public money to go down this ever-increasing circle of ker-ching for consultants.

4175 **Deputy Green:** Yes, absolutely. I think that has been borne out in the past but we need to make sure that is not the case in the future. I also have a certain amount of scepticism that this is

4180 going to lead anywhere because of course the ultimate decisions on this are going to be made in
the next States, not in this States, in terms of the timeframes that are indicated. Who knows what
the next States will want to do? But it is not unknown for a future States to look back and look at
work that has originally been commissioned by previous States and be less than impressed by it. It
is not unusual.

4185 I think the two essential questions are we are talking about inert waste but we are also talking
about the future requirements of the harbour. The issue in relation to inert waste, the question is
really what is the best site locally for dealing with inert waste and the most cost-effective way of
doing it? The second question is what does Government need to do at St Peter Port Harbour to
secure its long-term sustainability? I think those are the two issues.

4190 I absolutely applaud the desire in the Requête to do that in a strategic way and to link them, as
far as possible. Those are the issues. I am not 100% sure today that the proposed solution in the
Requête is the best solution. I am not sure it is the best feasible and desirable solution. I can see
that it has got merit and I can see the strategic value of trying to combine an inert waste solution
with a constructive, purposive development over and above what we presently plan to do at
Longue Hougue.

4195 But all in all, I have come to this conclusion somewhat begrudgingly. I can see begrudgingly
that we probably do need a higher level of due diligence to ensure that we have the right solution
before we go down the road. So without any enthusiasm whatsoever I am going to support the
amendment. But for heaven's sake, when we get the analysis back, let us actually take some
action. It will be a matter for a future States but let us make sure they actually take the action it
wants to see and get it sorted. (*Applause*)

4200

The Bailiff: Is this a very short speech? No.

In that case let us rise now and resume at 9.30 a.m.

The Assembly adjourned at 5.29 p.m.