



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Friday, 19th July 2019**

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**Present:**

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

**Law Officers**

R. M. Titterington, Q.C. (H.M. Comptroller)

**People's Deputies**

**St Peter Port South**

Deputies P. T. R. Ferbrache, J. Kuttelwascher,  
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

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Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,  
T. J. Stephens

**The Vale**

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

**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,  
R. G. Prow

**Representatives of the Island of Alderney**

Alderney Representatives S. Roberts and A. E. Snowdon

**The Clerk to the States of Deliberation**

C. Foster (H.M. Deputy Greffier)

**Absent at the Evocation**

Miss M. M. E. Pullum, Q.C. (H.M. Procureur); Deputy P. J. Roffey (absent); Deputy C. P. Meerveld  
(indisposé); Deputy V. S. Oliver (indisposée); Deputy D. A. Tindall (relevée à 9h 32);  
Deputy S. T. Hansmann Rouxel (relevée à 9h 50)

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## **PRAYERS**

*The Deputy Greffier*

## **EVOCATION**

# Billet d'État XIII

## **VII. Requête – Island Development Plan – Debate continued – Proposition carried as amended**

*Article VII.*

*The States are asked to decide:*

*Whether, after consideration of the Requête titled "Island Development Plan" dated 21st May 2019, they are of the opinion:*

*1. To agree that the States has the responsibility, and should have the opportunity, to direct policy adjustments to the IDP during this political term;*  
*2. To direct the Development & Planning Authority, in consultation with the Committee for the Environment & Infrastructure, the Policy & Resources Committee, and other relevant stakeholders, to carry out a review of the IDP, to be brought back to the States by April 2020, that includes recommendations on how to best address the concerns expressed in Recitals 4 to 17 to this Petition, with a specific view to:*

- a. Giving greater consideration to the cumulative impact of separate developments, and the density of development in certain areas;*
- b. Re-evaluating the need for Development Frameworks, and any associated thresholds;*
- c. Reconsidering the approach to prioritisation of development on Housing Allocation Areas, in a manner that affords greater protection to greenfield sites designated as Housing Allocation Areas;*
- d. Affording protection to areas of open land, not currently classified as Important Open Land, within the main centres, main centre outer areas and local centres;*
- e. Affording greater protection to ABIs, giving particular consideration to whether any should be re-designated as SSS;*
- f. Incorporating the findings of the Guernsey Housing Market Review and accompanying policy letter, and bringing forward the review of land supply for housing and employment; and*
- g. Considering how the development of Community Plans can be stimulated and supported;*

3. To direct the Policy & Resources Committee to coordinate a review of the role and function of the Development & Planning Authority, as described in Recital 18 to this Petition, to be brought to the States no later than April 2020, including the constraints placed on its political and democratically-accountable character as a result of planning legislation, planning policy and other law, and how these might best be resolved; and whether or not the planning legislation should be amended to give the Development & Planning Authority discretion to make more than minor departures from a development plan where other material planning considerations weigh in favour of such a departure;

4. To direct the Policy & Resources Committee, in consultation with the Committee for the Environment & Infrastructure, the Development & Planning Authority and the States Assembly and Constitution Committee, and further to Recitals 5-7 to this Petition, to consider how to integrate reviews of the Strategic Land Use Plan into the Policy & Resource Plan process, in order to ensure alignment with States strategic objectives; to reconsider the cycle of reviews and updates associated with the SLUP and the IDP in order to enable meaningful debate within each States term; and to bring forward its recommendations in respect of timing no later than the final Policy & Resource Plan of this States term;

5. To direct the Committee for the Environment & Infrastructure to bring a policy letter to the States, no later than April 2020, on third party representations in the Planning Tribunal process, as described in Recitals 19-20 to this Petition.

6. To direct the Policy & Resources Committee to consult with the Committee for the Environment & Infrastructure, the Committee for Economic Development, the Committee for Employment & Social Security, the Committee for Health & Social Care, the Development & Planning Authority and the principal owner of the land within Leale's Yard, and to report back to the States with a policy letter on the regeneration of the Bridge area, as described in Recitals 10-11 to this Petition, no later than December 2019, containing recommendations to enable the progression of development, giving consideration to States involvement in the delivery of the development, if appropriate, including consideration of incentives and mechanisms to facilitate the development of the site and the funding of the same.

7. To direct the Policy & Resources Committee to find sufficient resources to enable the work set out in these Propositions to be achieved within the timescales directed;

8. To direct the preparation of such legislation as is necessary to give effect to their decisions.

**The Bailiff:** Deputy Tindall, you wish to be relevée?

**Deputy Tindall:** Yes, please, sir.

5 **The Bailiff:** Deputy Tindall is relevée.

**The Deputy Greffier:** Billet d'État XIII, Requête – Island Development Plan.

**The Bailiff:** And Deputy Dudley-Owen will open the debate on her amendment.

[Amendment 1](#)

*To add an additional Proposition 9*

a) To direct the Committee for Environment & Infrastructure to create a Tree & Woodland Strategy for Guernsey.

b) For a review to be undertaken by the Development & Planning Authority of the existing legal framework for the protection for trees, including Tree Protection Orders and planning conditions, making appropriate recommendations for any required legislative amendments to the 2005 Land Planning & Development Law and related Ordinances, to ensure that greater protection is afforded to individual trees and woodland where they make a positive contribution to amenity

*value. Such review to be guided by relevant recommendations made in the Tree & Woodland Strategy.*

10       **Deputy Dudley-Owen:** Please, sir, may I request that the amendment is read again, just for the sake of reminding Members, and also listeners, where we are?

**The Bailiff:** It has already been read once. If you would like it to be read again, I cannot stop you reading it in your speech, so let us read it again.

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**Deputy Dudley-Owen:** Okay. If we could have it read again.

**The Bailiff:** Greffier, if you would read it again.

*The Deputy Greffier read the amendment.*

**The Bailiff:** Deputy Dudley-Owen.

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

          Firstly, I need to declare an interest. It is only a minor one but it is important, insofar as my husband is a member of the charity Guernsey Trees for Life, formerly known as Guernsey Men of the Trees. He also retains a very small ownership share in a local arboriculture business which at one time undertook States' work in the planting schemes that I will mention later.

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          In laying this amendment I have included a reasonably detailed explanatory note and I will build on this to explain what Deputy de Sausmarez and I are seeking to achieve in this instance. We agree that we need to reinstate a broader protection of trees and woodland areas in Guernsey, which are deemed to have amenity value. Amenity is described as the feel of a place, in terms of it being pleasant or agreeable, including the visual pleasantness of a place or an area. Now that is a definition taken from our own Island Development Plan 2016 – for those who want to look it up, it is page 349.

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          There is a rapidly increasing awareness of the importance of having a vibrant biodiversity and this reflected both locally and globally and it is right, therefore, that a Tree & Woodland Strategy is devised in Guernsey for the management, protection and enhancement of our trees, together with a review and recommendations to amend, if necessary, the 2005 Land Planning & Development Law, related Ordinances and to ensure that the current scheme fits the aims of such strategy.

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          The amendment also seeks to ensure that any such scheme is robust, pragmatic and looks to the future. In pulling this amendment together, I consulted with officers from the Committee for the Environment & Infrastructure, in relation to the cost of the creation of a Tree & Woodland Strategy and it is estimated that this is to be under £5,000. I have also received advice from the Development & Planning Authority that the cost of the review and suggestion of alternatives could be around £50,000 to £100,000, on the assumption that this would be commissioned from an independent expert in the field of Planning Law, given the potentially complex legal issues involved.

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          Now this figure did raise an eyebrow from me, because it really did seem very high. I did not quite understand why it should be so. After discussion with officers at the DPA I realised that it relates as much to the implementation of any changes to the Law and other regulations. It seems that we are included within a complex legal system but it is not just the Law, it goes through regulations and we really tied ourselves up very tightly with this particular piece of legislation.

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          Having gone into more detail with that particular officer, I recognise that perhaps the current legal provision may be found to be sufficient on review but that it could be in fact additional human resources that are required, in order to give more effect to the current legislation and this is explained in the explanatory note to Members. So the intention is that the Tree & Woodland

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Strategy would be used to guide the legal review and to make any requisite, pragmatic, feasible and proportionate amendments.

Now, sir, let us take a look at the current situation in Guernsey for a bit of background. It is difficult to see an accurate number of trees that are protected in Guernsey under the current scheme but there are in the region of 100 tree protection orders listed. Some of these include multiple trees within them but it is estimated that the number is less than 200 individual trees, which are actually protected in Guernsey.

Now I think this is a staggeringly low figure, considering the amount of trees that we all see around us and that we would all be able to identify have that amenity value or special quality for us. In terms of the total number of trees in Guernsey we do not know exactly what that figure is either but we can get a good idea from looking back in history and this has been helped, for me, by people from the Agriculture, Countryside and Land Management Department.

Once, way back when I was very small, in the 1980's, the States valued trees much more than we do today and that is a fact borne out by the value of the war chest with which Guernsey battled Dutch Elm Disease over a period of 15 years from 1977 to 1993. It used up a budget of £200,000 per year. When the campaign stopped, half of the annual sum was retained, some £100,000 per year, to fund a tree-planting scheme between 1993-2006 – 186,000 tree and hedge plants were planted under the States-funded scheme; 80,000 of those were trees.

The rural and urban tree-planting schemes, along with other private and charity funded schemes, planted some 86,000 trees across 830 sites in Guernsey. We are privileged to have had that. This planting resulted in woodland cover increasing from 4% in 1999 to 8% in 2018. Looking at the decade, to 2010, this increase in woodland on Guernsey looked like, for the benefit of Deputy Paint, 1,318 vergées, an increase to 2,313 vergées. Much of this was broadleaf woodland and the States of Guernsey free trees scheme was largely responsible for this. So we have much to thank our predecessors for.

Many of the trees planted under urban and rural tree-planting schemes in the early 1990's and the mid-noughties, was done in blocks and especially in rural areas, where there were fewer constraints and restraints. These stats do not, though, include those single stand-out trees, which are the ones we notice, especially when they are removed, and are often the ones which convey for us the highest visual impact; what is described as amenity, often in urban areas where trees offer screening and soften both existing and new developments.

Let us think of the most recent promontory currently under threat; one of the magnificent plane trees in Trinity Square, which the St Peter Port Constables are wanting to fell, which many town residents and Islanders, conversely, want to save. I am sure that Deputies here today are also in the latter camp.

At this stage it is important to state that trees, which have been assessed as diseased, dead or dangerous, and require felling for those reasons, need to form part of any strategy and therefore there needs to be a succession plan around these. No trees last forever, even if they can last for generations. I am just going to pause at this stage because Deputy Tindall was, I think, asking me to give way. But she no longer is now? Okay.

Concerns that have been raised to me by experts about the nature of the current gaps in the protection scheme relate specifically to four areas, being the pre-emptive felling of trees prior to developers applying for permission, to avoid the risk of having to apply for tree protection orders or the constraints that those bring; threats to trees which are not subject to tree protection orders and therefore not automatically considered in an application for development; threat to trees, both those protected and those not protected under the tree protection scheme, from development in terms of construction injury and the lack of resources to provide oversight to ensure developers meet tree protection order requirements and planning conditions; and the lack of resourced, over-arching strategy for trees and green scape to ensure new developments have properly designed and sustainable green infrastructure included.

So this is what we are really trying to rectify via this amendment and since the introduction of the Tree Protection Order system a decade ago, the vast majority of Guernsey's trees have been



left unprotected and therefore are under threat, like our beloved Trinity plane. An independent arboriculture consultant has advised me that he has concerns about the complete lack of monitoring of protected trees within the construction phase of developments. He has witnessed first hand the ticking of boxes to gain the permissions for construction adjacent to protected trees of which, once permission has subsequently been granted, all planning conditions regarding protected trees, he says, appear to go out of the window.

He refers to a tool called a 'tree method statement'. This is a clearly outlined plan, developed in consultation with both the developer and architect, regarding methods to be adopted throughout the entire construction phase in the retention of protected trees and also ensuring the health of the tree going forward. He also spoke about approved developments where either the planting of inappropriate tree species leads to premature death or removal of newly planted trees, as well as the lack of an aftercare plan, is actually implemented, means that developments are denuded or left void of trees.

These are examples of just a couple of tools in the box that can be identified and implemented and be addressed within the Tree & Woodland Strategy to ensure succession and management planning of our green spaces, but also a more robust and pragmatic approach to our local tree protection.

Without it, developments will continue to present a significant threat, I am afraid, to Guernsey's existing trees, and the security of Guernsey's green infrastructure and some of our key specimens, our stand-out trees and our woodland. I previously mentioned the Guernsey Trees for Life charity in regard to my husband's involvement, and I have also been in touch with that committee, which is made up of people who have solid professional and vocational backgrounds in trees and woodland management. They too have added their weight behind the concerns that I have commented about today and they also support this amendment. It is a straight forward amendment, but it is effective. And I commend it to my colleagues and ask for their support today.

Thank you.

**The Bailiff:** Deputy de Sausmarez, do you wish to second the amendment?

**Deputy de Sausmarez:** I do, sir, yes.

**The Bailiff:** Deputy de Sausmarez has formally seconded the amendment. Deputy Merrett, do you wish to exercise your right to speak at this point?

**Deputy Merrett:** No, I wish to reserve my right to speak, sir.

**The Bailiff:** Right. Does anybody wish to speak now? Deputy Brehaut.

**Deputy Brehaut:** Thank you, sir.

It is interesting, the trees in Guernsey context, because if you take the pre-industrialisation and post-industrialisation, there was such a scarcity of tree cover on Guernsey, and wood. When I wrote to the *Press* the other day, one of these reflective articles looking back at Fort George, the cliffs were completely barren of trees. So, notwithstanding the loss of the trees in the 1970's with Dutch Elm, Guernsey has recovered or is in the process of recovering its tree cover. Actually as I walked in today and I walked past – if he does not mind me saying so – Deputy Ferbrache's property, there is a fantastic amount of trees planted and it really does add something to that area and provides birds with cover and all the rest of it.

E&I, by the way, do not resist this amendment, if I have not said it already, we support it. E&I were criticised, or Traffic and Highways were, for removing trees from St Julian's Avenue. In fact there was a campaign that ran for about five days to save trees when the trees had already been removed and arrangements had been made to replant those trees and for the existing trees and

160 the trees that were replanted, at the base of the tree we put a protective – people thought it was tarmac, it actually was not – it was a rubbery treatment that allowed the trees to expand. So E&I do care about trees.

With regard to the Trinity Square London plane tree, E&I want to keep that tree. We want to see that tree remain. I believe that the Constables of the Parish may not want to see that tree remain. What we need to do, and I think it is a great remedy for the situation, if you want to keep the road open then it means that the road surface is going to be uneven, it means that the root system can get under the pavement and under the granite sects and kerbing in that area. However, if you want to pedestrianise that area and you want to raise the level, then you give the opportunity for the trees' root system to survive and thrive. I think pedestrianisation of Trinity Square provides a win-win. The tree remains and there is an amenity gain to the community as well.

I am conscious on time, because we have got a great deal to deal with today. I notice Deputy Dudley-Owen did not speak yesterday; we had eight minutes. Her speech this morning was about eight minutes, by the way. Ten minutes, it would have been read. So you would have had time.

E&I have given a commitment for a climate change strategy. We all know that to catch CO2 the best way to do that is through trees and planting. So any climate change strategy policy plan will have tree planting and protection of woodland at its very core, which I am sure was the attraction to Deputy de Sausmarez signing this amendment. There is certainly no opposition from E&I to this amendment and it has been useful to open up a discussion regarding trees and the valuable role that they have to play within the environment.

Thank you.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Yes, sir, thank you.

I remember well the 1970's and 1980's and I think I remember correctly that the amount of trees in Guernsey was something like 200,000 trees before Dutch Elm and we lost 80% of our trees. So 80% of trees in Guernsey were of the elm variety and we lost a substantial amount.

What is fascinating, actually, is maybe Guernsey is the accidental environmentalist. Maybe Government does things. Now 4% woodland cover has now doubled to 8% woodland cover. Without a climate change strategy, Guernsey has probably – I cannot think of another country in the world that has – doubled its woodland country in the last 25 or 30 years. Without having the tag of environmentalism and climate and I think it is a testament to the forethoughts of our previous administrations that actually civil servants have quietly gone along and invested in our Islands.

My only thing about the TPOs, I had one oddity with the actual TPOs themselves. I had to support one parishioner where a tree had been protected and it was absolutely, quite clearly, they used the amenity value argument for the type of tree, it was a singular tree in an estate in the Vale, it did have a TPO order on it but what I found odd about it was once the TPO was in place there was absolutely no way of removing that TPO irrespective of the damage it was doing to the property. So when Deputy Owen does sum up, I assume she has done a little bit of research on TPOs or maybe she has, speaking to her husband, I have got mild concerns about, once they have been stamped with a TPO, the potential damage to property.

Quite clearly the one I have seen, which has got a TPO on it, it is indeed a beautiful tree; there is no way this neighbour can get rid of it because it appears to be, once it has been protected, that is the end of it, it cannot be removed. That is the impression I got from talking to the officers regarding that particular tree. But apart from that I will be supporting this amendment.

**The Bailiff:** Just before I call the next speaker, Deputy Hansmann Rouxel, do you wish to be relevée?

**Deputy Hansmann Rouxel:** Yes, thank you, sir.

**The Bailiff:** Thank you.

I will call the seconder of the amendment, Deputy de Sausmarez, next.

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**Deputy de Sausmarez:** Thank you, sir.

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I too will be brief; conscious of time. I am certainly not going to spend any time talking about the importance of trees because I think we do all understand it. It is at the moment the most readily available technology we have in combating climate change, for a start, but it has many other great values. It is very easy to think of trees as individual things but actually it is very important to understand them as part, and usually a very fundamental supporting part, of ecosystems and biodiversity. So trees have got a really, really important role to play in that.

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Just taking a global view on this for a second, there was a report, a very depressing report, actually, that came out a few months ago, which was a huge piece of work – massive amounts of international contributions. It took about two and a half years, I think, to compile all this research. The results, people may remember some of the headlines about species decline, but it really underscored the level of threat. I think we have lost something like 47%, natural ecosystems have declined by 47% on average, compared with their baselines.

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So it was some really stark headlines. But one of the positive messages that came out of that report was the effectiveness of local conservation actions and the report actually made clear that, had it not been for the amazing conservation actions, some of which we have heard in Deputy Dudley-Owen's opening speech, we would be in a much worse state and actually those local actions are incredibly important in terms of rectifying, limiting the losses and in fact improving the situation for everyone. I think that is an important message for us here.

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I would just like to combine two elements of things: something that Deputy Brehaut has said and something Deputy Inder said. Deputy Inder is correct to say that we have done very well in recent years in terms of increasing our tree cover. But Deputy Brehaut is also correct to point out that, actually, our tree cover was really denuded in a massive way and so we started from a very low base. Historically there have been massive losses of tree cover, so it is important to understand that we start from a very low base. So the trend is going absolutely in the right direction. Huge accolades to all those who have been involved, particularly voluntarily and particularly the support given by the States. But we do suffer from that historic deforestation.

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Another thing, though, is again it is important not just to look at the number of trees but the type of trees and one thing that we are not doing very well in is species diversity so we are actually a little bit lacking in that. We have got significantly less species diversity than is found in mainland UK and mainland Europe. So that is something that we really need to improve.

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Not all trees are created equal. So most of our newly developing woodland is dominated by sycamores, for example, which supports relatively low biodiversity, or relatively low associated fauna and things. Monterey Pines, I am sure anyone that is familiar with Le Guet, for example, will recognise that actually it significantly changes the native biodiversity that can thrive in those areas.

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So those are all reasons why a true woodland strategy is important. The other reason, actually, is that tree habitats affect other types of habitats. It is not just about: plant as many trees as you possibly can; the type of tree is important and the location of that planting is important. So we do not want to plant trees in areas where actually it would be a grassland habitat for example, because those are incredibly important habitats in their own right. So that is why we do need this over-arching strategy to ensure that everyone is singing from the same song sheet. I am really struggling with my voice this morning!

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Just reverting back to that massive IPBES report, the big international report, it did point to the fact that the primary driver of this decline is our land use, is human land use. So that is why it is so important to look at a Tree & Woodland Strategy through the prism of the planning framework as well. So I would commend this amendment to the Assembly.

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**The Bailiff:** Deputy Langlois and then Deputy Lester Queripel.

265 **Deputy Langlois:** Thank you, sir.

I do not think anybody would dispute the sentiments that have been expressed to date but nobody has actually made a distinction between States-owned, public-owned land – which of course Trinity Square is an example – and private land; and I think that is an important distinction.

270 As Deputy Brehaut hinted, whatever carbon emissions target we eventually decide on, when the climate change policy letter comes to the States, it is going to involve a huge increase in our tree cover, because one has to offset residual carbon emissions, and I do not think anybody in this Assembly quite understands how enormous the tree cover expansion is going to be required to meet any kind of climate change target. Personally I think this amendment is premature and unnecessary because we are going to have to be introducing a comprehensive tree strategy in  
275 connection with the climate change policy. It is not harmful, this amendment, but I think it is fairly meaningless.

The other point is that there is a section in it regarding the existing legislation. If anybody reads the existing legislation, it is extraordinarily rigorous and comprehensive. What has been missing, if anything has been missing, has been the resources to implement the TPOs. That is all.  
280 And Deputy Dudley-Owen did mention that in passing., But that is the only real flaw in our TPO system – the lack of resources.

Given the lack of resources, an awful lot of trees – and it is not just single trees, it is also areas of woodland – have had TPOs and so it has been working. The idea that somehow one can review it and come up with something better is the thing I am struggling with. What the TPOs replaced  
285 was a policy that anybody who wanted to demolish or cut down any tree in Guernsey they needed to apply for planning permission and that just completely gummed up the works. It was not a very sensible, in practical terms, policy. That is why the concept of the TPOs was introduced and I think it is fine; it is only lax resources and it simply does not need a lot of time looking at it, tinkering with it when it is a resource problem not a policy problem.

290 So all in all I will not be voting against this amendment, but to be honest I really do not see a huge point in it and I cannot really see it is going to change very much before the far more comprehensive climate change tree strategy policy comes into play.

Thank you.

295 **The Bailiff:** Deputy Lester Queripel.

**Deputy Lester Queripel:** Sir, it is a sad fact of life that buildings have now become more important than trees in the eyes of most people, in the great scheme of things in this modern day and age. Far too many trees have been cut down to make way for buildings and we really do need  
300 to address that travesty and put measures in place to protect more of our trees. Therefore I applaud Deputy Dudley-Owen and Deputy de Sausmarez for laying this amendment in front of us today and I urge my colleagues to support it.

Thank you, sir.

305 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, I may be in a minority of one in opposing this amendment, at least I am at the moment. I am very grateful to Deputy Brehaut for making his comments about trees and my wife and I have planted dozens of trees in the last 10 years and will continue because, as  
310 Deputy Dudley-Owen says, trees die and we intend to replace those that have died, so that will be a continual process, while we own the property, of doing that.

But when I hear Deputy de Sausmarez say different species of trees are important, which of course they are, I can envisage we will have regulation about what kinds of trees you can plant in your own garden. We will have a civil servant come around and say, 'You cannot plant an oak

tree, it has got to be a such and such tree.' I do not want anybody telling me to do that. I do not want anybody telling me to do anything.

Deputy Lester Queripel said buildings have become more important than trees. No they have not. Our 2005 Law has now been in force for 10 years, since 2009. I am not aware –

I will give way to Deputy Lester Queripel.

**Deputy Lester Queripel:** I thank Deputy Ferbrache for giving way.

Sir, I said that in the eyes of most people; I did not say that they had become more important *per se*, full stop, in the eyes of everyone. A lot of people I speak to are concerned that trees are being cut down to make way for buildings.

Thank you, sir.

**Deputy Ferbrache:** Undoubtedly, some trees have been cut down to make way for some buildings but I do not envisage that it has been a massive problem in the Island in the last 10 years. I certainly have not seen it as a massive problem. It is a very helpful explanatory letter, note I mean, and it is very helpful that people put those because it shows more than the mere words of the proposed amendment.

There are two parts to the amendment, and I am sure it will pass, I may be in a minority of one but so be it. In relation to that we are told that the cost of creating a strategy is estimated to be under £5,000. I fully accept that, that is the figure that Deputy Dudley-Owen has been given. But the second part is for a review to be undertaken by the DPA and that cost is between £50,000 and £100,000. So we are going to have a cost of somewhere between £55,000 and £105,000.

But we are also told in the explanatory note that there may not be a problem at all because the penultimate paragraph says it is recognised that the current legal position is maybe deemed sufficient but it is in fact additional human resources that are required and which would give more effect to the current legislation. So that means we need another tree man/woman/person to go around and make sure that people do what they are supposed to do in relation to trees. That will probably cost £50,000, £60,000, £70,000.

There may not be a problem at all. So we are going to bring in a regulation where there may not be a problem, we are going to bring in costs where there is no real need, we are going to bring in bureaucracy because you will then have to fill in forms to say, 'I want to plant an oak tree,; 'No you cannot, it has got to be a such and such tree.'

Right outside my house, in front of the house, somebody in 1928; I know it was 1928 because –

**Deputy Inder:** He was there! *(Laughter)*

**Deputy Ferbrache:** – and I was accompanied by Deputies de Lisle and Graham! We had not given any thought to what we were going to do to Deputy Inder all those years later. Outside my house, there is a tree, a big tree. It is a palm tree, I do not know what type because when I asked the relevant States' expert years ago, he did not have a clue. I asked him how long the tree would live for and he also did not have a clue. But he was an expert.

Anyway, this tree has grown up. It is a big tree and the gentleman we bought the house from, a lovely gentleman, he died and we were going through his papers, someone was coming over from England to pick up his papers, and his mother had planted that tree in 1928, which was the year, actually, my father was born, but never mind. I was born in 1951. It is my birthday today, so there you are! *(Cheers and applause)* **(A Member:** Let us give him the bumps!)

I could see somebody coming along, some technical expert who did not even know what kind of tree it was to tell me I could not plant that kind of tree if it was 2019 because it was not natural, indigenous to the Island of Guernsey. So I would not be able to plant it. It has done blinking well. My father would be 91 on 5th August, if he was still alive, and that tree was planted during his lifetime.

So let people do what they want within that degree. We have got to treat it ... I fully accept the statistics and she has advocated it very well. Deputy Dudley-Owen has said that there are less than 200 trees covered by protection orders. I fully accept that. It shows therefore there is not really a massive problem.

370 No, there is not. She is going 'uh', I will go 'uh' in reply! (*Laughter*) It is not really a massive problem because we are growing more trees. More of our landscape is actually covered by trees. We had the devastation of Dutch Elm Disease. A lot of tree people made a lot of money out of those trees, chopping them down etc., and did very well; including one of my great late friends Nick Le Pelley. He told me there were many skiing trips which were paid for by Dutch Elm Disease  
375 but again that is by the by.

The point is in relation to all of this we are going to, overwhelmingly, this Assembly is going to approve something and it has not got a clue where it is going to lead. We are told, again in the explanatory note, the first paragraph, the idea is to ensure that any such scheme is robust, pragmatic and looks to the future. I do not know what those words mean in this context.

380

**The Bailiff:** Deputy Stephens was rising there. Deputy Stephens.

**Deputy Stephens:** Thank you, sir.

I hope I am not going to sound as if I got out of bed the wrong side this morning and I think I  
385 have to say to Deputy Dudley-Owen that I need some help with this. Firstly I think, if in her summing up she would like to return to the wording of (b), when we talk about greater protection being afforded, I am really keen to have a better definition of what is meant by 'greater'.

If I go to the explanatory note, there are two areas I would like better information on. One is where it talks about broader protection and I need to understand what is envisaged by the word  
390 'broader'. Then we come to the words 'pragmatic' and 'reasonable'. Now pragmatic and reasonable always worry me, unless there is some qualification as to what is exactly meant by those words. Then, really, I am hoping Deputy Tindall is going to speak, because I need some more help from the DPA on this, to understand what this amendment would do that existing protections do not do. I need to understand that better. So it is an appeal for assistance.

395 Thank you.

**The Bailiff:** Deputy Gollop and then Deputy Dorey.

**Deputy Gollop:** Thank you.

400 I get mocked a bit when I talk about gesture politics but this is actually fundamentally a gesture to stronger protection in favour of trees, especially those of an interesting ecological or historic nature. Deputy Ferbrache is almost certainly right, as he generally is, that we do sometimes vote for things that we do not know the full implications of. I think we did that a few times yesterday, but never mind.

405 On this topic, the point of it is that I have got a few interests to declare. I have informally consulted with the Town Douzaine on the matter, as a St Peter Port Deputy, I am a member of the Green Party; I am a tree warden, although I am not perhaps that active in that direction. I have been a Man in the Trees, in a way. So I am interested in the subject and I am well aware of the issues about the plane tree in Trinity Square, or Trinity triangle. But the thing is, Deputy Brehaut  
410 has a point. A reorganisation of traffic in the area would help that tree. That has been on the cards for 20 years.

But I think there are diverse views within the Douzaine about trees and I think the issue with the Trinity tree, as it has been with other trees on the Island we have lost, near Priaulx Library, Candie Gardens, the bus terminus, has actually been the sick health of the tree. Therefore we do  
415 need to ensure that we have perhaps a more proactive tree strategy to begin with. I am going to support this amendment; I hasten to add.

I remember a few years ago a senior Member of the Assembly, who is sadly no longer with us, was very sceptical when I pointed out there was a civil servant whose duties included tree monitoring. But in reality we probably need one or two more people because there is a need for proactivity here.

The amendment calls to direct the Committee *for the* E&I to create a Tree & Woodland Strategy for Guernsey. We have heard from two Members who say that will happen anyway, but this actually gives a greater emphasis. One of the issues Deputy Merrett commented on yesterday as being a black point in the DPA's record when I was President, was the issue concerning an area near Cobo Bay. Now that, in some people's views, contravened a Resolution of the States, even if it was Law.

Now what this is doing is putting a stronger Resolution down to create a Tree & Woodland Strategy and to protect trees. Therefore it should have value to lawyers, civil servants, policy shapers, Committees and even parochial officials, in looking at a higher level of risk. As regards Deputy Ferbrache's class of tree, we do not want to get into debates on immigration but maybe in the past some zealous tree planters were keen on importing exotic species, like palms, that however fashionable they were, are not necessarily ideal for Guernsey's climate.

I support this. If you look at Victorian photographs and pictures, even from the great Renoir, of Guernsey, there was less tree cover of the southern cliffs than there is now. So we have seen, as Deputy de Sausmarez has pointed out, ecological change. But it has been going in the wrong direction, in many ways, in the last 15 years.

If we are serious about the virtually unanimous support to climate change crisis, we need to actually further it up with a whole portfolio of policies that are quick and actually make a statement. Because sometimes the classic departmental route is to put it into the system, into a strategic report, and nothing happens for a year or two, or three or four or five. In fact this is already over 10 years.

So I support the Tree & Woodland Strategy and I support, implicitly, additional resources. Maybe those additional resources could be a grant to a learned society or a voluntary body. Maybe it could involve post-graduate students. We must get away from the model that we always have to have a Mr or Miss Civil Servant to do everything. (**A Member:** Hear, hear.)

That is not what this is calling for. It is calling in principle for a strategy to be done, at low cost, for stronger preservation to be prioritised. Today is a day we can make a difference to planning as we come onto the bigger issues in Deputy Merrett's points. I think this is a good start and I will not say any more on this.

**The Bailiff:** Deputy Dorey.

**Deputy Dorey:** Thank you, Mr Bailiff.

I agree with a lot of the words that Deputy Langlois said and I will equally not oppose this amendment. This amendment does give the Committee the opportunity to decide what priority it gives to this as there is no date on it and whether it can return to the Assembly or not. In light of that, the Committee can decide when and if it brings it back to the Assembly, which I think is correct in terms of prioritisation.

We do not want to return, as has been said, to the pre-2005 situation, when any site which had approval under the 1966 Law, where people had to apply if they wanted to knock down trees. People can remember that if you went to the *Press* and saw the list of applications for the IDC, as they were called at that time, there was always someone asking to knock down a tree or something like that. That was normal in there.

There was heavy criticism of the planning system at that time, for the number of minor applications that were in the system; as Deputy Langlois said, clogging up the system. And the pressure was on, at that time, to reduce the number of minor applications that people needed to apply for and the number of exemptions for which you did not have to apply for planning permission was consistently increased over the years so that people had more flexibility.

So we do not want to return to that situation. I believe the current situation has resulted, as people have said, in a lot of people planting trees, and I think the freedom that they can actually knock them down, or cut them down when they need to, gives them the flexibility to do that. There is a point where Government needs to actually step back and give people the space to do what they want and they behave in a way that is actually beneficial to the Island.

What we want to do is to encourage people to plant trees and I believe the current system actually has been very successful at that. I accept there is some value in looking at a tree strategy and therefore I will not oppose this amendment.

Thank you.

**The Bailiff:** Deputy Paint.

**Deputy Paint:** Sir, I have been in love with trees since I was young. I fell out of so many of them when I was young and climbed them but none really hurt me. They might have scratched me, that was all.

I remember an incident when I first got elected where a lady in a wheelchair had applied to have an oak tree taken down. Her house was on a bend in the road and she could not get out to the pavement on the other side of the road, because this oak tree blocked her vision. The road was 25mph, so cars were passing quite quickly along the road and on the wheelchair she took quite a lot of time crossing the road.

So I went to see her and she had applied to knock it down. A preservation order was put on it straight away. It was a lovely oak tree. So I asked if I could look around and there was this way around it. The pavement she wanted to use was on the opposite side of the road to her property, but there was another pavement just beyond her property. So another gate could have been made for her to go directly onto the pavement on the opposite side of the road. I went to see Planning at the time and they said they would have no objection to that being done. So there was a solution.

I am sure, rather than cutting down perfectly good trees, there would be a solution in many cases. All we have got to do is look for them.

That is all I have got to say, sir.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Thank you, sir.

I would lend support for creating a Tree & Woodland Strategy for Guernsey, to some degree, as long as it incorporates some of the points that I am going to mention. During the Occupation of course we lost a lot of trees and, as you will recall, or you may not, now, we were allowed to keep one tree on a hedge but the rest were taken out because of the need for wood for heating during the Occupation. The Germans made sure that they took their share.

Then, of course, more recently, we have had the Dutch Elm Disease, which has wiped out a phenomenal number of trees. When you go to the Vintage Agricultural Show, on Saturday and Sunday – *(Laughter)* **(A Member:** What time?) Thank you for reminding me. That is tomorrow and Sunday. Right down that road they were all elm and they all were taken down. They were coming down one at a time, dead, but causing a lot of cost and danger, of course, to the travelling public.

Dutch Elm Disease has been another issue. We need to repatriate, if you like, re-plant accordingly. There is protection of course for trees and people taking them down are supposed to get permission for that so there is, to some extent, protection. My point here, though, to Members is that good agricultural land very often is being used and planted into trees and that causes very often some concern. We want to keep the agricultural land for agricultural purposes, for grazing and for crops and so on and so forth,

If we are not careful, with a strategy like this, there could be indiscriminate movements to plant fields with trees. I think in terms of some sort of Tree & Woodland Strategy we should be also



bringing in the point that good agricultural land needs to be preserved, not only in those areas that are protected for agricultural use, but in all those fields that are outside that protection. (**A Member:** Hear, hear.) Because there are a lot of them and those fields could be lost.

525 They are very important to the agricultural industry and those fields could be lost if suddenly people go gung-ho at planting trees in every field that they can find. So I ask for that to be part and parcel of any woodland strategy that is brought in, that we make sure that we are only putting trees in areas that perhaps are not suitable for agricultural use and development.

Thank you, sir.

530 **The Bailiff:** Deputy Smithies.

**Deputy Smithies:** Thank you, sir.

535 Yes, like Deputy Paint, I have a long love affair with trees. I do not hug them, but I do love them! We have lost quite a few trees in our property. Honey fungus is another problem, in addition to the Dutch Elm Disease. We had a very fine eucalyptus and a Spanish chestnut. We have replaced them and planted other trees to fill the gap.

I find this amendment pretty straight forward. Others may read more into it than I do. It is a straight request for a review and a creation of a strategy. As Deputy Dorey said, there is an open end date. I cannot see a problem with it and I will certainly support it.

540

**The Bailiff:** Deputy Le Pelley.

**Deputy Le Pelley:** Thank you, sir.

545 I will be brief because I take the words that were said before. Some of us have got to be out west tomorrow to witness a Guinness World Record attempt at milking a Guernsey cow for a minute, rather than agreeing States' business. I stand to speak in favour of this amendment and I would also like to point out that there have been many tree-planting sessions. I know that I attended one up by the Belvoir, looking out over Castle Cornet, and that has been nicely done. Belvedere Field, thank you. We have also had a little mini forest, if that is the right word, planted  
550 in Delancey Park, which has also gone down very well.

In looking at protection, though, I wonder if, within the strategy, one might also want to look at the protection of trees from vandalism as well as protection from other people removing them. There are a few Deputies in here that live in St Pierre du Bois and I have actually made the joke before but St Pierre du Bois for me is almost St Pierre sans Bois, because there were so many trees  
555 that were removed during the War that I do not think it has even caught up now.

We have another parish called The Forest, which is Deforest, really, because so much has been taken away. It is very important, and I know Deputy de Lisle would like to get his cows on all over the pasture land that he can possibly get at in St Pierre du Bois, and I wish him well on that, but the methane that is created by those cows is incredibly high. You do need to replenish that  
560 carbon problem with the trees, which will absorb carbon and actually give out oxygen.

I think the three diseases that I was going to jump up and mention earlier on have all been mentioned. We have had ash dieback, which I do not know if that has actually hit Guernsey yet – it has. There is Dutch Elm Disease. I remember when I was Conseiller of St Pierre du Bois that we had Dutch Elm trees falling all over the place – a massive job to actually get those shipped out and  
565 moved away. We ourselves have lost a whole row of trees on our property, due to honey fungus. When you get honey fungus in one tree, you have to remove a tree either side of it. So in fact you might have two healthy trees on either side of a diseased tree, and you lose three. We do need to actually be aware that we need to replenish these things.

570 Trees also act as wind breaks and they also prevent soil erosion. I think that what we really need here is a common sense approach, not Draconian laws and I hope you perhaps tell us what you hope to do, Deputy Dudley-Owen, through you sir, when this strategy comes about: is it

going to come back to the States for the States to be approving it? Are we going to be able to see if there is anything a bit too Draconian in there, which can be tempered by amendment?

Thank you, sir.

575

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Deputy Langlois mentioned before about climate change strategy and about carbon offsetting. One thing that no one has picked up so far is the emerging cannabis and hemp industry in Guernsey is going to be offsetting quite a bit of carbon if we have several acres of hemp-growing in our greenhouses and it is rejuvenated quite a bit. The only problem I have got is if we are going to plant a shed-load of trees in Guernsey where are we going to put them?

There are many schemes around the world. There was one that I was involved with many years ago when I was in business, because I had a wood flooring company and everything was totally ecological, we could follow every single bit of wood we used right back to the forest it came from. I got involved in a project in Costa Rica where there were huge swathes of the country completely decimated by the illegal logging trade and there is an American couple of philanthropists that moved over to Costa Rica and completely rejuvenated massive swathes of the country and they are looking for people to invest all the time. It is a very good investment, actually, from £3,000 to about £25,000 in seven years or more, something like that. So it is well worth looking into.

Schemes like that are somewhere where Government could be looking if we want to offset our carbon in the future. We can do as much as we can on our finite, little Island but if we are going to be serious about this we need to be looking at these big schemes.

Thank you, sir.

595

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, the amendment proposes to insert an additional Proposition in two parts. It would be useful to have your guidance on whether, if the amendment is accepted, when it comes to the final votes, whether Proposition 9 could then be voted on in two parts, part (a) and part (b)?

**The Bailiff:** Yes, I think it could be.

**Deputy St Pier:** The reason I ask that, sir, is because I think, for me, I have little objection to part (a), particularly given the support from the Committee that has been asked to do the work. My concern is in relation to part (b) and I would be hoping for perhaps some guidance, particularly from the Development & Planning Authority, and I notice that the President was just about to speak before me, so hopefully she will be able to address my concerns when she speaks.

There are some clear resource implications and I think Deputy Ferbrache spoke to these. My understanding, sir, from the advice which the Policy & Resources Committee has received is exactly as Deputy Ferbrache has said and indeed Deputy Dudley-Owen spoke to this when she opened this amendment, that there are provisions in the 2005 Law and indeed in the associated ordinances, in particular the 2007 Ordinance, which does provide a significant protection for individual trees and groups of trees, including rights of appeal and so on.

In that sense we have a system which is broadly similar in scope and extent to the UK scheme and therefore the British standard in relation to design, demolition and construction, which is perhaps what Deputy Lester Queripel was speaking to, the recommendations of other UK guidance can be relied on in the Guernsey context.

Therefore the Development & Planning Authority's view is that there is adequate existing protection in our regime, as well as guidance within the IDP and in particular policy GP1, which supports the protection of trees and that the development will be expected to avoid any

unnecessary loss of natural landscape or built features, which protect important open spaces and so on.

625 My question, therefore, particularly for those that are moving this amendment, is truly to understand the value of this amendment at a cost of £50,000 to £100,000, as the estimated cost. The Authority does rely on advice and support from staff within the agriculture and countryside and land management services who would need to bring in an outside tree specialist from this Island to undertake this review. The advice that Policy & Resources have received is that the  
630 Development & Planning Authority's review is that it is not persuaded that the review would identify a need, which I think is perhaps what Deputy Ferbrache was saying, for the current legal provisions to be reviewed.

So I would be particularly grateful to hear from the Development & Planning Authority and really give an opportunity for Deputy Dudley-Owen, when she responds to the debate, to perhaps  
635 address those concerns about what a review would really add to the regime that we already have, particularly as it does come with a reasonably substantial cheque attached to it, which again would need to be funded, putting further pressure on the Policy & Resources Committee in our budgetary process for next year, sir.

640 **The Bailiff:** Alderney Representative Roberts.

**Alderney Representative Roberts:** Thank you, sir.

I was not going to speak in the States on this issue. However it is an international issue relating not only to the look of the place but is related to global warming. I am Alderney's States' Member  
645 for Wildlife and fully support this amendment on tree protection. We have lost so many. I myself have planted 35 in my own garden; and not only trees need protection, hedgerows and wild shrubs also need monitoring.

New tree diseases are getting here from Europe all the time and monitoring is needed, along with a tree-resistant planting programme to run alongside it. I once fell out of a tree from a great  
650 height, collecting conkers, injured myself badly. I have also been out of my tree earlier in my life! *(Laughter)* However I fully support this amendment.

**The Bailiff:** Deputy Tindall.

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

Trying to cover the various points as well as making the DPA's view known. We are obviously supportive of Proposition 9(a) as proposed. There are some concerns about Proposition (b), which we will address, although in principle the DPA is already extremely supportive of the principle of it.

Because whilst the current system protects only a very few trees, as has been pointed out, this  
660 does not mean that there is no emphasis on the protection of trees and woodlands. The overarching policy is there. As Deputy Dudley-Owen also read out, the Island Development Plan emphasises the importance of the landscape, the woodland and trees, the importance of preserving the landscape character. So I will not repeat it, for brevity.

As well as the Island Development Plan, a development framework will also take into account  
665 the landscape character of the site and its surroundings, including trees and other landscape features within the site, and topography and the biodiversity of the site and its surroundings, including any relevant designations. The framework will identify trees and landscape features to be retained.

The English and Guernsey Arms Development Framework was a prime example. It says:

Views of the oak tree are an important part of the character of the conservation area and should be retained, although the chestnut tree is currently obscured by buildings, there is scope to make a feature of this tree, which could complement any new development, as well as stopping its impact.

670 Specific planning applications also ensure the landscape is protected. A typical condition is:

No development shall begin on site until a detailed landscaping scheme has been submitted to and agreed in writing by the Authority. The approved landscaping scheme should thereafter be implemented by the end of the first planting season following completion of the development.

Reason: 'To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to help to enhance the conservation value.'

Not only that, the DPA are keen to ensure native species are encouraged and seek 100% native species into landscaping plans, where appropriate. Then we have the Tree Protection Orders (TPOs). Again, in the English and Guernsey Arms Development Framework, it says:

In accordance with Section 44.3 of the Land Planning and Development (Guernsey) Law 2005, in considering an application for planning permission for development in respect of trees or land, subject to a Tree Protection Order, or development which may affect such trees or land, the Authority must have regard to the desirability of requiring an assessment of the likely impact of the proposed development on the trees or land. Therefore a survey of the protected trees is required and, subject to the findings of the survey, the protected trees are required to be incorporated in the design and will require a root protection area. Conditions to secure retention of these trees will be required.

Whilst making a tree subject to a Tree Protection Order is mainly considered if development is being proposed, it does not prevent applications being made without the need to await an application being made. At this point I should declare my interest. I have actually made a request for a Tree Protection Order in respect of an area that does not have a development planned.

I will give way to Deputy Brehaut.

**Deputy Brehaut:** I appreciate Deputy Tindall giving way.

Would she agree with me, because there are on the face of it very few trees that are protected, that it does not mean that every tree that is not protected is under threat and sometimes that is the narrative around this discussion? It is simply that we have not got around to listing all the potential trees that may have a protection order on them.

**Deputy Tindall:** I thank Deputy Brehaut for that intervention but I also believe that, whilst he is correct in what he says, my personal belief is that we do not know, necessarily, when they are under threat. One of the aspects of the Requête debate is about communication and I would prefer, as Deputy Langlois has pointed out, to have the resources to be able to react to those people who may come out of the woodwork today – excuse the pun. The point is that it is a resource-led issue, not a strategy-led issue, so I thank Deputy Brehaut for allowing me to elucidate on that point.

With regard specifically to Trinity Square, we did actually release a press statement on this:

A number of States' service areas, including Traffic, Land Management, and Planning, are working together with the Constables of St Peter Port to look at options to enable retention of the tree, which is causing some damage to adjacent structures. Although not protected by a Tree Protection Order, the tree is on States-owned land and makes a very significant contribution to the unique character of Trinity Square and the wider amenity of this area of St Peter Port.

This goes onto our point that we believe there is no pressing requirement to serve a TPO:

However this is under review and if it appears that the tree is under imminent threat we can and will make sure there is a TPO in that respect'.

I have to say that I understand that ACLAMS are keeping an eye on the tree and I would ask those listening that if there is any concern to the tree by the attachments that have been made, they will be removed, because we do not want to damage the tree. We are protecting the tree and I would like that to be made absolutely clear.

It also adds to the point that was made by Deputy Graham and Deputy Paint. There are ways around it. There are benefits in fact sometimes that can be achieved by adding a TPO and, as I say,

the DPA cannot stress enough how much we support the idea of protection of trees and woodland generally.

Then to Deputy Inder's point. Tree Protection Orders can be removed and the grounds are clear and I would be happy to explain this to any Member who would be interested.

The DPA supports part (a), again not because we are crying out for a strategy but because it will support what we already do. I have to say that this is another example, which I will take opportunity to point out, but of course any strategy of the States can be taken into account under the Island Development Plan. We want the Members here, Committees, to come forward with strategies. That is the flexibility of the IDP, to be able to cater for strategies that are written and unwritten; those ones that can come forward and can help us to do the job that we want to do.

When we first saw the final draft, shall we say, of the amendment that is before us today, the DPA felt that they could support (b). However, obviously the points made specifically by Deputy Ferbrache are pertinent. So I am afraid on this particular point I have not had the opportunity to take my Members' views but I will elucidate on this point from what officers have advised me during this debate and also my perspective.

Originally, the reason why we did not object was because we already are saying we will review the 2005 Law under our action plan. I have to say at this point that we have said we will do this and come back in April 2020 and in this respect, in this particular discreet point on a review of the Law in respect of the trees and woodland, as Deputy Langlois pointed out, we do not actually think we can improve the Law as it currently stands.

So we do not think it will affect, ultimately, doing that review and it will carry on so that the five-year timeline that I will be mentioning in the Requête, talking about in the general debate, which I will also be comparing to the Requête timeline, and for those who want to be able to follow my speech, I recommend you take up the two pages that are sitting outside in the lobby, so that I can speak through that timeline properly.

We do not feel that this particular request to look at the 2005 Law for this discreet point will affect that timeline. However what I am informed by – and of course at this particular point my laptop decides to close down – what I am advised during this debate and perhaps to answer Deputy Stephens' point is that, until we know what the strategy will be, it is not possible to know precisely what the implications will be for the DPA. It is most likely to mean additional staff or financial resources for the DPA, as Deputy Ferbrache suggested, if the intention is to be proactive rather than reactive.

Again, as I say, the review of the Law, we do not see as necessary anyway. For us, to a certain extent, I believe I will sit on the fence for part (b) and clearly if discussion comes back and we do need more resources then clearly we will have to be asking for that at a later date.

In the explanatory note it does acknowledge that the current legal positions may be sufficient and that is why, for the original discussion with the DPA committee, we felt that we had the leeway in which to turn around and basically report in April 2020 that we are still satisfied that it is sufficient, having seen the strategy, or not, as the case may be.

Deputy de Lisle comments on the agricultural use of land and his concern that trees will be planted and it will reduce the availability of such land. I just want to remind everyone, sir, that we currently have in use as agricultural land, land required is approximately 8,000 vergées for dairy, 1,500 vergées for arable/other livestock. So at the time of the adoption of the IDP, there was approximately 12,000 vergées of land in agricultural use and 10,500 vergées of this fell within the APA and approximately 15,765 vergées of land in the APA.

So it basically means that there is sufficient land protected in the APA, which exceeds what is required for those particular industries. For me therefore, with the strategy in mind, having taken advice on that, there is land that may be considered available for the planting of trees.

As Deputy Le Pelley says, there is a balance, as well, that needs to be made, especially as our commitment towards climate change. This is partly also why we do support the strategy, albeit we understand it will be part of the larger Biodiversity Strategy, which for me is vital in order, again, to inform what we do.

It comes, as I say, back to resources. Is (b) asking for more resources or not? Maybe Deputy Dudley-Owen can elucidate on that point to enable people to answer the question. If she is satisfied with our interpretation of that Proposition. Because, obviously, with resources, the Planning & Building Control could do so much more in all of the areas, if it had more resources, as could any department.

But as I say this does not call for any more funding. I have to make the proviso to this and confirm that although we said we would do a review of the Law in our action plan, this has to be with the proviso that, if Proposition 2 of the Requête is successful, our officers will be that much busier and most likely will not be able to undertake such a review without further funding.

We also support it because the IDP is written so it can take more strategies in mind, as I have described. Whilst the IDP continues to work without such strategies, direction from the States in the form of over-arching policy in specific areas, has been a fundamental driver for any changes we recommend to the IDP and so a Tree & Woodland Strategy, whether part of the overall Biodiversity Strategy or not, would be beneficial.

Thank you, sir.

**The Bailiff:** Deputy Merrett.

**Deputy Merrett:** Thank you, sir.

I will try and stay to the amendment. First of all, the requérants are passive and broadly supportive of this amendment and I would like to place on record my thanks to Deputy Dudley-Owen, who contacted me, who worked collaboratively with me, inclusively, and I hope I was able to assist her in her aims at laying this amendment. That collaboration of work does mean we have an amendment before us, which in my opinion does refer to all the Rules of this Assembly, including Rule 4(3).

Members may remember, Members like to quote evidence, I certainly do – but I spoke yesterday to the reality of what is happening at the moment and the site I was referring to yesterday and a location number was ... .Now Members would have received the pictures from members of our community and pictures do speak louder than words. Members seeing that picture would have seen an aerial picture, from 2016, of a broadleaf woodland, dense trees, in this area; this area being an Area of Bio Importance (ABI).

Now, as Members may recall from yesterday, that has been given planning permission to build. Members may recall from yesterday that most of those trees have been cut down. They have been cut down, planning permission has been granted of ‘appropriate planting of native species’ of trees and hedging, so it could be enhanced by the end of the first planting season. But I do not really know what will happen after that and how long, sir, does it take to re-establish a tree? I would put to you, sir, more than the first planting season and clearly for a period of time.

Deputy Tindall referred to the fact that we can ensure this. We cannot ensure it, sir, we certainly cannot. We can only consider it, if possible, we could enhance it, but there is certainly no surety there. So, I put to you, sir, as well –

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

**Deputy Merrett:** – the reasonable test –

**The Bailiff:** Sorry, Deputy Tindall has a point of correction.

**Deputy Tindall:** There have been conditions attached to planning, which cover more than just the first planting season. In particular I am thinking of the waste station, because obviously the landscaping around the waste station will – not yet but will – enhance it.

Thank you, sir.

**Deputy Merrett:** I would say it is a matter of interpretation. Let me go to a reasonable test because the reasonable test is if you have got a dwelling on land, now, sir, is it reasonable for the owner to plant a tree, as other Members have mentioned, that would undermine foundations of that property? Would that be reasonable? I do not think it would be reasonable. Now at that site, it is actually just bare soil.

There is also a recent *Press* article, which Members may be aware of, where trees have been removed before a planning application has even been submitted, because they were seen as a barrier to building more dwellings. So there is no surety there, either. I also say, sir, that if resource is an issue, maybe if we had a higher threshold in development frameworks the resource, the existing we have, could be used to a different manner.

Now I will come to 9(a) compared to 9(b). I would like assurances please, sir, as Deputy St Pier asked for, if we can vote on them individually if they become the main Proposition. Because 9(a) I believe has a lot of potential but I am concerned about 9(b). I am concerned first of all with this cost that has been put on here. That is ensuring, and it is almost, in my opinion, 'Oh, we need off-Island consultants.' No, we do not, sir, we do not. We have people on-Island, I have contacted them. We have them on-Island that can do this. It is almost as if, 'Oh we have to have this off-Island consultants, oh dear.' What a fear factor when actually we could have the people on-Island, I believe we already do.

I have certainly contacted them; they have given me advice and support with trees on my property. Is the resource already in the DPA? If it is, is it just a case of re-identifying and prioritising, giving direction on where you want that resource spent, rather than this fear factor of we need to increase the Civil Service, we need to have another two members of staff, etc?

Surely, if we have a Law already, we should have some resource, which I believe we do, to enact it. If we do not then quite frankly what is the point of having the Law? That is all I am going to say on the matter but I would really like reassurances about 9(a) and 9(b) –

**The Bailiff:** I think I gave that earlier when Deputy St Pier was speaking. What Deputy St Pier asked for was an assurance that, if the amendment were to carry, and become a substantive Proposition, that there could then be separate voting on 9(a) and 9(b) and I said yes to him at that time. Sorry if that was not clear, I hope it is clearer now.

**Deputy Merrett:** Thank you for that clarity, sir. So at this juncture I will be supporting 9(a) and, unless there is something Deputy Dudley-Owen says in summing up, which would change my mind on 9(b) ...

Thank you, sir.

**The Bailiff:** Does anybody else wish to speak before Deputy Dudley-Owen replies? No. Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, sir, I am actually quite surprised, I thought this would be reasonably simple and straight forward but I think that some of my colleagues have made a little bit more of the amendment than was actually meant and actually those points have been clarified by others of my colleagues; not over-thinking and over-complicating this.

I think if I address Deputy Tindall first. I will jump around a bit, I am afraid, this is never an exact science for me, summing up after an amendment. I will provide some comfort to Deputy Tindall that I am absolutely satisfied with the DPA's interpretation of my amendment. I did spend quite some time with their officers, albeit over the telephone due to tight timelines, and actually I had drafted, amended, re-drafted this and read it out to the officer concerned and they said, on that basis, yes you have got it there. That is exactly what the situation is now.

They spent some time looking at the Law with me and walking me through the complexities and the way that this is enmeshed, this particular planning policy, really does not enmesh in one

level of Law. There are multiple levels that this goes through and it is not just vertical it is sort of horizontal as well.

860 So the price tag there is really attached to the unpicking of that, should there be any need, to make the changes. Now I do not anticipate, actually, that there would be any need to make any changes to the Law of itself, given the explanation that I have received from officers. But I would fully anticipate that the Tree & Woodland Strategy would guide the review that would be undertaken as part of the holistic review of the Planning Law.

865 For me it does not really make much sense that a Tree & Woodland Strategy would not have been in place quite some years ago and I think that the rather miserly comments, and they are miserly comments, from certain Members of the Environment & Infrastructure Committee, really stand out for me. Why have you not put this in place already as part of the Biodiversity Plan? **(A Member: Hear, hear.)**

870 Quite honestly this is the natural place and I am so pleased to have had support from some Members of the E&I department, but on other Members I am a little bit confused as to why they are begrudging support for this. For me it was just common sense.

Yes, I will give way to Deputy de Sausmarez.

875 **Deputy de Sausmarez:** I am grateful to Deputy Dudley-Owen for giving way.

If I can perhaps explain a little bit of context. The area that this impacts our agriculture, countryside and land management team is one of our most over-stretched teams and we are very strapped on resources. It is a problem that we have been grappling with this entire political term. I can assure you on behalf of my E&I colleagues that it is not for lack of political will it is just quite simply a resourcing issue.

**Deputy Dudley-Owen:** Absolutely. I take that on board and I really hope to see something in the Budget coming forward for extra resources in that area from the Committee *for the* Environment & Infrastructure. But notwithstanding that and my support for them, I do find that 885 some of the comments made by, particularly, Deputies Langlois and Brehaut really unnecessary in regard to their mandate, just a bit odd. They are entitled to their opinion and we have got it.

Going back through the comments made. Deputy Tindall, which I hope will assist Deputy Stephens in this regard as well, spoke about how things work and the development process, etc. I think we have got to revisit there some of the comments made by our local expert, including from 890 Agriculture Land Management Services (ACLAMS) that the problem is the pre-emptive felling of trees, prior to developers applying for permission, to avoid having to apply for Tree Protection Orders.

The threats to trees which are not subject to a Tree Protection Order and therefore they are not considered within an application. Again, threat to trees from construction industry. It is all very 895 well to be able to pour concrete on these trees and to damage the trees and then say, 'Oh look, it is a damaged tree. We have assessed it and our expert says it can no longer stand.' But actually it was a fine specimen before they started working on it.

Lack of resources. This is really key. Lack of resource for an over-arching strategy for trees and green scape. Really this, I think, is the crux of the amendment. There are probably, when you look 900 at the Law, it is a robust Law, it is certainly very enmeshed and very tight-knitted and I would anticipate that the experts who put it in play, consulted widely back in the day and the over-arching review, which I would hope would suck in those funding, would have identified if there is any glaring issues with the Law. But actually it said it is not resourced. It is not being enforced. It is not being implemented. There is no post-implementation plan.

905 This is not about stepping on the toes of Deputy Ferbrache and all the other good people of the Island who actually take the initiative, plant trees, value them, and look at the property and see that their property is all the richer for the biodiversity and the wildlife that they have created through the planting of trees. It is not about making people cut down woodland. All of those



sensible, pragmatic, rational and reasonable assumptions, will be taken into account I envisage within any Tree & Woodland Strategy.

But unless we have got a Tree & Woodland Strategy then you cannot start to create the tone around trees and sensible and pragmatic actions around trees. We have got a fantastic site down behind the Bowl, where two individuals have taken it upon themselves to plant a large area of woodland. Now that is a little known fact in Guernsey. I have not been to see it yet but I am going to go and see it. I was rung up in the last two weeks to draw my attention to it.

I would not want to see us, then, enforcing, if they want to make some money out of that, as Deputy Leadbeater has said, because it is an investment not only in our biodiversity but also an investment in their future, that any regulation would prevent them from cutting down those trees, or lopping them or taking back the crowns in order to be able to sell that wood for future use. I would not want to see us being so prescriptive and prohibitive. This has got to be practical, this application. I am a pragmatic person. I do not want to see regulation, over-burdensome administration and bureaucracy introduced by way of this.

That is on *Hansard*. If it came back to this States, which it may not need to come back to the States, that is a Committee decision, to talk to the point of Deputy Dorey, that we would be burdened as a result of this, I would be one of the first to buck against that.

Hopefully Deputy St Pier has had his response via Deputy Dawn Tindall and has had some comfort from what I have said. Thank you to Deputy Leadbeater; he talked to a point that also Deputy Langlois mentioned about carbon offset. We would have to ask Alderney to hold its land mass in order to help us with that, and Herm and Sark and maybe even Jersey. We are not going to help with the carbon offsetting through our own land mass and planting of trees, which quite honestly I think is a little bit like penances with the Catholic Church.

Planting a tree to assuage your guilt of going off on holiday to some far-flung place is not really my idea of the carbon offset, which would reduce our carbon usage in the first place, rather than planting trees. That is part of a much bigger issue. This is part of our local biodiversity and the look and feel of our Island.

Thank you to Alderney Representative Roberts for his contribution and I think Deputy Inder's query about struggling with the removal of a TPO – a Treepio that should be called! – has been dealt with by Deputy Tindall. Thank you to Deputy de Sausmarez for her support and her contribution, which ties into what Deputy de Lisle was saying, actually, before. Meadow, grassland, agricultural land is important in of itself. I think that a Tree & Woodland Strategy would really assist people, giving them guidance as to what is going to be of value to our Island. The amount of plastic bushes that we see going in on hedgerows, the quick, easy grow, which actually support no biodiversity whatsoever. You know, *Elaeagnus* is a beautiful, lovely specimen. However it does nothing for biodiversity at all. All the other species, as well, that we see popping up. I know that charities like Guernsey Trees for Life, the Pollenate Project, Société, all of these different organisations, are really keen to try and push the message of if you are going to plant something make it worthwhile, do not make it plastic.

Which sort of leads me on to Le Guet and places like that. An absolute gem, really, in terms of the visual aspect that those pines provide to our aspect in Guernsey. However, it is a desert. Let us not beat about the bush. It is a pine tree desert under there. The acidification of the soil in that area means that nothing can grow at all. Without careful and determined management over a period of time, we are not going to be able to regenerate that particular area back into a native, valuable biodiverse area, without the help of something like the Woodland Strategy and all the volunteers whose time has been noted today, that put their valuable weekends and after work time into trying to reclaim the wonders of our Island.

So it is really important, actually, not to be told what you can and cannot plant on your land but to be guided as to what is going to be valuable. If you are going to spend the time digging holes and putting trees in then actually do it with something that is going to have longevity and have a long-lasting and ripple effect out into our biodiversity.

Deputy Smithies, thank you; Deputy Le Pelley, thank you. Yes, absolutely the points that you have raised about vandalism. They must be drawn into any Tree & Woodland Strategy. Deputy Gollop raised a point about the trees up at Candie actually and that is interesting because those trees were not assessed as unhealthy. Quite the contrary, they were felled, nevertheless having received advice to the contrary that actually there was nothing wrong with these trees. So people do not apply common sense. It seems that St Peter Port Constables really do have a bee in their bonnet about trees in St Peter Port and want to get rid of them, albeit dressed up for reasons that they know best. But it is not always the case that they are for the good of the community.

I will not continue because the debate has gone on far longer than I ever anticipated. (**Several Members:** Hear, hear!) Not through my fault. I had anticipated this would be much less and my eight-minute speech, thank you Deputy Brehaut for timing that, has obviously triggered a whole load of debate and comments and actually I am really pleased about that because trees are important and we have all proved that today. I hope that I do get support for both parts of the amendment.

Thank you.

**The Bailiff:** I put the amendment to you. Those in favour –

**Deputy Lester Queripel:** Sir, could we have a recorded vote, please?

**The Bailiff:** So you are calling for a recorded vote, are you, Deputy?

**Deputy Lester Queripel:** Yes, please, sir.

**The Bailiff:** We will have a recorded vote.

**A Member:** Sir, are they both together?

**The Bailiff:** I will put it as a whole. That is what Deputy St Pier was asking for earlier. I put the amendment as a whole; if it carries, you can then vote separately on the two parts, once it is part of the substantive Propositions and you can see the overall picture of the totality of the Propositions before you. So a recorded vote on the amendment proposed by Deputy Dudley-Owen, seconded by Deputy de Sausmarez.

*There was a recorded vote.*

*Carried – Pour 32, Contre 4, Ne vote pas 0, Absent 4*

**POUR**

Deputy Fallaize  
Deputy Inder  
Deputy Lowe  
Deputy Laurie Queripel  
Deputy Smithies  
Deputy Hansmann Rouxel  
Deputy Paint  
Deputy Dorey  
Deputy Le Tocq  
Deputy Brouard  
Deputy Dudley-Owen  
Deputy Yerby  
Deputy de Lisle  
Deputy Langlois  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Prow

**CONTRE**

Deputy Graham  
Deputy Green  
Deputy Ferbrache  
Deputy Mooney

**NE VOTE PAS**

None

**ABSENT**

Deputy Roffey  
Deputy Oliver  
Deputy Parkinson  
Deputy Meerveld

Alderney Rep. Roberts  
Alderney Rep. Snowdon  
Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Lester  
Queripel  
Deputy Le Clerc  
Deputy Leadbeater  
Deputy Trott  
Deputy Le Pelley  
Deputy Merrett  
Deputy St Pier  
Deputy Stephens

**The Bailiff:** The voting on amendment 1, proposed by Deputy Dudley-Owen and seconded by Deputy de Sausmarez. There were 32 votes in favour, with four against. I declare it carried.

995       The next amendment, to be proposed by Deputy Brouard. Do you wish it to be read?

**Deputy Brouard:** No, sir.

**The Bailiff:** Thank you; that will save time.

[Amendment 2](#)

*To delete Proposition 6 and replace it with the following:*

*'6. To direct the Policy & Resources Committee to consult with the Committee for Economic Development, the Committee for the Environment & Infrastructure, the Committee for Employment & Social Security, the Committee for Health & Social Care, the Development & Planning Authority, and the principal owner of the land within Leale's Yard Regeneration Area, and to report to the States, no later than April 2020, with propositions and a supporting policy letter containing recommendations to enable the progression of development at the Leale's Yard Regeneration Area, including consideration of States' involvement in the delivery of the development, if appropriate, including consideration of incentives and mechanisms to facilitate the development of the site and the funding of the same.'*

1000       **Deputy Brouard:** Not necessarily, sir! Thank you, Mr Bailiff.

1005       This amendment is basically very similar to the existing Proposition 6 and it basically concerns the area called Leale's Yard. Now from the point of view of myself and my seconder we are basically standing on the shoulders of Deputy Merrett and the Requéants. They deserve the credit for the wording of the amendment and we are just making three basic points in a very slightly re-worded version; but they certainly deserve the credit for it. It actually captures, to some extent, a lot of work that has already been done and it also gives the mandate for going forward. So well done to the Requéants on that.

1010       I personally think, and our Committee as well, as Policy & Resources, we need to unlock this site at the Bridge, the Leale's Yard. We have been dancing around the issue, I think, for too many years now and I think it is a real pity that the developers – I think the site is owned by the Co-op – did not fulfil their original ambitions for the site. Although to me some of the plans that came forward, and I think I have said it before, did look a bit like Milton Keynes on Sea. Personally I would like to see it used far more in a community way with an opportunity of some park plan, an opportunity perhaps for some attenuation ponds, because it is a very low-lying area. But also it could be used to relieve some of the housing pressure.

1015

The whole idea of bringing Leale's Yard back in, in some form, whether it is the States helping the developer, whether it is pushing the developer along, whether it is in partnership. That needs to be formally looked at and again I thank the Requéants for bringing the item forward.

1020 The two main reasons that we bring forward our amendment to the original Proposition 6: the timeframe is the first one. The Requéants would have preferred it to be brought back in December; we are asking for April 2020. It just gives that little extra time. There are a lot of departments that need to be brought into the frame and we just feel that that would be a better and more professional way to do it.

1025 The second area where our amendment varies from the Requéants is that we just want to concentrate on the Leale's Yard regeneration area, which is already a concept captured in the IDP, so it gives certainty as to the area that we are talking. It is not necessarily the Bridge, it is not necessarily the power station, but it brings it straight back down, as per the plan on the amendment.

1030 So for those three reasons, it captures what has already been happening, some of the work that has been done. I thank the Requéants for that. It gives the mandate going forward. It pushes the date a little bit further on, just to give that extra time for that further work to be done, and it gives certainty to the area. I would ask the States' Members just to pass this amendment to a very good Proposition already.

Thank you, sir.

1035

**The Bailiff:** Deputy Le Tocq, do you formally second the amendment?

**Deputy Le Tocq:** I do, sir.

1040 **The Bailiff:** Deputy Merrett, do you wish to speak at this point?

**Deputy Merrett:** I will, sir, in a bid to progress this debate.

1045 With this amendment, sir, I was once again forced into playing spot the difference. P&R, once again, subsumed almost the entirety of the Proposition in the amendment and once again, forgot or did not consider that talking to the Requéants may have been a good idea.

This is a shame and at some point I do hope that the Policy & Resources Committee will recognise the potential benefits of speaking with and working collaboratively with other Members, when they are basically cutting and pasting a Proposition, with a few tweaks here and there, and then proudly putting it into their own names.

1050 I think it was Deputy Trott, sir, who in the last debate crowed about a 100% record of successful amendments; amendments that were virtually cut and paste with minor differences, from other Members' long, hard and laborious work. However I do thank Deputy Brouard for recognising that today. That is appreciated.

1055 I am not one to be concerned about the old pips on the shoulder. It is what we can achieve as a collective Assembly, what we can achieve for our community we serve that is more important to me. So sir, despite not picking up the phone to discuss the amendment, on this occasion, I was actually pleased to see Policy & Resources engage further with the Proposition that this amendment is seeking to change. I am pleased to see Policy & Resources pick up the baton, *per se*. I am pleased that Policy & Resources recognises the opportunity for our community in this area, as this site appears to have been deadlocked for almost 15 years; certainly over a decade.

1060 Policy & Resources have considered the Proposition, have worked with it. What they have done is tried to make the original Proposition work for them and for that, sir, I am grateful. There is no point in complaining or voting against something if the Committee concerned agrees in principle with the Proposition but not with the ambitious timelines, as they could obviously simply amend the Proposition, as P&R have done today. They are firm in their intent.

1065 In the recitals to the Requête, and that is recitals 10 to 11, we give some reasoning as to why we, the Requéants, believe the regeneration of the Bridge area is firstly aligned to the Policy &

Resource Plan, but we also recognise the need of Policy & Resources to consult with the relevant Committees of the States. We do not want them to continue to fly solo on this.

1070 We have recognised that the area could be of interest to the Committee *for* Employment & Social Security, with regard to affordable housing, partial ownership, as part of a mix of potential residential units on the site, as well as the exciting employment opportunities. We also recognise that the Committee *for* Health & Social Care may have an interest as they search for opportunities, they search to identify areas that could help them progress the Partnership of Purpose. When I  
1075 spoke to Deputy Parkinson, sir, his vision and passion for economic growth in this area was simply infectious.

We have recognised that the Development & Planning Authority and the Committee *for the* Environment & Infrastructure would also need to be involved. We took, I believe, sir, a realistic and pragmatic view, that unless we investigate what mechanisms, what encouragement, what  
1080 investment we could give to this area, what if any appropriate States involvement, what incentives may be required to progress the regeneration of the Bridge area. If we do not do this, then a regeneration of the Bridge area may never come to fruition.

Now I think the elephant in the room here, sir, is will we be seen to be bailing the current landowner out. This is certainly not my intent. My intent is to serve the wider community and if  
1085 that means negotiating fair and reasonable terms with the current landowner, so be it. Do we wish to consider kick-starting this regeneration area, or shall we leave this untapped potential to stagnate further?

In my opinion the Bridge should and could be flourishing. It has real potential for growth and enhancements, but it does need investment. For the avoidance of doubt, that includes investment  
1090 in the surrounding infrastructure. The densely populated parishes, St Sampson and the Vale, the members of our community that live in close proximity to the Bridge could benefit from such investment. The community of today and the generations that will follow us – they could all benefit.

The Bridge to St Peter Port topography is perfect, sir, for cycling. The bus service is frequent  
1095 and reliable and, with some of the largest housing allocation areas, for example Pointues Rocques, Salt Pans, ... to name but three; all are within a reasonable walking or cycling distance to the Bridge. But if, sir, we are to truly believe, within its States and development frameworks or on planning applications that there are employment opportunities in this area then we must invest in this area's infrastructure and tap into the economic potential.

1100 Now arguably, as it is a brownfield site, we should be encouraging and supporting this housing allocation area before any others.

**The Bailiff:** I am sorry, Deputy Merrett, are you focussing on the amendment (**Deputy Merrett:** Yes.) or are you talking generally on the Proposition that is in the –?

1105

**Deputy Merrett:** No, I am speaking to the amendment, which is regarding Leale's Yard, sir.

**The Bailiff:** It seems to me you are straying into matters of general debate that would be applicable whether this amendment carries or not. This amendment is just making a few  
1110 alterations –

**Deputy Merrett:** Which I want to get to, having to explain the Proposition.

**The Bailiff:** Well, you said you wanted to hurry the debate and it seems to me that you are  
1115 straying into general debate, rather than focussing on the amendment.

**Deputy Merrett:** Okay, well I will try. I have almost finished, sir. I need to explain to the Assembly the differences between this amendment and the original Proposition because if it

1120 becomes the main Proposition I need some reassurances as to whether or not I can support the amendment.

1125 Proposition 6 as amended may be more difficult and more complex or more controversial than the original Proposition, I will explain why, but we should not shy away from that, because I believe we need to invest. Now this is not an easy decision but it is something I believe we need to consider and I believe we need to direct P&R to consult with the relevant Committees that ultimately return to the Assembly.

1130 Now, sir, because I am going to vote on this Proposition I think I need to declare an interest, because I live in the area. I have seen the Bridge area infrastructure deteriorate. I have seen shops and cafés close and charity shops have moved in to plug the gap and take opportunity of free or low rents, whilst uncertainty remains in this area. Under the current restriction of the IDP, it is only one of only two areas in the Island can have for example, comparison and convenience retail.

This area has been identified for a considerable period of time as a regeneration area. I will declare an interest because I moved to this area 10 years ago, when I started my family, and therefore I would argue that I do have a vested interest but it is a vested interest in the prosperity of our Island and the social harmony.

1135 As my manifesto stated:

I decided to move to this beautiful parish when we started a family. The potential for an easy commutable cycle track into Town, affordability of a family home, local shops within walking distance and Delancey Park were all key factors.

1140 But what I need confirmation for, for this amendment, sir, and maybe it needs to come from the President of the Committee *for the* Environment & Infrastructure, who I note is now back in his seat, if this amendment passes what is the intent of E&I concerning the infrastructure plan in the area? Because that is one of the main differences between this amendment and the original Proposition. I ask because what the States has already identified as one of the needs, one that arguably should have been determined or at least debated alongside the Island Development Plan, is the need for a long-term infrastructure plan.

1145 I think it may have changed its name but I am absolutely sure Members know what I am talking about. The plan's intention, I believe, is to identify what Guernsey requires regarding infrastructure to deliver the current and future policies and this amendment seeks to reduce, in my opinion, the need for the surrounding infrastructure.

1150 Now I ask, sir, because a plan of the whole Island could be a long way off. I am aware that the Committee of E&I has some pretty meaty policy papers that they have already indicated they will be bringing to the Assembly soon. So I ask, because I am led to believe that it is E&I's intent to bring a policy paper to the States asking for us to deliberate and determine if we consider the groaning infrastructure of the Bridge and the associated vicinity in the full knowledge that we agreed some large housing allocation areas in this area will potentially put excessive strain on the surrounding infrastructure.

1155 If E&I could confirm it is indeed their intent to prioritise an infrastructure plan for the Bridge area, and if so when they will bring that policy paper to the States, that will give me some comfort in supporting this amendment.

Oh, sorry. I give way to Deputy Brehaut.

**Deputy Brehaut:** I thank Deputy Merrett for giving way.

1160 The E&I are tasked with bringing back to this Assembly an infrastructure and investment plan. This Assembly is the policy making body. Any policy letter that stems from E&I will be informed by this debate. If this amendment is approved then that will form and be part of the policy letter. But we will be bringing back to this Assembly an infrastructure and investment plan, as instructed in part by amendments that will be approved by this Assembly.

1165 **Deputy Merrett:** Thank you, Deputy Brehaut. That is reassuring.

Now lastly, sir, I do not wish Members to think that we have plucked December 2019, in the original Proposition 6, out of thin air, as we did not. When I was drafting the Requête I contacted a number of officers and Deputies from Policy & Resources, to determine how I could progress Proposition 6. I shared my original draft on Proposition 6 and decided to subsume it, in its entirety, the suggested drafting from officers.

Now I considered the December date, sir, was rather ambitious but was reassured that it was do-able. Now if it has slipped, as in this amendment, at least the intent was there. So with the relevant assurances from Policy & Resources that the date will not slip again, and after listening to debate, I may be able to support this amendment.

Thank you, sir.

**The Bailiff:** Deputy Fallaize.

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

I will be very brief because I fear at this rate neither Deputy Le Pelley nor I, nor anyone will be at the agricultural show tomorrow. We will be in here. This obviously is not a debate about Leale's Yard. There may be an opportunity to get into that in general debate. This is a debate, essentially, about the scope of any review and the time for reporting back to the States.

In terms of the scope of the review, I think it is semantics, because if there is going to be consideration given to the Leale's Yard regeneration area, it can hardly be done completely ignoring the wider Bridge area. An advantage of the amendment and the timeline is only four months different; an advantage is that the amendment is actually being proposed on behalf of the Policy & Resources Committee and the direction, then, in the Resolution would be to the Policy & Resources Committee.

So it would be harder for P&R, in the early months of 2020, to come back to the States and say, 'We have not been able to do the work,' or some sort of excuse for why it has not been done. Because they would have been the body responsible for asking the States to pass this Resolution. It seems to me, marginally, that the amendment is probably more likely to mean that meaningful work in this area gets done and since it is so many years overdue, I do not think that four months is going to make a great deal of difference. So I am happy to support the amendment.

**The Bailiff:** Deputy Le Clerc.

**Deputy Le Clerc:** Thank you, sir.

I prefer the amendment to the original Proposition. The Committee *for* Employment & Social Security met. Deputy Yerby excused herself, as she was a requérant on this. We were not able to support the original Proposition. I just would still like to say that I have got some reservations because, although it is instructing Policy & Resources to consult and probably do the majority of the work, they will still need to come to the Committee *for* Employment & Social Security and ask for a resource, there will be input from our Committee, from our housing officers, into this.

That again just takes away work, prioritised work through the Policy & Resource Plan, from what we have currently got; timelines to meet and deadlines to meet to come back to this Assembly. So I would just like to point out that, although I will be supportive of this, I still have concerns that it is taking away resources from other areas of our mandate that have a priority, even though P&R will be the lead Committee on this.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, I wish I could approach the States of Guernsey and flog off bits of land, where I had failed to develop and failed the Island miserably. Grocers bought a piece of land, with some idea of developing it. They dealt with the States, big plans were made, and they have

absolutely failed this Island. It is now called the Leale's Yard regeneration area, as though that is a brand that will actually come around in the future.

1220 Now we are asked to look at spending public money on the failure of the Co-op. It has absolutely failed this Island over the last 15 years. It looks seductive because it has got 'regeneration'. The Bridge will look better, everything will change. But why can't the owners of Quayside approach the States of Guernsey and say, 'We are not entirely sure what to do with the site at the moment, can we change things around a bit and will you buy it off us and put some flats up?' Or, 'We are not sure how retail is going today.' I am not going to –

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**Deputy de Sausmarez:** Point of order.

**The Bailiff:** Point of order, Deputy de Sausmarez.

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**Deputy de Sausmarez:** It is a point of order. This seems to be general debate rather than debate on the amendment, and given the time constraints ...

**The Bailiff:** Yes. Are you speaking in general debate and foregoing your right to speak in general debate later, Deputy Inder?

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**Deputy Inder:** I think I am talking to the amendment.

**The Bailiff:** Unfortunately, this debate seems to have gone off the rails a bit. I am not sure you are speaking to the amendment. The amendment is just about the differences between the proposed amended Proposition and the original one.

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**Deputy Inder:** For peace and harmony, I will start again some time later.

**Deputy Fallaize:** Sir, respectfully it is not. This is the problem when there is an attempt to replace entire Propositions. If the amendment had just tried to change the date and the words around the regeneration area it would be about the difference between them but the actual amendment seeks to insert an entirely new Proposition, which deals with the whole issue. That is a daft way of doing it, but that is the way that they have chosen to do it.

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**The Bailiff:** I will put it again. Are you confining your speech to the amendment or are you straying?

**Deputy Inder:** I am confining my speech to, I believe, the amendment.

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**The Bailiff:** I.e. the differences between the proposed amended Proposition and the original Proposition?

**Deputy Inder:** Okay. I will just start again later. I will try and vote the rest out and I will start this all over again. But I will not be held to eight minutes.

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**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Well, Deputy Inder has the choice, of course, of not voting for any of it and I am not going to go into the arguments of why we got where we are. I said to Deputy Le Clerc, in the Committee, 'I might be a rebel on this.' She said, 'Well, okay.' But the thing is I think I support her perspective that the amendment is much nearer the mark because we were aware, all of us, really, and having sat on the DPA too and the Environment in the previous States, the timeframe. Deputy Merrett is one of these really able new Members who have come into the Assembly

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1270 thinking everything can be done yesterday. The reality is the old stagers are used to going very slowly.

Now I know that is a cultural thing that should change over time and it is part of the system of Government but we do have an issue there. The reality was, even if we passed the original, for Christmas of this year, it would not have happened. So this is actually more credible.

1275 Speaking, I hope, to the amendment, the other salient point is if one of the main arguments for the original Proposition, but even more for the amendment because Deputy Brouard has actually improved the original, and Deputy Stephens, in one respect. I am aware of Deputy Inder's feelings and other people in the community who do not like to see, necessarily, the States becoming a developer of last resort. But one has to bear in mind that one of the wider issues in  
1280 the Requête, which we will debate later, is the greenfields issue, versus brownfields.

In expanding the area, what amounts to a regeneration area, in changing the boundaries to a broader perspective, that facilitates a better conversation about what the Bridge needs, what the community needs, what the Island needs and not just all about housing or apartments or Milton Keynes on the Sea. It could be about libraries, could be about retail, could be about commercial,  
1285 could be about green lungs. I do not know. But the point is the bigger the area the better the consultation.

**The Bailiff:** Deputy Yerby.

1290 **Deputy Yerby:** It may in fact not be needed but could I move Rule 26(2) please?

**The Bailiff:** Is it 26(2)? 26(2) is about a Member may vote only from his or her seat.

**Deputy Yerby:** One, sorry.

1295 **The Bailiff:** I think you mean 26(1). Anybody who has not already spoken on this amendment and wishes to do so please stand in their place.

**Deputy Dorey:** I need to declare an interest before the vote.

1300 **The Bailiff:** You can declare your interest, that is alright. So we have two people. Deputy Merrett has spoken. So we have two people standing. We have two more speeches; do you want to go ahead with your 26(1)?

1305 **Deputy Yerby:** No.

**The Bailiff:** No? In that case, Deputy Dorey, you can declare your interest.

1310 **Deputy Dorey:** The company that I have shares in owns four properties in the regeneration area and I jointly own another property in the regeneration area. Those properties are on the edge of the area. None of them have been involved in any of the plans for the redevelopment of the area.

**The Bailiff:** Thank you. Deputy Le Tocq.

1315 **Deputy Le Tocq:** Thank you.

I will be very brief. Deputy Fallaize, when he was making comments, is right. Years ago the States would have amended this or we would have sought to amend things by dealing with a little clause. In this amendment that Deputy Brouard and I have laid, we have laid out the whole thing  
1320 again, which is why it gets confusing.

But I think in terms of the spirit of what we are seeking to do, effectively it would be stupid really to continue to debate this issue when we have got another opportunity to do so, if it is passed or not, when it comes to the main Propositions.

1325 The main reason for laying it is to deal with the precision of the Leale's Yard regeneration area and, secondly, to deal with the timeframe that the original Proposition put in place, which we think is unreasonable, as has been already indicated by Members of the other Committees that are involved in this.

1330 A lot of work has already undergone, primarily because Deputy Brouard himself, I think, right at the beginning when P&R was constituted, raised the issue of the Leale's Yard regeneration area. So I think this amendment just helps to confirm that and put it on the right track. I encourage the Members of the Assembly to support it.

**The Bailiff:** Deputy Laurie Queripel.

1335 **Deputy Laurie Queripel:** Thank you, sir.

I want to ask Deputy Brouard a question but I am hoping it is within the scope of the amendment as you have made a ruling about what we can and cannot say. Bearing in mind that negotiations have taken place up until this point with the owners of Leale's Yard, I just want to understand from Deputy Brouard, if any conversations have taken place with the owner in regard to them perhaps breaking that area down to smaller parcels of land and then them approaching various – because it is a very big parcel of land, very big area of land for one developer to take on.

1340 Before we talk about possibly putting States' funding into this regeneration area, has any conversation taken place with the Co-op, asking them if they have approached various developers to see if that one big area can be broken down into various parcels of land, so that different developers can develop those different parcels without one being committed to the whole site? Because if that has not taken place I am very reluctant to vote for this amendment. If those conversations have not taken place I think a number of options have been ruled out.

1350 That is the question I want to ask: is he aware that the Co-op has considered breaking the whole of Leale's Yard down into smaller parcels, so that various developers can be approached that they can develop those small parcels themselves, without one developer taking on the commitment of the whole area? Does that make any sense at all or do I need to put it in a different way? It is okay? Right, thank you.

**The Bailiff:** Deputy Tindall.

1355 **Deputy Tindall:** Thank you, sir.

DPA have no objections to this amendment. We can see the benefit of clarifying the area that P&R is to report on, using the definition given to it in the IDP. It does not affect the production of the development framework, which we have commenced. In fact we are unsure quite how the DPA can assist but officers will no doubt provide that as and where they can. Although I do echo the comments of Deputy Le Clerc, this is just yet more work that we would need to do. I also happen to echo comments just made by Deputy Laurie Queripel and would be interested in general debate if necessary, and also whether they have considered just reducing the price?

1365 Thank you, sir.

**The Bailiff:** Deputy Brouard will reply.

1370 **Deputy Brouard:** Thank you, sir, and I thank all the Members for their contributions to the debate. I think Deputy Merrett started and, yes, this baton of what to do with Leale's Yard has been ongoing. Had the Requête been just about Leale's Yard and just Proposition 6, I would have signed it. I have no problem there and it has been regularly on P&R's board meetings as we tried to progress it.

So this does help us to unlock the site, which we are obviously trying to do. We have less chance of slippage by having the date moved, so thank you for your support on that. I think it was the same theme from Deputy Fallaize, it is more likely to get done by moving the date.

I thank you, Deputy Le Clerc, for your support and it perhaps gives you a bit more time to get on with your other priorities as well because you have got a lot on your desk as well. Deputy Inder, I note your point about public money but we also do have a responsibility for the area. How long do we want to leave it blighted? I do not like the way it looks. But we also buy land off other people. We buy land for schools, we buy land for prisons, we buy land for housing. We do.

People always have this thought that because you are a developer, you are some sort of a devil. Actually the Island has done very well in many places for some development where people have put a lot of money into building banks and hotels and developing property generally, which is for the general wellbeing of the Island. So it is not necessarily a bad thing, it is just commerce, it is just business and I think, picking up the point about where we put public money in, obviously that will be a decision that we will make as a States, if we need to. Maybe we do not. Maybe we just have to unlock something. Maybe something just needs a push.

I thank you, Deputy Gollop, for your support. Deputy Queripel, I understand your question, which was what my indication to you was. There have been discussions with the owner of the site. We have talked about smaller parcels, bigger parcels. That is going to be the next stage, as to whether we can unlock it. It may be parcels that will unlock it, maybe different people will buy different parcels. But I have got nothing I can add to it.

I understand your point that, because it is such a large site, I understand the developer, certainly my knowledge is, was looking to offload the whole site. But that may change. Maybe a package will be put together but that is just the opportunity that we will get from this. Probably some of your other questions fall more into general debate. Thank you, Deputy Le Tocq, for your support and, Deputy Tindall, for yours.

Thank you very much ladies and gentlemen, please support the amendment.

**The Bailiff:** We vote, then, on the amendment proposed by Deputy Brouard, seconded by Deputy Le Tocq. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare it carried. Now there is a motion to suspend the Rules and another amendment. Do you intend to proceed with it, Deputy Leadbeater?

**Deputy Leadbeater:** Yes, sir.

**The Bailiff:** Can it be circulated, then?

*Motion to Suspend the Rules:*

*To suspend Rule 24.2(d) of the Rules of Procedure to the extent necessary to permit the Amendment set out below to be moved.*

**The Bailiff:** Does everyone have a copy? I will just pause, then, long enough for everyone to read both the motion to suspend the Rules and the substantive amendment. I think everyone has probably read it by now. So Deputy Leadbeater, you wish to propose to suspend Rule 24(2)(d) of the Rules of Procedure, to the extent necessary to permit the amendment set out below to be moved. Is that correct?

**Deputy Leadbeater:** Agreed, sir.

**The Bailiff:** And, Deputy Paint, you second that?

**Deputy Paint:** Yes, sir.

**The Bailiff:** We go straight to the vote, then, on the motion to –

1420 **A Member:** Can we have a recorded vote, please?

**The Bailiff:** A recorded vote on the motion to suspend the Rules.

*There was a recorded vote.*

*Carried – Pour 20, Contre 16, Ne vote pas 0, Absent 4*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Fallaize	Deputy Hansmann	None	Deputy Roffey
Deputy Inder	Rouxel		Deputy Oliver
Deputy Lowe	Deputy Green		Deputy Parkinson
Deputy Laurie Queripel	Deputy Dorey		Deputy Meerveld
Deputy Smithies	Deputy Le Tocq		
Deputy Graham	Deputy Yerby		
Deputy Paint	Deputy Langlois		
Deputy Brouard	Deputy Soulsby		
Deputy Dudley-Owen	Deputy de Sausmarez		
Deputy de Lisle	Deputy Tindall		
Deputy Prow	Deputy Brehaut		
Alderney Rep. Roberts	Deputy Tooley		
Alderney Rep. Snowdon	Deputy Le Clerc		
Deputy Ferbrache	Deputy Trott		
Deputy Kuttelwascher	Deputy Merrett		
Deputy Gollop	Deputy St Pier		
Deputy Lester	Deputy Stephens		
Queripel			
Deputy Leadbeater			
Deputy Mooney			
Deputy Le Pelley			

**The Bailiff:** The voting on the motion to suspend the Rules was 20 in favour and 16 against. I declare it carried. So, Deputy Leadbeater, do you wish to lay the amendment now?

1425 **Deputy Leadbeater:** Please, sir.

**The Bailiff:** Would you like it to be read?

1430 **Deputy Leadbeater:** Please, sir.

**The Bailiff:** Greffier.

*The Deputy Greffier read the amendment.*

**The Bailiff:** Deputy Leadbeater.

[Amendment 3](#)

*To insert the following Proposition immediately after Proposition 5:*

*'5A. To agree that policy GP11 should be deleted from the Island Development Plan and to direct the Development & Planning Authority to prepare and submit to the States before the end of February 2020 proposals which will enable that policy to be deleted in accordance with the Land Planning and Development (Guernsey) Law, 2005.'*

**Deputy Leadbeater:** Thank you, sir.

1435 The notion to promote this amendment came to me yesterday. I was having discussions with Deputy Merrett about the Requête, obviously going through the DPA's final action plan and policy GP11 is something that has concerned me right from the start and it has borne out to be a useless policy, really.

1440 I think to be honest it is a really well-intentioned policy but it is probably quite a bit ahead of its time because, for a policy like GP11 to be effective, society is going to have to evolve quite a bit more from where it is now and I do not think that society will evolve how it has to in the timeframe of the IDP for this policy to be effective at all.

1445 The concern that I have, because obviously policy GP11 is subject to this Requête, it is obviously within the action plan of the DPA, the DPA are aware that not one unit has come forward of social housing –

I will give way to Deputy Le Pelley.

**Deputy Le Pelley:** Just for the benefit of listeners, Deputy Leadbeater, could you go over what GP11 actually entails?

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**Deputy Leadbeater:** Certainly. Yes, sorry about that. I will read it out.

GP11. The Development & Planning Authority will require proposals for the development resulting in a net increase of 20 or more dwellings to provide a proportion of the development area of the site for affordable housing, in line with the following ...

1455 Twenty or more dwellings but fewer than 25 would be to 26% of the developable part of the site, but reduced to 11% in the first year, 16% in the second year and 21% in the third year after States' adoption of this plan. It goes on to then create the tariffs for over 25 and more than 30 dwellings. Basically what it is, is anybody who is going to develop a site of more than 19 properties has to hand a part of that over to the States for affordable housing.

1460 Now developers do not want to do that because, as I mentioned, our society has not evolved enough for that to be able to be facilitated in a way that does not render that development unprofitable, or certainly at odds against other comparative developments with slightly fewer dwellings on that had not been subject to these tariffs.

What concerns me is in the DPA's action plan they mention it and they mention here, under affordable housing GP11 ...

... much to the disappointment of the DPA at the time of the debate on the draft IDP and as a result of a successful amendment the draft GP11 was replaced with the following ...

1465 Now the draft GP11 said any site with five houses or more would be subject to this tariff. Now, sir, if we are going to reduce this back to the original figure, from 19 dwellings down to five dwellings, there would be even less development. Somebody mentioned to me, Deputy Prow and I were having a conversation about this some time ago and he said the only ethical way to do it is to attach a tariff on every house. I see that you are trying to make it equitable but I do not understand why we have to tax the construction industry, the development industry, like this.

1470 I do not understand why we should do this. Deputy Brouard has just mentioned that we often treat developers like devils. GP11 is further proof. He has probably got a case there. Why should we be going to contractors, to developers, and saying, 'You are going to have to give us a bit of your land if you want to develop that,'?

1475 We do not turn around to banks and say, 'You have got to give our ex-cons bank accounts,' because they do not. We cannot force them to do this stuff, and they are a massive, bigger industry than our local development industry. I think the principle of forcing developers to hand over a portion of their land for our affordable housing needs is wrong and I do not agree with it. And it is proved that it has been ineffective.

As I say, maybe in years to come, maybe when society is far more socially integrated than it is now, but it certainly will not be within the life of this 10-year plan. Maybe in years to come, we can look back on GP11 and we can pick some bits out of it and use it again, use the same spirit as GP11 again. But at the moment it is not working and I cannot see it working, and if we change this arbitrary number, as I think my friend Deputy Lester Queripel is suggesting, who is a Member of the DPA, if we change this number and bring it down even further it is going to have even more adverse effects on the construction industry.

Deputy Le Clerc, in her last update mentioned, we discussed this and I did ask her if she was going to work with the President of the DPA to find a resolution for this, and she mentioned that they would be wrapping that up in the housing review that they will be undertaking. So I think what we should do is delete GP11 from the IDP and then Deputy Le Clerc and her housing review can look to develop something that is going to be more practical and workable. I think that should be the way forward. I would encourage Members to support this amendment.

Thank you, sir.

**The Bailiff:** Deputy Paint, do you second the amendment?

**Deputy Paint:** I do, sir.

**The Bailiff:** Deputy Merrett, do you wish to speak at this point?

**Deputy Merrett:** No, I will reserve my right to speak, thank you, sir.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Sir, I had the privilege of working with Deputy Leadbeater for a couple of years on the Development & Planning Authority and always found that his viewpoints were clearly expressed and full of common sense and practicality and knowledge, of course, of the wider commercial construction sector.

Therefore I decided, despite our time limitations, to be one of those who wanted the debate to occur. The thing is, though, I am not keen on this amendment at this stage because I must admit I take a more ideological approach to planning. That is the difference between Members in the States, those who follow a common sense reality of where we are today and those who want to change society. I basically wanted to see, as we have seen really from environmentalists for a decade, going back to Deputy Dorey's planning covenants idea and other things, a stronger sense of encouragement. Not necessarily coercion but cajoling developers to have a broader perspective.

I think Deputy Leadbeater really wants society to evolve but questions the speed at which the market can cope with this.

**Deputy Inder:** Thank you for giving way, Deputy Gollop.

You said you want developers to have a broader perspective. But that is not what happens it is the market that dictates what gets sold and what does not get sold. So if they are not being built now, why do you think the developers should just build things for a market that does not exist?

**Deputy Gollop:** Again my views are a bit radical but I think, over the next 30 years, again this is slightly ahead of its time, we will gradually see a nationalisation of the development industry in Guernsey. Because I do not believe that there will be sufficient land and sufficient policies to enable all this freelance development going on. That is why we have seen this incredible conflict going on about why sites have not been developed and why some sites are more viable than others. Because actually the market has reached a kind of a stasis, almost an impasse.

One of the things I took seriously when I first became President was I thought that the mood of the public back in 2016, the mood of the electorate, and in fact the mood of this Chamber, when it unanimously – with a few amendments – supported the Island Development Plan, was actually to be more pro-development than in the past. The IDP, to a degree, was more flexible and certainly less constricting than its predecessor.

But part of that philosophy was an encouragement towards something that has worked elsewhere but maybe it cannot work, for economic market reasons, in Guernsey, the encouragement of planning mix. Because the bank accounts parallel is an interesting one. I actually raised that very point to the financial ombudsman two days ago and he said he could not constrain banks to allow loans for people who were marginalised by society. But actually of course that is an argument for the state to either regulate that better or to introduce a parallel service through the state.

When somebody gets development permission for a greenfield or a brownfield or development area, potentially, although I do worry about the cost of building in Guernsey at the moment and the viability of development, that is a boom and maybe we should have had, in the golden era, a development land tax, because a development land tax of a financial payment that then the state would have used to acquire social sites would perhaps be a different way of encouraging the cohesion on the same sites.

The reality is we were very divided in the old Development & Planning Authority on this, because: as you will hear from Deputy Queripel, he would like to go lower, to 10; myself and Deputy Tindall support the officers' recommendation, and the planning inspectors' viewpoint, which was towards five. I genuinely thought that we would see a mixture of houses, because Guernsey traditionally would have a manor house next to a state house, a bungalow next to a Regency villa. We seem to have almost changed our society to, I will not say gated communities, but more sort of holistic, all of one kind modulus.

I do not think people really want to see that because Deputy Leadbeater might end up seeing more social division through the market, led by developers. He does make an interesting argument, I have to admit, that maybe the reason we are seeing certain sites targeted at the expense of others, has been because the viability and the financing of the larger sites has not been possible because of this policy. But I would prefer to see the policy analysed and researched in a more neutral way rather than in a specific amendment. So I think I would prefer the Merrett Requête and the arguments Deputy Lester Queripel will probably put later.

So I will vote against this amendment.

**The Bailiff:** Deputy Le Clerc.

**Deputy Le Clerc:** Thank you, sir.

I would urge everybody to vote with Deputy Gollop and vote against this amendment; a very dangerous amendment on the hoof, without people being able to prepare sufficiently to respond. **(Several Members:** Hear, hear.) I will endeavour to do so.

Firstly, to say that this is a warning. The current affordable housing development programme will see all units developed out by 2021. So we will need to continue to provide housing and affordable and social housing, particularly for those people in the older population, smaller units of housing that are suitable to their needs.

The need for land; we need extra land. So again, as I say, 2021 we will have built out all the land. We know there is other land perhaps coming on stream; Fontaine Vinery, perhaps Leale's Yard. But those will take many years to progress, so we will potentially have a shortfall and that is where, if GP11 works, there is a potential to have some affordable housing dripping through, perhaps in smaller areas, but dripping through till larger land becomes available,

Deputy Leadbeater has talked about the housing review. I think most people will know that I did not have much faith in the KPMG review and some of the details that were in there and what was regarded as needs for the next few years. So I think it really is important that we wait until we

get the outcome of that housing review. I think it is likely from the housing review that we will have more up-to-date statistics on what affordable housing is required.

It is not just affordable housing that we need to consider because we have also got a mandate to look at key worker housing. So it may be that some of the land that we are able to use can be used for that key worker housing but we will also still require land for affordable housing. To sum up, really, I believe we should wait for the more accurate information that we will get from the housing review before we amend this.

We should review the viability model link with the policy to ensure it is a feasible policy, with the correct thresholds. I know thresholds have been mentioned here today, five, 10, 20, but a thorough piece of work needs to be undertaken to determine what the correct threshold should be and that should be in conjunction with people in the building community and developers.

The IDP allows for a viability model to be used and adjustments made so the policy itself should not preclude development from being economically viable and I think that is what Deputy Leadbeater is saying, it is precluding developments from being economically viable and that is not the case.

I will give way.

**Deputy Leadbeater:** I thank Deputy Le Clerc for giving way.

The thing is my arguments here are multi-faceted really, that is one. I am not saying it completely precludes development but smaller sites that have not got tariffs applied to them are far more attractive to developers. This is the thing and this is why you are seeing developers target small, often greenfield sites, in and around the main and local centres, because they are far more attractive propositions than the larger brownfield sites that they probably already own. There are many different arguments that I have against GP11, it just does not hinge on that one.

**Deputy Le Clerc:** Sir, I hear what Deputy Leadbeater is saying but what I am saying is that we need to review. This amendment just pulls the plug on absolutely everything. We are only two and a half years into the policy –

**Deputy Leadbeater:** Point of correction, sir.

**The Bailiff:** Point of correction, Deputy Leadbeater.

**Deputy Leadbeater:** This amendment does not pull the plug on everything. What it does is takes out a policy, which is proven to not work over the last three years. Not one unit has come forward. Deputy Le Clerc's housing review is the time for them to explore other options but we have something that is causing us problems here, so we take it out, so it cannot cause us any problems until we find something we can put in that is not going to cause us problems.

**Deputy Le Clerc:** Sir, I have been advised by our officers that actually we have got one or two developments in the pipeline, under GP11, at the moment. So if we agree this amendment that means we lose some affordable housing that will be in the pipeline as it is. So I urge Members today to wait for the review that we want to undertake, wait for the housing review, have this policy still in place and a proper, prepared policy paper come back to this Assembly so that we can debate this properly when we have got all the information in front of us. Not on the hoof with a last-minute amendment. **(Several Members:** Hear, hear.)

Thank you.

**The Bailiff:** Deputy Tooley.

**Deputy Tooley:** Thank you, sir.



I think I am right in saying that this Requête was lodged on around about 21st May and today is 19th July and mid-way through the morning's debate we receive this amendment. There may be many in the room who have some sympathy with the proposals that this amendment would bring forward and they may have some merit to them.

But it would be completely irresponsible, in my opinion, for us, at this notice, to take what has been presented to us at 11 o'clock on the final morning of debate, after two months of the public properly engaging with a thought-out Requête, where there has been email and telephone and face-to-face conversation back and forth between members of the public, between the requérants and the members of the Development & Planning Authority who, in my opinion, have been outstanding in their response to the communications that have come in to them.

To place this amendment at this stage in this debate and to ask us to make what is an incredibly significant change to the way in which we decided, some time ago, we would administer housing policy around affordable housing for our population is, in my view, utterly irresponsible. By all means debate it. By all means open a discussion, start getting people thinking about whether this is something you might want to see changed. But to change this today, to pull this out of our plans, our policies today, would be utterly irresponsible.

Thank you.

**Several Members:** Hear, hear.

**The Bailiff:** Deputy Merrett.

**Deputy Merrett:** Thank you, sir.

I will thank Deputy Leadbeater, because he did ask me yesterday about GP11. It is clearly too late, and it was too late yesterday evening when I emailed Deputy Leadbeater at about 10 p.m. at night saying it was too late to get the views of the Requérents, so I cannot give those to you, sir.

That said, it was one of the policies I did try to delve into prior to submitting the Requête. But I was unable to come to a defined conclusion regarding this policy and which direction I thought it should or should not take. This was primarily because I was unable to meet the political board of Employment & Social Security. That was no fault of theirs and, I believe, sir, no fault of my own. But prior to the official deadline I simply could not progress where I believed we should go.

I will on public record say that I did meet with Employment & Social Security officers and I did meet with the Guernsey Housing Association. What I was trying to really determine, sir, prior to meeting with the political Members of Employment & Social Security, was the Development & Planning Authority's views on this; meaning primarily the outstanding States' Resolution from 12th October 2016 regarding cumulative sums or tariff payments, as I think other Members preferred me to call it there. That is fine, tariff payments.

It was meant to be back to the States by 30th April 2017. Now I believe it was a political decision, they did not believe it was prudent to bring back this States' Resolution because the sum had raised to 20. As part of my research for the Requête, regarding GP11, which this amendment refers to, I have spoken with a considerable number of developers and I will again just state I have potentially an interest because I am associated with Lovell Ozanne, through Andrew Merrett. So I will state that on public record, although I did not speak to him about it because we have strict Chinese walls.

Regardless, sir, I did speak to many developers and the majority that I have spoken to did want to have an option of a tariff payment as well as giving part of the actual site. I was trying to really determine, sir, because this is part of GP11, this amendment, to note the policy GP11 etc. I did suggest to Deputy Leadbeater that it maybe was not, just to delete GP11, the right move and whether or not he should consider an amendment to direct whoever to return by whatever date, taking in consideration the aspect that it is a standing States' Resolution.

But my concern is that if Deputy Leadbeater had done that the DPA is still under an extant States' Resolution regarding tariff sums, so we would be redirecting somebody to do something

1685 they have already been directed to do, which I did not really see. So I have a lot of sympathy for this amendment. I am led to believe there is housing coming forward, which is a good thing, so I am pleased with that. But I think until we have actually determined about the tariff percentages and until we have given that an area of focus, I do agree with Deputy Tooley, I think it is dangerous just to throw this out on the floor of the Assembly today.

1690 I think we just need to show consideration to any potential benefits. Although of course the detriment, and I agree with Deputy Leadbeater, is that when developers spoke with me, they have said, 'Yes, we build under that 20, because we do not want to have to give something.' So that is a reality that we do, as an Assembly, have to face. How we address that, if we reduce it to 10, they could just build nine. I am not really sure how we are going to deal with that but a tariff percentage at least gives the opportunity to build the 20/21 and potentially have the opportunity to do the tariff payment.

1695 Until the DPA have returned with this extant Resolution and until we have had a proper, as Deputy Le Clerc said, consideration of GP11, I am unable to support this amendment. But it is not to say that it is not a point that I took a lot of interest in, with Deputy Lester Queripel, who accompanied me. But I just could not decide how to put it into the Requête in a way that would actually benefit, I mean help and not hinder our desire to have affordable housing.

1700 Thank you, sir.

**The Bailiff:** Deputy Le Tocq.

1705 **Deputy Le Tocq:** Sir, can I just ask the learned Comptroller for his opinion as to whether this amendment could actually be enacted, in terms of deleting policy GP11, or whether there would need to be, under the Law, a planning inquiry.

1710 **The Comptroller:** Sir, through you, I am not sure of the precise procedure but there is a procedure in the Plan's Ordinance, that will be triggered, I think, and I think it will result in the appointment of an inspector, possibly an inquiry. It is not a quick procedure. Even if the amendment succeeds and it was voted on, just qualifying things slightly because I am not an expert in Planning Law, but I believe it would trigger a process. Under the Ordinance, there would be an inspector, an inquiry, notice, consultation. If that helps?

1715 **The Bailiff:** Deputy Tindall.

1720 **Deputy Tindall:** Sir, I was going to answer that very question. First of all, I would like to start off by pointing out that, as has been mentioned, we were not consulted, the Members of the Development & Planning Authority, before this was laid. And I should add that, then again, we were not consulted before the Requête was laid, so we do not obviously have a problem with that.

**Deputy Merrett:** Point of correction, sir.

1725 **The Bailiff:** Deputy Merrett, point of correction.

**Deputy Merrett:** I did ask, indeed, to meet the DPA, sir.

1730 **Deputy Tindall:** We did not meet, sir. We met, in accordance with the request, which was the week beginning the 20th. We met on the 23rd May, which, as Deputy Tooley has mentioned, was two days after the Requête was laid.

1735 I should point out also that I have not, obviously, had the chance to consult with my colleagues as to their views, although obviously I can look back and consult with the reference to what we all agreed in 2016. Obviously Deputy Leadbeater was a Member of the team at that point and we put forward –

**Deputy Leadbeater:** Point of correction, sir.

**The Bailiff:** Deputy Leadbeater, point of correction.

1740 **Deputy Leadbeater:** I was not a Member of the DPA in 2016.

**Deputy Tindall:** I beg your pardon, sir, I do apologise. Deputy Leadbeater did indeed approve the 20 under the amendment, in that case. But he was indeed a Member of the committee when he approved our action plan, which was approved on 8th May this year and he was a Member until 25th June. So from that perspective, I rest my case.

1745 The action plan does of course include a review of GP11 and it will look at the thresholds and it will also look for the potential for tariffs in lieu, which of course is something that we were scuppered from following the amendment because it applied to five and under whereas, obviously, the final Resolution was for 20 dwellings when GP11 kicked in and therefore it was felt that it was difficult to implement.

1750 As we all know, absolutely zero has been produced by GP11 but, from my perspective, that is not as a result of the policy, that is the result of the threshold. We would have produced units of affordable housing if we had GP11 at five. I do not have specifically the numbers but I am aware if it was GP10 it was over 20. So from that perspective we are already looking to review it.

1755 To the specific point that Deputy Le Tocq raised, yes it would require a planning inquiry. Hence the reason why we have included it in our five-year review. Hence the reason why we want to cater for it. But I think of more concern is something that again the officers working hard in the background informed me, when they sent an email to confirm, it is at least questionable whether this would accord with the SLUP.

1760 SLP12 requires the DPA to put in place, through the IDP, arrangements to ensure the provision is effectively made to meet the annual requirements for creation of new homes of an appropriate mix of tenures, housing sizes and types, to meet the Island's housing needs. This should then be monitored.

1765 Given this States has approved a strategic housing indicator, which splits private market and affordable housing, it is potentially arguable that GP11 is required to satisfy policy SLP12 in the absence of an alternative. The issue about delivery, not the existence of the policy itself. As we all know, anything that is recommended for change, through a planning inquiry, has to have a certificate of consistency with the SLUP.

1770 The problem is the threshold, not the principle. We have not got any evidence that there is a problem with the principle, we only have evidence that there is a problem with the threshold. Not only that, we need affordable houses. None have been produced under GP11. Deputy Le Clerc has identified this issue extremely eloquently and we are concerned, not only with the provision of affordable homes, we are actually genuinely concerned about the number of dwellings that are actually being completed.

1775 I will provide you with a statistic, which when I heard I was absolutely shocked. Only four dwellings in St Sampson and the Vale in the main centre and the main centre outer area were completed in 2018. Four. And that is in the area of the north, which apparently has been devastated by development. (**Several Members:** Ahh.) Yes, potential, that is something. But this is four dwellings. (**A Member:** What about GP11?) GP11 is effective because you build dwellings and certain numbers of those dwellings are allocated for affordable housing. If you are not building any, not even 20, you are not going to get any.

1780 That is the point about this and that is why, for us, it is not just about identifying land. It is about building the homes our Islanders need.

1785 Thank you, sir.

**The Bailiff:** I see no one else. Ah, Deputy Lester Queripel.

**Deputy Lester Queripel:** Sir, a couple of points.

I am just wondering why the date has been set for the end of February 2020. Perhaps Deputy Leadbeater could clarify that when he speaks? As we know, the majority of this Assembly voted for a 20-unit threshold during the November 2016 debate on the IDP. It was a close vote, 19-18; I voted against it, I hasten to add.

The original Proposition, as I think Deputy Leadbeater mentioned in his opening speech, was five units. I laid an amendment, which sought to increase that to 10 units, along with Deputy Langlois. It did not get the support it needed. If it had succeeded, eight units of affordable housing would have been provided to date. So that means eight families, or couples, have been denied access to affordable housing, because of that threshold.

Not a single unit of affordable housing has been provided in two and three-quarter years, with the policy set at 20. So as Deputy Le Clerc has already mentioned, the current situation means that only the GHA are providing affordable housing for Islanders who need access to affordable housing, desperately. The GHA are currently the only providers of affordable housing here in the Island. They will run out of land very soon and then what? No more affordable housing for Islanders who need access to it.

Sites like Pointues Rocques might be coming up soon and if we remove the 20-unit threshold not a single unit of affordable housing will be provided on a site that will accommodate over 100 houses, I do not remember the exact number but – 125, thank you, Deputy Merrett.

The question that springs to my mind is do we want to assist fellow Islanders to get on the property ladder or do we not, bearing in mind that GHA will run out of land very shortly? In my view this amendment seeks to take us in the wrong direction completely. If it succeeds it may result in no threshold at all being set on affordable housing. The GHA will run out of land. I think we should be a lot more responsible than that, as a Government, to assist our fellow Islanders, who desperately need access to affordable housing. So I urge my colleagues to vote against this amendment. I am sure it has been laid with the best of intentions by Deputy Leadbeater but perhaps, in the time-honoured phrase, he has not thought it through.

Thank you, sir.

**The Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Thank you, sir, I will be very brief, as is my habit.

I just want to say that E&I owned the over-arching housing strategy. Of course this element, GP11, sits under the umbrella of ESS because they provide the social housing bit. But nevertheless if this was presented along with the IDP back then, of course E&I would have had to consider that policy and would have done. We have had no time to do that. So I cannot support this.

I would just touch on Deputy Leadbeater's speech and what I call, if you like, a poverty of expectation. Deputy Leadbeater said that this community may be ready for this type of thing 10 years from now. Well, we have to lead in this Assembly and you lead that area by having a provision for GP11.

Thank you.

**Deputy Leadbeater:** Point of correction.

**The Bailiff:** Point of correction.

**Deputy Leadbeater:** I did not say that society will be ready in 10 years' time, I said that is something we should aim for. But certainly we will not get there within the lifetime of this Plan.

**The Bailiff:** Deputy Fallaize.

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

I do not think I can support the amendment for the reasons that Deputy Le Clerc has set out. I want to just pick up on something Deputy Tindall said, which I think is very relevant to the generality of what is being considered by the States here. Deputy Le Tocq asked would this require a planning inquiry and H.M. Comptroller quite properly gave a very risk-averse answer, a measured answer, and identified that there could be a need for the appointment of an inspector and an inquiry and that it would not be a quick or, necessarily, inexpensive process to make this change of policy.

That tells us everything we need to know about where we are with land planning and development (**Several Members:** Hear, hear.) because this debate about GP11 is not about how a particular area of land is zoned or allocated, it is purely a matter of policy. In the event that there is a certain type of development, GP11 requires that the developer also develops something of a slightly different character; wherever it happens in the Island, whether it happens in the Vale or in St Peter's. (**A Member:** Never!) Do they build houses in St Peter's? East/west, wherever it happens?

And yet to make a change of policy it is possible there would need to be a planning inquiry at the cost of hundreds of thousands of pounds, bringing over an inspector, inviting all sorts of applications. That is an example of how the States have completely tied themselves up in this framework of legislation and policy, which now surrounds land planning and development. That is the crux of the problem and this debate has teased it out. For that reason I am very grateful for Deputy Leadbeater's amendment, even though I cannot support it.

**Deputy Trott:** Sir, Deputy Fallaize is quite right in his interpretation of events, but two wrongs do not make a right and I shall not be supporting the amendment for that reason, despite agreeing with most of what Deputy Leadbeater said. The amendment is a dangerous one because, if supported, the owners of land parcels allocated for housing will have an expectation that GP11 has been deleted, so we will be sending out a message that we have deleted it when we are not sovereign, for the reasons that Deputy Fallaize has said.

So with the greatest of respect to Deputy Leadbeater, who brings this amendment in good faith, albeit it without sufficient notice, which I am sure he would agree, it would be pyrrhic in the sense that the States cannot do what the States wants to do at this time and, as a consequence, supporting the amendment would frankly be absurd.

The point nonetheless is well made and for that I thank him. But I do think there is a growing trend within this Assembly to suspend the Rules and I think it is a dangerous development. I do think it is one that we need to be a little bit more cognisant of and a little bit more reluctant so to do. It is not good practice and, I do not think it will on this occasion, but it can result in some very odd policy decisions, which having decided in haste we will repent at our leisure on.

**The Bailiff:** Deputy Hansmann Rouxel.

**Deputy Hansmann Rouxel:** Very briefly. Just to point out that Deputy Leadbeater has made some assumptions regarding the application of this policy and how it is affecting the market. Yes, we did have the opportunity to vote through the IDP at the threshold of five and we chose, as an Assembly, to make it a 20, and now we are looking at the consequences of that action.

Deputy Leadbeater's response has been to take it out in its entirety. However, I would caution just jumping to that, because we do not look at what the potential effects of it have been and would those effects have been avoided had we kept the threshold at five? Had we kept the threshold at five then there would be no need for the developers to target those small and medium-sized greenfields, like the lovely little ones in the Vale that are currently under threat, because the threshold would have been at five.

That is possibly something for us to contemplate when we are making policy decisions, remember that there are consequences to changing policies, especially when they have been through an entire process at that point. Making gung-ho decisions to change something, there

are always consequences that you cannot predict and one of those, I think, has been that those smaller sites have been pinpointed, but not for the reasons that Deputy Leadbeater surmised in his opening.

1895       **The Bailiff:** Deputy Leadbeater will reply to the debate on the amendment.

**Deputy Leadbeater:** Thank you, sir.

          I take it from the majority of speeches that this is going to sail through! (*Laughter*) Deputy Gollop said that he has an idealistic outlook and he has an idealistic outlook on virtually everything. He is right. This kind of ideology, this social inclusion, is something I would love to see. But we are generations away from it, I believe.

1900  
          Deputy Brehaut is obviously correct, we need to lead in areas like this. But I do not think we are going to lead and we are going to make enough headway within the time that is left within the timeframe of the Island Development Plan. Where do we go now? Deputy Le Clerc, there may be a site coming forward, possibly. I have no idea. You know more about this than me. But a site coming forward is going to produce, possibly a handful of units. I think Deputy Lester Queripel said if his amendment had got through, if it had been 10 houses, there would have been eight built today. Is that correct? In three years it would have only produced eight dwellings.

1905  
          We need far more dwellings than that so if we are just going to be getting little bits and pieces here and there, fragmented here and there that are owned by the GHA, controlled by the GHA, I cannot really see that as being an ideal way to run a housing association, especially if you have large amounts of housing on certain sites. We have Fontaine, that is going to be coming up on line, for example.

1910  
          Deputy Tooley mentions the lateness of the amendment, and I apologise for that. The reason it was so late is because I was going through GP11 yesterday, and hearing the narrative coming out of the Members of the DPA, that all they wanted to do, basically what they wanted to do was address the threshold. I do not think that was right and I made my voice very clear when I was a Member of the DPA that I have serious issues with GP11 but not with just adjusting the threshold.

1915  
          My points were taken on board and incorporated into the first action plan. They are not within the second action plan that was agreed on July 12th. Because it mentions in the action plan about changing the threshold. My point was we do not change the threshold. So I would just like to correct that.

1920  
          Deputy Merrett goes on about cumulative sums and that was something that developers would certainly favour. It makes their life so much easier if they know where they are at the start. I have not got to start worrying, trying to sell this house, with social housing next to it, against my competitor over there selling that house, standing on its own. If I have just got to pay X thousand pounds and it is the same as the guy up the road paying X thousand pounds, then it makes it equitable and that way you can get developers to contribute. But that is contributing financially, You still need to find the land.

1925  
          What we have, the States has lots of land, the Fontaine Vinery was mentioned. I am not sure when the Fontaine Vinery site will be coming on line. I know lots of potential developments can drag on and seem to not get anywhere. We have been discussing Leale's Yard and the pitfalls with that. Also Deputy Brehaut mentions, or was it Deputy Tindall, mentions the SLUP, SLP12. But the SLUP does not dictate the method of securing that land. We need to secure land for further construction. But it does not dictate the method that is being used by GP11.

1930  
          Deputy Lester Queripel asks why this date. The date does not really mean anything, it is just a time for DPA so it does not kick it into the long grass. That is about it, sir. I do not think I am going to be that successful, but I will encourage anybody to support this amendment.

1935  
          Thank you.

1940  
          **Deputy Lester Queripel:** A recorded vote, sir, please.

**The Bailiff:** We will have a recorded vote on the amendment proposed by Deputy Leadbeater and seconded by Deputy Paint, on amendment 3. Actually before we have that, a note has been passed to me suggesting that there are declarations of interest that have not been made. I assume the inference is that there are people who should have declared an interest and they have not done so. Is there anybody who should be declaring an interest before voting on this?

**Deputy Merrett:** I do not believe so. I declared an interest of what Andrew does. I do not know if he is involved. I have texted him, sir. The Chinese walls are quite strict in my house. I do not know if he is involved in any, so therefore I will declare, but I do not know if I need to.

**The Bailiff:** I do not know if there is anybody else. As I say, I have just had a note suggesting that maybe there are declarations that should have been made that have not been made. If nobody has an interest to declare then we will go to the vote.

*There was a recorded vote.*

*Not Carried – Pour 4, Contre 29, Ne vote pas 3, Absent 4*

**POUR**

Deputy Inder  
Deputy Paint  
Deputy Kuttelwascher  
Deputy Leadbeater

**CONTRE**

Deputy Fallaize  
Deputy Lowe  
Deputy Laurie  
Queripel  
Deputy Smithies  
Deputy Hansmann  
Rouxel  
Deputy Graham  
Deputy Green  
Deputy Dorey  
Deputy Le Tocq  
Deputy Brouard  
Deputy Dudley-Owen  
Deputy Yerby  
Deputy de Lisle  
Deputy Langlois  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Ferbrache  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Lester  
Queripel  
Deputy Le Clerc  
Deputy Mooney  
Deputy Trott  
Deputy Le Pelley  
Deputy Merrett  
Deputy St Pier  
Deputy Stephens

**NE VOTE PAS**

Deputy Prow  
Alderney Rep. Roberts  
Alderney Rep.  
Snowdon

**ABSENT**

Deputy Roffey  
Deputy Oliver  
Deputy Parkinson  
Deputy Meerveld

**The Bailiff:** I can declare the result of the voting on amendment 3. There were four votes in favour, with 29 against and 3 abstentions. I declare it lost.

**Procedural**

**The Bailiff:** Can we just take stock on where we are, because we still have general debate to come too? We also have another policy letter on the Public Holidays Ordinance and an amendment to that. Can I just have an indication of how many people are likely to want to speak on the Public Holidays Ordinance and the amendment? Five.

I was asked to issue this as a matter of a short notice Billet, because there is a degree of urgency and a need to resolve this before the summer recess. I suspect that we may not conclude general debate in sufficient time to enable that to be taken so I think what I am going to put to you is two Propositions: first of all, that we come back at 2 p.m.; and secondly, that we perhaps take the Public Holidays Ordinance at 2 p.m. before we enter general debate on the current Requête. So I am going to put those two Propositions to you. First of all, that we come back at 2 p.m. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** Right, we will come back at 2 p.m. I will now put to you that at 2 p.m. we deal with the policy letter and the amendment on Public Holidays Ordinance. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** So that is what we will do. We will rise now and come back at 2 p.m.

*The Assembly adjourned at 12.30 p.m.  
and resumed its sitting at 2 p.m.*

## Billet d'État XV

### COMMITTEE FOR ECONOMIC DEVELOPMENT

#### **I. Public Holidays in May 2020 – Propositions carried as amended**

*Article I.*

*The States are asked to decide:*

*Whether, after consideration of the policy letter entitled "Public Holidays in May 2020", dated 5th July 2019, they are of the opinion:*

- 1. To approve that Monday, 4th May 2020 shall not be a public holiday.*
- 2. To approve that Friday, 8th May 2020 shall be a public holiday.*
- 3. To direct the preparation of such legislation as may be necessary to give effect to the above Propositions.*

**The Deputy Greffier:** Billet XV, Committee for Economic Development – Public Holidays in May 2020.

**The Bailiff:** Debate will be opened by the Vice-President of the Committee for Economic Development, Deputy Dudley-Owen.



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

1980 Firstly, sir, thank you. The Committee would like to put forward its thanks to the whole of the Chamber today for putting forward this important policy letter and also to yourself for agreeing to allow the Assembly to debate this matter at the earliest opportunity.

1985 As Members will know, 2020 will mark the 75th anniversary of the Liberation of these Islands from occupying forces. The day before, on 8th May, the UK will commemorate the 75th anniversary of Victory Europe Day. Recently the UK government announced that, to commemorate this important landmark anniversary, it would be moving the early May public holiday from Monday, 4th May, to Friday, 8th May.

1990 The Committee considers that if Guernsey was to replicate this change and Friday, 8th May 2020 is designated as a public holiday, in place of Monday, 4th May, then there will be opportunity to extend the Liberation commemorations for this special anniversary. It will also enable Islanders to join in and mark the important commemorations that will take place throughout the UK on 8th May.

1995 We are, therefore, asking the Assembly to agree to move the early May public holiday from Monday, 4th May to Friday, 8th May. The Committee for Economic Development has brought this matter to the States of Deliberation at the earliest opportunity, following the very recent notification of the UK's decision.

2000 I would like to take this opportunity to clarify some points that may be of interest to the Assembly. Earlier this year the Committee undertook a consultation to seek feedback on the option to designate Monday, 11th May as an alternate to public holiday in place of 9th May. This was considered because, in 2020, Liberation Day falls on a Saturday and there is some precedent to considering designating the following Monday as an alternate public holiday. We received responses from employer and employee groups, as well as States of Guernsey committees, and the majority of respondents who were against moving this public holiday.

2005 A frequent point made was that the Liberation celebrations should be celebrated on Liberation Day itself, regardless of the day of the week on which it falls; and taking the public holiday status away from Liberation Day would affect the significance of the day. It was also felt likely to have a negative net effect on business, business operation and staff productivity, if there was no justifiable purpose for this holiday and especially if it did not align with the public holidays in the UK.

2010 Based on this feedback the Committee did not proceed with this consideration. This consultation was undertaken before the UK announced its intention to change its public holidays for 2020 and it therefore did not consult on moving the early May public holiday from Monday, 4th May to Friday, 8th May, as this would not have aligned with UK holidays.

2015 The Committee has unfortunately been unable to further consult on the proposal to designate Friday 8th as an alternative public holiday to Monday 4th, as it was essential to bring this item to the States of Deliberation as soon as possible. It was recognised that a further consultation would only delay this matter further.

2020 I would however like to add that, should the decision be made to designate Friday 8th in place of 4th May as a public holiday to align with the UK, Liberation Day on the 9th would remain as a public holiday, therefore avoiding the concern that a change to the public holidays could take the significance away from Liberation Day.

The Committee recognises that this change may have an impact on business, community groups and events arranged for around that time, especially those that would have been scheduled for Monday, 4th May. On balance the Committee considers that the benefits to the community of holding events on 8th and 9th May justify any disruption that may be felt.

2025 I am however hopeful that by bringing this matter to the States as soon as possible, any negative impact is reduced and this will in fact benefit both business and community by allowing Guernsey to align with the UK and creating an additional day to commemorate Guernsey's Liberation. It will provide the opportunity to create a long weekend of commemoration. I therefore ask Members to approve these proposals.

2030 Thank you.

**The Bailiff:** An amendment has been circulated, proposed by Deputy Inder and seconded by Deputy Merrett.  
Deputy Inder.

*Amendment*

*1. At the end of Proposition 2 add:*

*'and agree that the States' Meeting currently scheduled for Wednesday, 6th May 2020 shall instead be convened on Tuesday, 5th May 2020, and for Schedule 1 to the Rules of Procedures of the States of Deliberation and their Committees to be amended accordingly'.*

2035 **Deputy Inder:** Sir, hopefully this is a fairly simple amendment to the policy letter. In July 2018 this Assembly agreed the future States' meetings for 2019-20 and that meeting was scheduled for 6th May. If this policy letter from the Committee for Economic Development is successful, we thought it prudent to bring that 6th May date forward one day, giving an extra day's space to allow this Assembly to conclude its business. It is really as simple as that. Given the probable volume of work in the last meeting of the States, as we understand it, we think this is probably the  
2040 right thing to do.

Thank you.

**The Bailiff:** Deputy Merrett, do you formally second the amendment?

2045 **Deputy Merrett:** I do, sir.

**The Bailiff:** Deputy Dudley-Owen, do you wish to speak on it?

2050 **Deputy Dudley-Owen:** Just to say that we have not taken a Committee view on the amendment, as far as I can recall, but given that Deputy Inder is a member of our Committee, it seems an entirely sensible suggestion to me and actually does not really affect the public in of itself; it is States' business.

2055 **The Bailiff:** Is there any debate on the amendment? No. We will go straight to the vote, then, on the amendment proposed by Deputy Inder, seconded by Deputy Merrett. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare it carried. Is there to be another amendment? Deputy Gollop.

2060 **Deputy Gollop:** Yes, sir. I have got, actually, two versions of it, which H.M. Comptroller has very kindly supplied in his lunch break. Basically, I will read them both –

**The Bailiff:** Do you have a seconder for it?

**Deputy Green:** Yes.

2065 **The Bailiff:** Deputy Green is seconding it, okay. You cannot lay two amendments at once. You have got to go with one or the other, Deputy Gollop.

2070 **Deputy Gollop:** It is more than that. One of the wordings incorporates the successful amendment that Deputy Inder has just placed and the other one does not. But as it has been

passed, I might as well use the one that has. (**Several Members:** Yes.) But it does not make a material difference, I do not think.

**The Bailiff:** Do we have copies for everyone? Yes, we do. Fine. Perhaps that can be circulated.

**Deputy Gollop:** It is option (a).

**A Member:** Sir, do we have to suspend the Rules?

**The Bailiff:** We would have to suspend the Rules because there clearly are financial implications, so there would have to be a motion to suspend the Rules. That is correct, isn't it, Mr Comptroller?

**The Comptroller:** Yes. I think Rule 4(3). Is it 4(3), I think? Whichever one it is it engages!

**The Bailiff:** Deputy St Pier has just said to me that he would wish to have five minutes to consider this. Perhaps let me put to you first the motion that we suspend the Rules because if Members do not agree to suspend the Rules then this will not be laid. So, Deputy Gollop, are you proposing a motion to suspend the Rules to enable this amendment to be laid?

**Deputy Gollop:** Yes. It is basically calling for an additional holiday –

**The Bailiff:** Right, that is the answer then.

**Deputy Gollop:** The answer is yes, to suspend the Rules, but I would say the policy letter, Economic Development have made no reference to the cost of their own proposal either.

**The Bailiff:** We do not have speeches at this point. Do we have a seconder for the motion to suspend? Deputy Green is seconding the motion to suspend the Rules, so we will vote on a motion to suspend the Rules to enable this amendment to be laid. Those in favour; those against.

*Members voted Contre.*

**The Bailiff:** In my view that was defeated.

**Deputy Lester Queripel:** A recorded vote on that, please, sir.

**The Bailiff:** Deputy Lester Queripel would like a recorded vote.

*There was a recorded vote.*

*Carried – Pour 10, Contre 24, Ne vote pas 1, Absent 5*

**POUR**

Deputy Laurie Queripel  
Deputy Smithies  
Deputy Hansmann Rouxel  
Deputy Green  
Deputy Yerby  
Alderney Rep. Snowdon  
Deputy Gollop  
Deputy Lester Queripel  
Deputy Leadbeater

**CONTRE**

Deputy Inder  
Deputy Lowe  
Deputy Graham  
Deputy Paint  
Deputy Dorey  
Deputy Le Tocq  
Deputy Brouard  
Deputy Dudley-Owen  
Deputy de Lisle  
Deputy Langlois

**NE VOTE PAS**

Deputy Merrett

**ABSENT**

Deputy Fallaize  
Deputy Roffey  
Deputy Oliver  
Deputy Parkinson  
Deputy Meerveld

Deputy Le Pelley

Deputy Soulsby  
Deputy de Sausmarez  
Deputy Prow  
Alderney Rep. Roberts  
Deputy Ferbrache  
Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Le Clerc  
Deputy Trott  
Deputy St Pier  
Deputy Stephens

**The Bailiff:** The voting on the motion to suspend the Rules to enable an amendment to be laid was 10 in favour, with 24 against and 1 abstention. I declare it lost. So that amendment will not be laid. Does anybody wish to speak in general debate on the Propositions? Yes, Deputy Gollop, you can have your say now.

2110

**Deputy Gollop:** Of course there are ways in which you could create an additional holiday by just not voting for Proposition 1, but that perhaps would be not ideal. Although of course I am a little bit cynical, perhaps, that the UK government have decided to be very patriotic with the 75th anniversary; they do not have the history of Liberation Day, because of course Monday, 4th May is the European Union's Labour Day and has got sort of vague left wing associations.

2115

Moving on from there, I think there will be a second chance to look at this because legislation will be prepared, assuming much of this goes through, and I think too that although I can be rightly criticised for not costing anything, the policy letter did not enable me to make any judgement as to the cost to the States because it has broken the States' own Rules.

2120

Because clearly creating a Friday bank holiday has a cost implication, maybe different from Monday, 4th May, and there was no implication there of the costs of it; or the costs of not making Liberation Day a public holiday because theoretically that would oblige people in certain essential services, civil sectors, the public sector, maybe retail workers, the Airport and so on, to work on a Saturday as if it is a normal Saturday.

2125

There are lots more implications. The other slight rebuke I would give to Economic Development is it is pretty obvious that we were approaching a very interesting period, 75th anniversary of arguably the greatest day in Guernsey's history – alright, excepting 1066 – and we have the general election coming as well in that period. Frankly, we should have had a steerage before the UK or England and Wales put us in this situation. I think on this occasion I will not vote for Proposition 1, although that would not be my ideal solution.

2130

**The Bailiff:** Deputy Lowe.

**Deputy Lowe:** Thank you, sir.

2135

I stand up following what Deputy Gollop said. The idea we have got this States' Report before us is to give a very clear direction to businesses and I think the message coming out from Deputy Gollop's speech is the last thing that businesses need, that it might change further down the line. Bearing in mind the vote, Deputy Gollop, for not having yours debated, I hope that will be a clear message to businesses that it is very unlikely and we should not be going down that road and that we will support the report before us today.

2140

**The Bailiff:** Deputy Smithies.

**Deputy Smithies:** Thank you, sir.

2145

I shall be voting against Proposition 1. (**A Member:** Hear, hear.) Reference is made in 3.3 and 3.4 of the policy letter to previous occasions when Liberation Day has occurred on a Saturday or

Sunday, specifically to 2010, when it is stated that for the 65th anniversary of Liberation, Monday, 10th May was designated as a public holiday in place of 9th May. What is not stated is that Monday, 3rd May 2010 was also a public holiday.

2150 In the Proposition, in 2009, covering the 2010 arrangements, it was stated:

Given the significance of the 2010 celebrations, the Department –

– and that was the then Commerce & Employment –

recommends that Monday, 10th May 2010 is a public holiday ...

– but, as I have already stated, Monday, 3rd May was also a public holiday.

2155 Referring to 1.2 of the policy letter in front of us, the proposal is to enable Guernsey to align itself with the UK and I am not sure why. VE Day is important but it is not usually a public holiday and I submit that VE Day is not as important, locally, as Liberation Day. (**A Member:** Hear, hear.) The UK was not occupied. I appreciate there is a cost to this but it is a once-in-10-year event and it should be given special treatment.

In closing, I would add that sometimes employers instruct staff to work on a public holiday, as happened to the staff of a local branch of a German company a few years ago.

2160

**The Bailiff:** Deputy Inder.

**Deputy Smithies:** I have not quite finished.

2165 **The Bailiff:** Sorry. Deputy Smithies to continue.

2170 **Deputy Smithies:** With reference to feedback – limited feedback, I would say; nobody asked me – we have had feedback from employers, employees, States' bodies. The general public, as far as I am aware, and there was no reference to it in Deputy Dudley-Owen's opening speech, have not been consulted. Surely the retired and the older members of the community are the ones probably most affected by this.

**The Bailiff:** Deputy Inder.

2175 **Deputy Inder:** Sir, I cannot get too excited by the fact that we are, in this instance, aping the UK, because actually I think it is probably a good idea; even though it is by accident because the UK government only came up with this two or three months ago, possibly. Because this policy letter was so late it has accidentally aligned with UK policy.

2180 I just want to remind Members, and probably Deputy Smithies, that something like 70% of our tourism comes from the UK. This is a big deal for the UK government. The fact that we are now aligned with the UK in this instance may indeed benefit tourism figures, possibly people planning. It is actually quite important that we do deal with this today, simply because we probably should have done it two or three months ago.

2185 **The Bailiff:** Deputy Fallaize.

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

2190 I have a long interest in this matter because in, I think, about 2015, I brought a Requête to the States, proposing that whenever Liberation Day or a quinquennial anniversary of Liberation Day fell on a weekend, the nearest week day should be declared a public holiday, because I think a public holiday on a week day has now become a recognised way of celebrating the Liberation of the Islands. My Requête was defeated on a tied vote. (**Several Members:** Ahh.) Which is fine; it

was mistake, but there we are! (**A Member:** You are over it!) It is now going to be put right, but anyway.

2195 I am slightly disappointed, although I agree certainly with Proposition 2 and declaring Friday, 8th May a public holiday, I am a bit disappointed with the reasoning behind it because I think that if there is a reason for Friday, 8th May to be a public holiday it is that it is the nearest week day to Liberation Day, which is, I do not think Deputy Graham would agree with me, but certainly I think in the minds of most Guernsey people, the nearest we have to a national day. Certainly it is a day of Island-wide celebrations and for those people who have personal connections with the Occupation and the War it is a very important day.

2200 To me, that is the reason for 8th May to be a public holiday, not because the UK has decided to make some changes to its own arrangements in terms of public holidays. I know that there is some close relationship between the UK and Guernsey, in terms of commerce, but outside of that I do not really care what the UK does with its public holidays. (**A Member:** Hear, hear.) I think the nearest week day to Liberation Day should be a public holiday.

2205 I do think the States should just set this as a general policy because every time this happens I think there is going to be pressure on the Committee to come back to the States. The issue is really, I am not sure that the Committee *for* Economic Development would have brought this policy letter to the States had the UK not made its change in public holidays.

2210 I would like to know whether the Committee would have come to the States with this proposal, recognising the importance of Liberation Day, if the UK had not made public holiday changes as a result of VE Day. If the answer to that question is they would not have, I would like them to reconsider their position because I think, in not doing so, they would not have been respecting the prominence and the importance of Liberation Day and respecting the way in which our community has come to celebrate it.

2215 I do not think that it can quite be replicated on a weekend day, which for most people these days, not everybody but for most people, is a day off from work, in the same way that you can in the week.

2220 On the point that Deputy Smithies makes, I am going to have to be persuaded to vote in favour of Proposition 1. I do not think that the UK alignment business really comes into it. Unless I could be persuaded that the effects on industry are going to be catastrophic, which I do not think they are, I am likely to vote against Proposition 1. I will certainly vote in favour of Proposition 2 and I wish the States would encapsulate this initiative in policy so that it was clear, moving forward.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Yes, I will be brief.

2230 The Committee *for* Health & Social Care was consulted when consideration was given by Economic Development as to whether to make 11th May a bank holiday, before the changes that happened in the UK. The Committee was agnostic on the view but we did provide information thus to historically what the costs have been to the service when we have had those bank holidays and it would probably work out at about £250,000-£300,000.

2235 But it is what it is. Really it is up to the States whether they think it is worth, extra costs that we should bear. As I say, we are pretty agnostic about it. As it stands, I do support the policy letter and what Economic Development are putting forward. But I do think it has been forgotten in all this, as my son has said for many years, 4th May is very important. It is Star Wars Day and May the Fourth be with you!

2240 **The Bailiff:** Deputy Paint.

**Deputy Paint:** Sir, I believe that what Deputy Dudley-Owen proposed is the best way to do it. If VE Day had not been moved to the 8th there would be no commerce on the Monday. VE Day is

2245 important to an awful lot of people on this Island, particularly old people, because a lot of them were engaged in the War. Most of us were born after it. But still our Liberation Day is still very important to us.

2250 This Island trades on commerce so to have VE Day, when nothing is happening in London or anywhere else in the UK, is exactly right, in my opinion. Because, Monday, there will be commerce going on; exactly the same as the following Monday on the 11th, there will be commerce going on. So if you have it Monday, Guernsey may be losing out and costing a lot of money to actually move things. Putting these two together is absolutely correct in my opinion. The Island has made money out of finance to help to pay taxes and so on and so forth, so to move it a little bit more, so what? At least we are making money.

2255 Thank you, sir.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir.

2260 Just a quick request for clarification, just to check I am not going mad. Deputy Soulsby quite rightly stood up and advised us of some potential cost implications but would it not be fairer to say that on years when Liberation Day falls on a weekend it is actually a cost saving. The normal expenditure would be, we would normally have two public holidays in early May, so if Liberation Day falls on a week day we would normally have May Day and we would normally have Liberation Day and therefore those costs in any year where Liberation Day fell on a week day would ordinarily be incurred. I think that is correct.

I give way to Deputy Soulsby,

2270 **Deputy Soulsby:** Point of correction. No, it is not correct because we are having to pay for people at the weekend as well. We are a 24/7 service.

**Deputy de Sausmarez:** I do not see how that affects the calculation.

I give way to Deputy Yerby.

2275 **Deputy Yerby:** I think that when we calculated the figures of HSC, we assumed that the Saturday would be designated a public holiday. I am not sure if that comes out in Economic Development's policy letter. If it is not, then I do not think the figures are the same.

2280 **Deputy de Sausmarez:** That is the point that I would appreciate some clarification on in summing up.

Thank you.

**The Bailiff:** Deputy Tooley.

2285 **Deputy Tooley:** Sir, I want to say something about, although it is not specific to what we are discussing, the potential move of the Liberation Day celebration to a day which is not actually Liberation Day. I do not think people generally when they are thinking about whether or the not the States was deciding to give an extra bank holiday to mark what is such an important occasion necessarily realise the implication of designating a different day as the bank holiday and that is that that would mean that individuals were required, potentially, to work on Liberation Day.

2290 I think the public perception of us moving the bank holiday to a day that is not, strictly speaking, Liberation Day, and therefore people being required to work on that day was significant and that is one of the reasons that a number of committees, when consulted by Economic Development, were uncomfortable with the idea of a move. That is admittedly not we are discussing right now but it has been part of the discussion that has taken place.

There are other considerations around having lots of bank holidays on a Monday. From a school timetable point of view if the day on which you have your science lessons is a Monday, May is already a month where you significantly miss the tuition that you should be having in that subject because we have regular days off on Mondays, whereas Liberation Day, being that bit more fluid and moving around as it does, does not cause the same pressure. So that was another thing.

There is also, where we tag days which commemorate special occasions onto weekends, we have an unintended consequence of that, which is that people leave the Island for those weekends. So it becomes not Liberation Day and a day when the Island comes together to celebrate the fact that we were liberated from that rule that was placed over the Island, but it becomes a long weekend when you might potentially get a cheaper weekend at Center Parcs or something in the UK and people very often are not here, as a result, to celebrate Liberation.

These are not necessarily in themselves reasons not to do it but they are unintended consequences of moving a significant date. What is being proposed here is that we bring the bank holiday into line with what the UK has decided to do and while that, in itself, does not seem like a very good reason, it is actually a pragmatic thing to do.

School exams, timetables sent out by examining bodies, mostly for us are UK-based, not solely but mostly for us are UK-based, and obviously they will be working on the basis of the holidays that are designated by the UK. Firms, which employ people here as well as in the UK have that complication and, generally, for families wishing to come together – and we do know we have many families, which are spread across these British Isle – to celebrate important events and occasions, bringing these things together on similar dates is always helpful and useful.

So I am supportive of the Propositions from Economic Development and the amended proposal that has come in from SACC makes perfect sense working alongside those.

Thank you.

**The Bailiff:** Deputy Graham.

**Deputy Graham:** Members of the States, I would not normally have stood up just to announce that I am going to support this Proposition, but since my name has been linked at least twice, with a rather miserly attitude to Liberation Day, can I just put the record straight? My wife, of course, was an evacuee during the Occupation and we will both stand there on 9th May, as we do every year, and see the Flag of Freedom taken out to Grosse Rocque that morning and she will have a gentle weep. So it is highly significant.

The point I have only ever made is to see the latest freedom from Occupation for what it is, the latest of many in the sweep of our history, and it could be argued it is not the most significant across the 800 years of our history. But enough said of that.

I think the policy letter makes sense because somehow, I think, having a public holiday on the Friday will enhance everybody's enjoyment of the following day. It will make quite a nice package, in my view. I personally cannot see the argument for having a holiday on Monday the 4th and so I shall support the policy letter as unamended.

**The Bailiff:** Deputy Tindall.

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

I would like to just add my two penny worth, sir, because I was actually on the Committee *for* Economic Development at the time when we considered the extra, additional bank holiday and obviously I was also on, and still am, I am pleased to say, the Committee *for* Health & Social Care and that one in particular was obviously, that extra bank holiday, and the costs that that would incur.

Also to add, in respect of Deputy de Sausmarez's point, it does actually say in 4.2:



Based on this feedback, the Committee resolved that Saturday, 9th May 2020 should remain as a public holiday, and Monday, 11th May as a normal working day.

I am assuming that will remain. However what I would like to just mention is the fact that during the considerations of whether to bring a policy letter for this extra day, for me certainly, those extra costs were something that put me off and I think that was the case why we did not bring the policy letter back to the Assembly in that regard.

However, at the time, a couple of months ago, it was known that the UK were considering adding this day and I was very much one that wanted to take that into account and wanted to bring a policy letter at that time, in that case, but I was easily persuaded not to because it was still not certain that we were going to have it.

Yes, we did the consultation before it was known and this is the subsequent policy letter. I very much strongly recommend that all of the Propositions are supported because an additional public holiday is expensive. We have a lot of things on our plate we want to pay for, the last thing we need is extra costs being loaded, especially when it would be in our Health & Social Care budget, as well as other committees who do have to cater for these different things.

I think it is eminently sensible, all the reasons, I would love to see lots of tourists come to the Island, that is one of the reasons why I wanted it to be put forward, but as Deputy Tooley said, it is also potentially a time, if you put four together or even two in one week, because of course it does not have to be around the weekend it could be two in one week, it means you have got only three days in the middle, a bit like Christmas and New Year when you have those three days, you quite often take the whole bunch and leave the Island. We want people to come to this Island and appreciate and enjoy the spectacle, as well as locals to fully appreciate and be able to celebrate Liberation Day.

Thank you, sir.

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Could I vote for Rule 26(1), the guillotine motion?

**The Bailiff:** The guillotine motion. Will anyone who has not spoken and wishes to do so please stand in their place? Deputy St Pier and Deputy Dorey. Do you wish to proceed?

**Deputy Leadbeater:** No, sir.

**Several Members:** Ahh.

**The Bailiff:** Deputy Dorey first.

**Deputy Dorey:** I will be very quick. As I understood, we initially celebrated Liberation on the day of the week, which I believe was a Wednesday, nearest to May 9th. That was initially when we celebrated Liberation and then it was subsequently celebrated on the actual date of the Liberation. That is the date we were liberated, that is the date we should celebrate and I think that should be the holiday. I do not believe there should be any other holiday, so I will be supporting these proposals but it also makes sense to align our holiday with the UK and therefore I will be supporting both the proposals.

Thank you.

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, briefly, just to respond to some of the points in the debate. As Deputies Dorey and Paint have said, it makes perfect sense, particularly from the wider economy, to align

the public holidays in May next year with the UK on the Friday. For that reason alone, this policy letter makes perfect common sense.

With regard to Deputy Gollop's question, this move is broadly cost-neutral – for the public sector certainly to move from the Monday to the Friday. As Deputy Soulsby said, it is what it is, in terms of if there is a decision to reject Proposition 1 and therefore retain the Monday as an additional holiday. It will have significant cost implications for the public sector, as well as for the wider economy,

Deputy Soulsby cited an additional £250,000 for Health & Social Care. That rises for the 5,500 people across the public service to around about £1 million. That is a significant cost pressure for 2020, above and beyond those which we already know exist in the system.

Finally, Deputy de Sausmarez did raise a question as to why there was not a saving and that is broadly because of the terms and conditions within the public sector, which in essence treat it as a public holiday, so it would create a double effect and I think that explains the anomaly that she was seeking an explanation for.

For that reason, sir, Policy & Resources Committee encourages Members of the States to support the policy letter in its entirety and not to vote against Proposition 1.

**The Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, there is just one issue that has not been covered. (*Interjection*) What? The guillotine motion was not placed.

Anyway I am not going to stand up and tell you that both of my parents were evacuated when my grandfathers were fighting in the war. I am not going to tell you that I penned a draft requête, just in case the Economic Development Committee did not bring this because both of us were waiting for the UK's movement on it.

And there is another reason why it was important that the UK moved and it is to do with the very definition of a bank holiday. They are called bank holidays because, of course, those are the days, within the Sterling zone, where transactions are not carried out in Sterling. Sterling payments are not made and because the payment infrastructure is closed.

Now we are not part of the UK but of course we are part of the Sterling zone, with a material financial services sector. Therefore it is important, not essential but it is important, that we do not fall out of line with them. Of course on days when we have a unique public holiday – when Liberation Day falls on a Wednesday, for instance – there are significant additional costs for our banking industry because of course they have to man their operations despite the fact it is a bank holiday, in order to carry out the legitimate and understandable request of their clients, who wish to transact in Sterling on that day. So the fact that we were aligned with the UK is a very good thing, sir, and I support the States' Report unamended.

**The Bailiff:** Deputy Dudley-Owen.

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

Yet another debate that I did not quite expect today and, quite frankly, I think everyone has come to a net position of arguing themselves, not out of their positions potentially – if you are going to vote against it you are going to vote against it and I do not think that anyone else can persuade you today – but we brought this policy letter as a Committee. Our mandate is to look after business and that is the perspective that we have attacked this from.

On a personal level I do not think that anybody in the Chamber does not celebrate Liberation Day and does not note its significance, apart from obviously Deputy Trott, who is not going to mention anything, and nor will I about my family connections with Liberation Day, as well. I will not tell you anything about my mum being born in a prisoner of war camp, or the Liberation experiences. No, we will not go there! We have all got a story to tell, okay? That is where we leave it. It is highly significant for all of us. We do not want to undermine it in any way but at the heart

of this, Economic Development has consulted with stakeholders and this is where we got to. We were not going to bring a policy letter initially because we had a negative feedback from stakeholders. Obviously things have changed. We have brought this now. We have replaced a public holiday on one day with the next and for us it is a net effect.

May is a stop-start month anyway. It can be hugely frustrating for business, very frustrating for schools. One key piece of feedback that we got actually was from the head of the sixth form, Mr Kieran James, and that actually struck a chord with me and I have asked officers in future to include all the schools in their consultations, because it is really important that we are not disturbing our students' exams and on 11th May, their GCSEs start. Now if their GCSEs are starting I am sure it is the same for all the other schools as well and, for me, I think that should be key in our considerations. It is not just about business it is about education as well.

I take on board what Deputy Gollop has suggested in terms of including further implications in future policy letters in this respect and I hope that everybody's queries have been answered during the course of debate by various other Deputies other than myself and I really hope that this gets the support, amended by States' Assembly and Constitution Committee's sensible amendment, and I ask you to please support it.

Thank you.

**The Bailiff:** Does anyone want a separate vote on Proposition 1? Yes. In that case we will vote first on Proposition 1, which is to approve that Monday, 4th May shall not be a public holiday. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I believe that was carried. We will then take 2 and 3 together and I remind you that Proposition 2 has been amended by the Deputy Inder/Deputy Merrett amendment. So Propositions 2 and 3. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

## Billet d'État XIII

### REQUÊTE

#### **VII. Requête – Island Development Plan – Debate concluded – Propositions carried as amended**

**The Bailiff:** That brings us back, then, to general debate on the Requête.

**Deputy Inder:** Sir, I am just not clear myself. Future States' business is probably quite important as well. I am not entirely sure what happens at the end with that.

**The Bailiff:** I was thinking we would deal with the schedule at the end of the afternoon.

2480 **Deputy Inder:** I was not too sure. Right, okay.

**The Bailiff:** I am not expecting a lengthy debate. The reason I suggested taking public holidays at the start of the afternoon is I had no idea whether it was going to be two minutes or, as it has turned out, 41 minutes or 42 minutes of debate. I think the schedule of future States' business, inevitably, has to be a short piece. There have been no amendments that I am aware of and if we do not finish general debate on the Requête, which is looking extremely likely, then of course that will be carried over to September at any event.

2490 **Deputy Fallaize:** Sir, can I just at this stage, given the time it is, seek some guidance from you about what your intention might be later in the afternoon, because previously – well, since I have been in the States – the more common practice has been to finish items at the end of July, rather than carry them over into September?

In fact, if there is now some speculation about a debate which we are in the middle of being carried forward to September, I think that somehow seems unsatisfactory. I know at least twice in the last States' term, on the July meeting, we sat until 7.30 p.m., I think, on one occasion, to finish the business. I am not suggesting that, I am just seeking some clarity from you about whether you are going to be minded to say we are finishing at 5.30 p.m. and that is it or whether you may permit the States to sit later. I think it would be better to deal with that now, rather than to deal with it at 5.30 p.m.

2500 **The Bailiff:** What I was proposing is to see how we go during the afternoon and if we get to 5.30 p.m. to ask how many people still would wish to speak and then let Members decide themselves whether they wish to continue to sit. I do not know. We have got the best part of three hours available. If speeches are going to be on average about 10 minutes or so, then we should be able to get through most of them but if there are going to be several half-hour speeches or 45-minute speeches then we could be in a position at 5.30 p.m. where there are a lot of people who have not spoken.

2510 **Deputy Fallaize:** But, sir, that is okay for Members who do not have any other commitments. Now this does not apply to me, I am happy to sit here until midnight at two minutes' notice, but that is not true of every other States' Member and for them to make alternative arrangements, post-5.30 p.m. at two minutes' notice, might be harder than it is for some of us.

2515 **The Bailiff:** Are you asking me to put a Proposition now that we rise now and continue this debate in September or are you asking an indication now that, come what may, we will just continue sitting and if it is till midnight, we will sit until midnight?

2520 **Deputy Fallaize:** I am suggesting, sir, that you put a Proposition that we will sit until a certain time – not midnight – to finish the debate on the Requête; 6.30 p.m. might be reasonable. But I think providing some clarity at this stage would help some Members. It does not matter a jot to me.

2525 **The Bailiff:** Even if we vote now to sit until 6.30 p.m. and we get to 6.30 p.m. and all that is needed is for Deputy Merrett to reply to the debate, I suspect Members then would say let us carry on sitting if it is to 7.30 p.m.

**Deputy Lowe:** Sir, can I suggest that, instead of taking up all this time, we just get on with it.

**Several Members:** Hear, hear.

2530 **The Bailiff:** All I would do is I would like to encourage Members to keep their speeches short, to the point, and succinct (**Several Members:** Hear, hear!) and not repeat what others have already said.

**Deputy Lowe:** It is a debating Chamber.

2535

**The Bailiff:** It is a debating Chamber. I just suggest we carry on and see where we are at 5.30 p.m., but if Members will keep their speeches brief, then there should be a chance to deal with most of general debate by 5.30 p.m.

Deputy Lester Queripel.

2540

**Deputy Lester Queripel:** Sir, I was standing to speak.

**The Bailiff:** Yes, unless anybody else has –

2545

**Deputy Tooley:** Sorry, sir, I just have one question. I think the Requête requires work to begin on 1st August; I do not know how delaying the debate until September affects that, potentially.

**The Bailiff:** That will be a factor, then, at 5.30 p.m. if people wish. Nobody wanted to sit beyond 5.30 p.m. yesterday so I do not know what the appetite is going to be to sit beyond 5.30 p.m. today, but we will only know when we get to 5.30 p.m.

2550

Deputy Lester Queripel.

**Deputy Lester Queripel:** Sir, there was a time several months ago now, when I began working on my own requête, with a view to amending certain policies of the Island Development Plan (IDP) and I set about doing that because, as I said in the media at the time, I thought the IDP was an unwieldy monster that needed to be tamed.

2555

After a while I found out Deputy Merrett was working on a similar requête, so I joined forces with her and worked on the Requête that is in front of us, when it was in its embryonic stage. After exchanging a few emails with Deputy Merrett, I met up on four occasions with civil servants from the Planning Department, civil servants from Social Security and representatives from GHA and some of our Assembly colleagues.

2560

Just in case any of the colleagues in the Assembly or anyone out in the community is wondering why I did not sign the Requête, sir, the reason I did not sign it was because Deputy Merrett told me she wanted to try and get the signature of a big-hitter from every jurisdiction. Seeing as though I accepted long ago, sir, that I am not a big-hitter –

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**Deputy Merrett:** Point of correction, sir. I do not think I ever used the phrase 'big-hitter'. I do not think that is something in my terminology, sir.

**Deputy Lester Queripel:** Anyway, sir, I saw the value and the logic in Deputy Merrett's approach.

2570

This Requête has been laid in front of the Assembly with the best of intentions, the intention being to accelerate proceedings. Seeing as it was this Assembly who implemented the IDP back in 2016, the Requêteants feel it should be this Assembly that amends certain policies of the IDP.

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I applaud them for adopting that approach because that is the approach that I originally adopted when I started working on my requête, but back then I had no idea of the procedures that would have to be undertaken in an attempt to accelerate proceedings and I wonder if the Requêteants knew themselves until recently.

Until recently I had every intention of supporting this Requête, but due to what I have learned these past few weeks I can no longer support it. The reasons I cannot support it are all laid out in the DPA letter of response to P&R, and I will briefly touch on those in a moment. But in an

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attempt to persuade colleagues to vote against this Requête, sir, I need to backtrack a little to explain why I can no longer support this Requête. I think my colleagues in the community deserve to know that, so it is all relevant to the debate.

2585 As everyone knows, I resigned my position as a Member of the DPA earlier this year. I resigned because the DPA were not anything like as proactive as I thought they should be and my views, in general, were falling on deaf ears. Consequently, I was out-voted 4:1 on a regular basis at committee meetings. My view was it was futile to stay as a Member of the Committee, so I resigned. My replacement, as we all know, was Alderney Representative Snowden. Not long after that Deputy Gollop resigned as President, Deputy Tindall was elected as President. Immediately, Deputy Leadbeater resigned and I was re-elected.

2590 So the reality is that the whole dynamic has changed considerably. The DPA have become a lot more proactive and then at that time they began to finalise their action plan, which had been in its embryonic stage for quite a while. This whole new dynamic and this whole new proactive approach was not only good news for me but was good news for the Assembly and good news in particular for our community, which is why I wanted to get back on board the good ship DPA.

I have every faith and every confidence in the DPA now. I ask my colleagues to put their faith and their confidence in the DPA, just like I have, because the reality is, if you will pardon the pun, there is now a new dawn at the DPA. I think it is important for me to emphasise at this point, sir, I am not saying that Deputy Gollop and Deputy Leadbeater were causing the problems at the DPA. I am not saying that at all. They both worked extremely hard and took their DPA responsibilities very seriously indeed. I know how hard they worked. I have nothing but the utmost respect for them.

2600 Moving back to where we are now, I very much appreciate that this DPA committee will not be involved in the five-year review of the IDP, all the way down the line, but the reality is it is this DPA committee who have set the wheels in motion via an action plan that was passed by the previous committee on May 8th this year.

I will just spend a moment or two focussing on what is said in paragraphs 4 and 5 on page 2 of the of the DPA's letter in response to P&R. It states quite clearly in those paragraphs that, having taken account of the feedback from the Annual Monitoring Review 2017 States' debate and having taken into account representations from the public regarding planning applications and development frameworks, and having undertaken meetings with interested parties, such as the Douzaines, the DPA decided to 'go through a process of identifying extra items to be included in the five-year review' of the IDP.

2615 After having considered the results of that identification process, the DPA approved an action plan setting out its:

... intention to consider additional items as part of the five-year review, as well as to take a number of other actions within its mandate to address concerns that have been raised regarding planning matters.

2620 So, sir, the DPA are already very much on the case, as it were. I do not see how that can be denied. I probably do not need to remind my colleagues, sir, but I do feel the need to point out for the benefit of the members of our community, the five-year review of the IDP will incorporate everything that the Requête is asking to be done. Whilst the results of the five-year review will be laid in front of the States in November 2021, two months later than if we go down the route of the Requête, it will not cost an extra £200,000/half a million pounds to get us to that stage, as pursuing the route of the Requête will.

2625 Surely these are the questions the Assembly need to ask themselves, come the time to vote? Can we justify spending half a million pounds of taxpayers' money to accelerate proceedings by a mere two months? Is that spending taxpayers' money wisely? We also have to bear in mind what we are told in the DPA letter on page 3. We are told:

The DPA notes that the Requête does not contain any evidence, that the IDP is not delivering the objectives of the SLUP ...

... but is based on 'concerns and assertions' without evidence to support them. Therefore the DPA would have to conduct its own evidence-gathering, beyond that of the AMR process. It should be noted that an amended IDP could possibly be submitted to the States no earlier than September 2021 and this represents a time-saving of just two months and includes:

... significant risks, particularly in relation to provision of robust evidence, lack of meaningful consultation and potential failure to meet statutory requirements.

Now I most certainly would not defend the DPA if I thought they were wrong, sir, even though I am a member of the DPA. But the reality is the response from the DPA is built on a solid foundation. It is saying, 'Let us do this properly.' Yes, doing it properly is going to take two months longer but it is not going to cost half a million pounds of taxpayers' money to conflate.

Doing it properly – I hear some colleagues mumbling why do I keep saying half a million. If colleagues look at the costs on pages 10 and 11 of the policy letter they will see that on page 10 it says £200,000 for a review of the IDP. So we are talking about a minimum of £200,000, but if you look at the costs on the other side of the page, those are also included. They would also have to be done. Total cost, half a million. I can say £200,000 if people want me to.

As I was saying, sir, doing it properly will stand up in a court of Law, but going down the route of the Requête will see us fall at the first hurdle. So once again, as with many issues laid before the States, some Islanders have got the wrong end of the stick completely, regarding what this debate today seeks to achieve. They think this debate is a debate during which we have the opportunity to amend policies of the IDP today, but nothing could be further from the truth. I only wish we could do that.

The system we have in place simply does not work that way. The IDP is so complex and convoluted and enveloped in legislation that a planning inquiry would be needed to remove a full stop or a comma from a sentence. That is how entombed in bureaucracy and red tape the IDP has become.

I absolutely and wholeheartedly deprecate the manner and the tone some of our fellow Islanders have adopted, when sending emails to Deputy Tindall recently, (**A Member:** Hear, hear.) demanding explanations and questioning her integrity. That sort of approach is deplorable and completely unacceptable in my view. There is no need whatsoever to adopt such a disrespectful and discourteous approach when contacting Deputies.

The very fact that Deputy Tindall has even responded to them in such detail and with such patience and dignity is more than admirable. She has displayed leadership qualities above and beyond when she has been put under pressure recently and I think she should be applauded for that. I wanted to say that because I felt it needed to be said and I wanted to get it on *Hansard*.

I just want to touch on the issue of open planning meetings for a moment. They have been an issue of concern for some members of our community and some of the Requéants and the committee only hold an open planning meeting if an application has become contentious. We have not held that many over the last three years. On average, I would say perhaps once every four months, although I stand to be corrected on that. We are well aware that we should hold more and that is exactly what we intend doing in the future. It is all in our action plan.

I think it is also important, sir, to touch on the fact there are some members of our community who think the political board make a decision on every single application that is submitted to the Planning Office. But seeing as though the office receives between 30 and 40 applications a week, we cannot possibly do that. We have not been elected to do that. Not a single Deputy in this Assembly has been elected to focus on one issue exclusively and specialise in any area.

There are people within the States who specialise in planning and they are our planning officers. They are the ones who have been given delegated authority to decide on the vast majority of applications that are submitted to the office every year. So I hope that clears up any misunderstanding.

As I said earlier in my speech, I wrote a letter to the *Guernsey Press*, which they published on 9th April this year, in which I said the IDP is an unwieldy monster that needs to be tamed. I do

honestly believe that the IDP is an unwieldy monster that needs to be tamed but going down the route of the Requête is not the way to tame it. If I thought it was, I would support it.

2680 There was mention earlier today about affordable housing. This is all part of the IDP. I had considered at one stage laying an amendment to this Requête, seeking to reduce the 20 threshold limit to 10; seeing as though not a single unit of affordable housing has been provided to the community in two-and-three-quarter years. I did not pursue it, and here we go again with the red tape issue. Even though the evidence is there that not a single unit of affordable housing has been provided in two-and-three-quarter years, a planning inquiry would still be needed. How crazy is that?

2685 I give way to Deputy Trott, sir.

**Deputy Trott:** Thank you, sir.

2690 I know my friend is not intentionally misleading the States but because he is not mentioning, specifically under this policy, when he is making that comment, he is of course forgetting all of the affordable housing that has been built by the Guernsey Housing Association during this period. There is a distinction between what they have built and what is covered under this particular policy letter.

2695 **Deputy Lester Queripel:** Sir, I am well aware of that and I thought all my colleagues were well aware of that. GHA provide affordable housing; this was all mentioned in the speeches this morning. GHA are currently the only providers of affordable housing in Guernsey. There is nobody in Guernsey providing affordable housing under GP11. Nobody! I thought that was all made clear this morning, but I am quite happy to make all that clear again, sir, if colleagues or anyone else in the community may not have picked up on that.

2700 Pardon? I will go back to where I was, sir.

I was saying how crazy it is that even though evidence is there a planning inquiry would still have to be undertaken, which would take up valuable resources, when resources are scarce. But even though the Requête is silent on the affordable housing issue, I am not overly concerned because I know the DPA are going to include that in their five-year review anyway, when they look at the whole issue of the affordable housing threshold and the results of that will be laid before the States with the results of everything else incorporated in that review in front of the States a mere two months later than if the Requête were to succeed.

2705 As explained, sir, in the DPA action plan, it is all relative to this debate; the DPA are already liaising, that is my understanding, with Economic Development on the Red Tape Audit, with a view to dispensing with as much red tape as possible, as soon as possible. Because there is no doubt in my mind red tape has hindered and hamstrung this Assembly, as it has done to every previous Assembly, of course.

2715 Moving towards a close, the States from 2011 onwards, when the Strategic Land Use Plan was approved, have inadvertently tied themselves up in knots when it comes to future development here in the Island. In other words, as Deputy Kuttelwascher often says when he speaks in debate, we are where we do not want to be. (**Deputy Kuttelwascher:** Yet again!)

2720 The only way in which I can see we can have any hope whatsoever in untangling those knots is if we do things properly, and to do things properly we need to reject the Requête. Now I would not be at all surprised if even some of the Requéérants were now considering voting against their own Requête in the light of all the information we have been provided with only recently. There is no shame in that. We all have a perfect right to change our mind should we feel the need to do so. All the signatories signed the Requête with the best of intentions, the conscience of them as individuals is clear, their collective conscience is clear.

2725 I have nothing but the utmost respect for every single requérant. They signed this Requête with the best of intentions. They felt it was the right thing to do. They genuinely believed that they would be accelerating proceedings and I suspect by a lot more than two months, at a cost of at



least £200,000/half a million pounds to the taxpayer. They genuinely believe that this Assembly would have the opportunity to amend policies of the IDP.

2730 Of course one only has to look at the timelines involved in the reviews and on the list of procedures that need to be followed to realise that that, unfortunately, is not the case. Those timelines, there are some out on the table in the foyer, just to remind Members this is what I am talking about. The timeline of the Requête and the timeline of the five-year review. The reality is, if this Requête succeeds, it will not be the *panacea* that many Islanders are expecting.

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**Deputy Merrett:** Point of order, sir.

**The Bailiff:** Deputy Merrett.

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**Deputy Merrett:** Deputy Lester Queripel ...

**The Bailiff:** Can you put your microphone on?

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**Deputy Merrett:** ... the timeline of the Requête sir, I do believe he actually means the timeline of Proposition 2 of the Requête. I do not want to mislead anybody. Is it not Proposition 2, not the Requête that Deputy Lester Queripel is referring to?

**The Bailiff:** Deputy Lester Queripel, can you clarify?

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**Deputy Lester Queripel:** Sir, if Members have got copies of this, I would advise them to look at it. I would advise them to look at the procedures involved because that bears out everything I am saying here in this speech.

Now, sir, as I was saying, if this Requête succeeds, it will not be the *panacea* that many Islanders are expecting. So with the utmost respect for every requérant, I say this: surely it is better to hold up your hands and say, 'You know what, I now realise there is a much better way to go about addressing my concerns,' and thus to vote against the Requête and go down the route of the five-year review. That is not admitting defeat. It is purely and simply the most pragmatic and surely the most sensible thing to do.

2755 In closing, I know that Deputy Merrett likes to take a logical approach to everything. In fact she said that in her speech, once again, yesterday. I admire her and commend her for that and I resonate with that approach myself.

2760 With that in mind, I have a question for Deputy Merrett, when she responds, which is this: having heard all I have said in this speech, having read all the information we have been provided with these past few weeks, where is the value and the logic in supporting this Requête, when it will delay the delivery of the five-year review and will need an overseas consultant to carry out the work?

2765 It will not result in our according with the requirements of the planning Laws, as stated in Paragraph 7, on page 4 of the DPA's letter. It will hinder the delivery of the quarterly and annual monitoring reviews of the IDP. It will cost the taxpayer at least £200,000 and will only accelerate proceedings by a mere two months, when everything that is in the Requête is going to be done by the DPA anyway, when they carry out the five-year review as part of the day job, without the need to employ the services of an overseas consultant and from within their own budget.

2770 I look forward to the answer to that question and I ask for a recorded vote when we go to the vote, please, sir.

2775 Thank you.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Thank you, sir.

2780 In response to your request for short speeches, sir, I just want to make a few points with regard to Proposition 6, which is dealing with Leale's Yard, and I will confine my comments to that. I have always spoken in favour of development of Leale's Yard, from the very earliest planning proposals for the site. When I was Minister of Environment we had plans before us in 2007.

2785 In recent months the Co-op has indicated that, since August 2016 the changing economic climate has rendered their plans financially unviable. For that reason, the Co-op has agreed at board level to make the commercial decision not to incur further costs of development. Now I think it is basically a result of a subdued economy, fewer people buying homes and escalating construction costs, has meant that a regeneration is not the way forward at the current moment.

2790 Sir, business is business and a commercial decision has been made by the company. (A Member: Hear, hear.) I think we have to respect that. Given the points, though, that in recent months the Co-op has indicated that it proposes that the States invests in the development of basic infrastructure required and with a cost estimate of around £8 million, the Co-op is looking to the States of Guernsey to finance the total amount.

2795 As I say, business is business and I am not one for putting States' money in it. This would provide a precedent, actually, for all other developments and I do not think that that is something that we should be entertaining ourselves as a Government.

The other point is, of course, we are looking at a very low-lying site. If we respect the problems into the future, one wonders whether we should be building, actually, on very low-lying sites at this current time, where climate has become quite an aspect of consideration.

2800 The States should not be involved in financial support when the developer is not wanting to take the risk. It provides a false economy, in many ways, and could lead to disaster or, perhaps, just half-measures in terms of what is actually finally done in that particular area. So the market is not there for the extent of housing and commercial and retail development that is planned – over 400 residential units and 2,000 metres<sup>2</sup> of commercial and retail space. It would need very robust justification for this Government to spend or subsidise £8 million for the installation of infrastructure on private land, when we need the money ourselves for improvement of our own properties and money for other aspects of our socio-economic Island.

2805 So my point is very simple. With the company board's policy and decision then we should respect that and we should not be ourselves, as a Government, forcing something the private sector is not wanting to engage in.

Thank you, sir.

**The Bailiff:** Deputy Inder.

2815 **Deputy Inder:** Thank you.

I am going to follow on a little bit from Deputy de Lisle, actually. I do not think any of us are angling for directorships on the Co-op board any time soon. Deputy Lester Queripel reminds us of the letter he wrote to the *Press* saying the IDP is an unwieldy monster. I actually disagree with him.

2820 I think the IDP itself, as a document, is actually a fairly easy-read document. I think it is accessible and, in my experience, as we said in their update report and I think most people agreed, those who have experienced working with planning officers, ultimately professional, accessible, okay can be a bit expensive putting a development through it but that is the way of the world.

2825 But I do not think that is the IDP itself. That document, you know the big type, GP1 through to Appendix 522, it is actually not as unwieldy as Deputy Queripel has made out. So I think he was incorrect there. The problem, as has been quite clearly stated, is the inability of the elected representatives to make any changes to the IDP, sorry with the Planning Laws, which then can affect the IDP, as we have found today when Deputy Leadbeater wanted to remove GP11. You just apparently cannot do it. We are so flaccid in terms of our ability to represent in any way the legitimate concerns of the people of, certainly in my experience, certainly in that northern bloc.

It is quite depressing to think that the elected representatives cannot actually make any changes. We saw that in the Harbour debate. We have actually got to go through a planning inquiry to prove to someone else that we cannot put a harbour where our harbour is. We have got to spend hundreds of thousands of pounds, possibly millions, to disprove that St Peter Port harbour is the correct place to put a harbour. No one understands that. No one understands that at all.

What I will say – and I do not mean this unkindly and I saw Deputy Trott nodding as well – I cannot say Deputy Tindall and I have had the best of relationships over the last couple of months but what I will do, I will commend her with her knowledge of the process. That I will do. But where I want to pick her up, and I will pick her up, is I would not mock parishioners who make legitimate perception complaints (**A Member:** Hear, hear.) to all of the States' Members. Do not mock them. I will explain.

*(Interjection)* Do you mind, Deputy Hansmann Rouxel? I am about to explain. In one of the amendments a phrase was mentioned that, 'The north has been devastated', and that came from an email from a parishioner. Now that is that parishioner's and her husband's perception. To shrug your shoulders and just to say, 'It has not been devastated,' I am sorry if that is the perception of parishioners – I know how they are thinking – if the likes of Dolent, La Pointe and Le Maresquet, the last three or four fields from the Braye Road down to, effectively, Abraham's Bosom, are about to be filled in, to them it feels like devastation. So please answer them correctly but do not mock them in this Chamber.

I will move on to the Co-op itself. Much like Deputy de Lisle, we are probably going to be the lender of last resort. I am not giving way, Deputy Queripel. We are likely to be the buyer of absolutely last resort. Let us look at a brief history of the Co-op. If I remember correctly, I might get the years away ... the dream, back when it was purchased, 15, 16, 17 years ago, there was going to be the big supermarket, all the Douzaines were involved. We had pictures of flat areas. Everything was going to change. It was going to be absolutely fantastic. What a let-down!

I think they flogged off, I think there were, two or three houses in the corner somewhere and they let it go fallow. Remember how quickly all of those working blue collar Guernseymen who had their sheds in the corner, they were evacuated completely? They had to go because it had to be, it was going to happen. It has been an absolutely disgraceful let-down by the Co-op and its board and we are now in a position where they are looking like they cannot manage it and they want to hand it to the States of Guernsey.

Now if anyone thinks it is just knock a whole in the wall, stick a road down the middle, and throw some sort of drives left and right, put some drains in and everything is going to be great, you are out of your minds. It is going to cost us absolutely millions. As seductive as this might seem – and I have been here before; well, no, I have not been here before, I have heard this before – the great Guernsey visions, seafront enhancement area, how fantastic that is going to be. It is going to change Guernsey. We are going to have spades in the ground by June/July of this year. Nothing happened.

We are going to get another political vision if we go anywhere near this. I will give you some reasons. I have got here the notification of the grant of permission, 2016. Let us look at some of the problems this Assembly is going to have if it adopts this. These are going to change because I think if they have not ... these are all going to lapse in a month or so; but if you think the conditions were bad 10 years ago, with all our new environmental Laws, all the planning changes that we have to do, they are only going to get worse. We are going to be left with a sink hole. I will give you an example. Property reference is 750,000 so that is the Leale's Yard site. One of the conditions:

No development, including demolition site works, shall begin until a construction, environmental management plan ...

What is that? Another quarter of a million, £500,000? It is £2.2 million to look at whether we can put a harbour in at St Sampson's. Another reason, a condition – it is about demolition of works:

Make sure that the site, when developed, is free from contamination in the interest of public health and safety.

Now anyone who knows the history of Leale's Yard, and my father worked there as a book-keeper, we all know what went on down there; it was effectively a kind of a wholesale yard, with chemicals, asbestos. God knows what is in that ground and that is before you even start thinking about it. To clear that site, I suspect is going to cost us absolutely millions. No wonder the Co-op want to hand it to the States of Guernsey because we will spend millions because of another dream, another nightmare, another hallucination. Another condition, all from the same document.

Remedial works and measures to be undertaken to avoid risk from contamination and/or gases ...

All of that land under there, that is not rock solid Guernsey, that is the eastern bank of the eastern Braye. You are not going to dig down there and hit Guernsey any time soon. You are going to have to go through 30 or 40 feet of back-fill. You are then probably going to go through sand before you get to Guernsey. The piling on there, I suspect, what is in effect a glorified reclamation site, is going to cost us absolutely millions. No wonder the Co-op want to give it to the Guernsey taxpayer. *(Interjection)* Whatever they want to do with it. Us to do the work.

Here is another thing. Apparently archaeological work in accordance with a written scheme, there seems to be some significant archaeological importance down there. Again, something Guernsey will have to do. It talks again, another condition:

No development shall begin on the site until details of the architectural features, including all balconies and treatment of eaves and verges ...

Yada, yada. It goes on.

This is the other thing. Once they have actually found contaminants, which inevitably they will, they have got to talk about disposal of the mediated material, how to get rid of what you have actually found. The reason:

... to secure the safe treatment and removal of contaminated soil and prevent, so far as practical, the spread of invasive, pernicious plants.

It asks in this for a waste management plan. Importantly, no development works shall begin on site until the time at which surface water is to be disposed of from the site, having submitted to and agreed with the authority. No one is going to get involved with this and think they are going to stick a road through the middle and stick a load of cheap houses down the left hand side.

Importantly, what does this actually say? If a message goes out today that Guernsey ... because it is not actually clear what we are asked to do. It does not say that we are going to build, there is a need for a factory. The actual Requête does not say that. Effectively, it says Guernsey is going to do something. What is that message going to send out to our development sector? We have got 3,000 people employed in that and Guernsey could potentially effectively be nationalising the development of property in the future.

We have got a very fragile building economy over here and the adoption of this could put that back five or six years. If the Co-op have made a horrible mistake, which I suspect they have, they are quite capable of working, once this has lapsed, back with the planning officers, who are all very sensible chaps and chapesses, and carving it up a different way.

If they do not want to put a supermarket there, let them go and do the work, let them find out where the need is. If they do not think we should be building three-bedroom houses for middle management bankers which do not exist, let them do the work. Why is this being given to Guernsey? It is being given to Guernsey because they have bought it for sub-£4 million, it is on their books at £12 million and they want us to sort it out. Please, States' Members, as seductive as this is, it makes it look like a regeneration project –

I will give way to Deputy Gollop.

**Deputy Gollop:** I appreciate the sound arguments Deputy Inder has made about caution but would he and other Members not acknowledge that if we follow that line of thinking and not the Merrett Requête, as amended, we will not necessarily see any revitalisation of the site or Town or village for the next 10 or 20 years?

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**Deputy Inder:** Well, there might not be a need for it. I will give you some other bits and pieces. These came from officers. Where we are building things at the moment. Unfortunately, through you, sir, Deputy Gollop, that is an easy thing to say, 'If we do not do this the whole economy is going to go to hell in a handcart.' Well it has not by doing nothing over the last 15 years.

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It is quite perverse. It might actually have the reverse effect, as I tried to explain, with a fragile building sector, which seems to be coming out of the doldrums, the fact it has done nothing, weirdly enough might have helped the building sector come out of the doldrums. By adopting that, not knowing exactly what this means, quite clearly we could put that back five or six years. It is very easy to say, 'We are going to do this, we are going to have the vision and we are going to sort everything.' Well look at your harbour visions. Look at your visions for the Sea Front Enhancement Area. Please, if you want to do that, fine, but I am sorry my name is not going anywhere near it.

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To be perfectly frank with you, I am not entirely sure that if it was given to me I would want it, right now in this market. We do not know the extent of the need at all and, quite clearly, as I will try not to repeat too much, I have grave concerns the message that this will send out to a very fragile property market at the moment. On top of that, I just do not believe Government needs to look at it holistically.

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The Co-op is perfectly capable of employing their own agents, carving it up, talking to planning officers and coming up with another plan. Government does not have to do it and why should Government do it? Does Government have a greased-pig path through the planning process? Is that the way? If that is not the way to do it, through you sir, to Deputy Gollop, who is shaking his head, they can do it themselves, they are completely capable. If they have got to land bank it for the next 15 or 20 years because we are building from the Saltpans all the way through to Le Maresquet – again be careful with the seduction.

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I do not think for a minute, if there is any thinking in Members' heads that says if we adopt this today it is going to stop Pointues Rocques, I do not think it will. Do you think it is going to stop Le Maresquet? It will not do because it is easy to build on Le Maresquet. You do actually just stick a road through, there are no contaminants; you do stick a pipe left and a pipe right and put a building in. But you are not going to do it there.

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The preparation of that site and the cost to Government will be huge and I predict this now. There may be, by April 2020, when I think is that the direction for Policy & Resources to come back, I have not got the Requête right in front of me, we will get grand pictures, we will have pictures of glass and steel, how we are going to change. It is just not going to happen. Our population is fairly static and there is nothing in the Requête, with the greatest respect, that tells us where the demand was.

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Actually, if this was early 1985, before we started building all the clos proper, that actually would have been the time to do it. That would have been the time. But not at this time. There is no argument whatsoever for Government to take this debt on and, as I said to Members over email, and it is something Karl Marx said, the problem with capitalism is it privatises profit and nationalises debt. We are in danger of sending the problems of the corporate sector and putting it into the hands of Government and I advise you, and I am about to sit down, I would not go anywhere near this. It is going to cost us millions to no end.

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**Deputy Yerby:** Point of order, sir.

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**The Bailiff:** Point of order, Deputy Yerby.

**Deputy Yerby:** Before Deputy Inder sits down, he is aware that he should not have been addressing Members directly. He certainly should not have been addressing them in the tone in which he addressed Deputy Hansmann Rouxel and although she is not here to receive an apology I would just ask if he would retract that for the record?

**A Member:** Hear, hear.

**Deputy Inder:** With the greatest respect, Deputy Yerby, what the public do not see is people pulling faces, just going, 'No, no, no'. If Deputy Hansmann Rouxel wanted to correct me, she could have just got up and corrected me. I am not going to apologise for people pulling faces and nodding their heads in disagreement.

**The Bailiff:** You do need to show respect to Members at all time. I remind all Members they do need to show respect to each other.

**Deputy Inder:** But in this case, I have just changed my mind, and I will apologise to Deputy Hansmann Rouxel.

**The Bailiff:** Yes, Deputy Dudley-Owen.

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

Earlier on in the debate, actually it might have been yesterday now, we have slept since then, each of the Presidents of relevant Committees were asked if they had an opinion to give. My President is not available today and I was thrown the curve ball of giving a Committee response on his behalf, in his absence.

The President of the Committee *for* Economic Development is a signatory to the Requête, as Members will know, and has not been involved in any Committee discussions in this regard. The purpose of the Committee *for* Economic Development is to secure prosperity in Guernsey and, amongst other things, promoting and developing business. This means that the IDP is a key policy area for us, as it can make, as well as break business.

We want the legal framework to be used as an enabler, not a barrier to business success. On 26th March this year, the Committee sent a letter to the DPA, in response to their 2018 annual monitoring report. The letter stretches to 16 pages and covered aspects of the IDP policies pertaining to the following areas, which we have an interest in as a Committee: industrial and storage and distribution premises, office accommodation, horticulture, visitor accommodation and retail.

I will not go into the detail of this letter here because it is pretty long and pretty intense but will summarise, in essence, the points from the Committee's response to the DPA re the AMR, which are relevant to Proposition 2 of the Requête. These are that the Committee believes that the IDP continues to function well for the Island's needs. Furthermore, that the Committee would like to see additional resources being allocated to the preparation of local planning briefs, development frameworks, and this will become of increasing importance as work commences on revitalising the harbour action areas and regeneration areas.

This is all pretty plain, vanilla stuff. We have had a reconstituted Committee, slightly, since Deputy Dawn Tindall stepped off, with her promotion to the President of the Development & Planning Authority; Deputy Inder has stepped on. However, I am confident that those common sense views probably would still remain today.

I do need to touch on the issue of the development at Leale's Yard as two of my colleagues, who are very clearly passionate about this matter, have spoken today. As I have just said, the Committee has had a Member resign and a new Committee appointed since we discussed the initial approach from the Co-op to the States in relation to Leale's Yard earlier this year.

We have not reconvened to form a view, as a Committee, in the time available before the debate. Therefore no written response was given to P&R, who are leading on the Leale's Yard matter. The matter now needs to return to the Committee for future consideration, given that we have a new Member. In respect, therefore, of Proposition 6, as amended, the Committee does not have a view and Members of the Committee, I am sure, will vote according to their individual opinions.

Thank you.

**The Bailiff:** Deputy Smithies.

**Deputy Smithies:** Thank you, sir.

I broadly support the Requête because it is couched in general terms. What I think is a fundamental mistake is to introduce Proposition 6, which is specific to a particular development and has caused a deal of controversy around the Chamber. I was reminded by Deputy Inder, some of the Members may recall a property at the bottom of Tottenham Court Road in London called Centre Point, which was kept empty because its book value was increasing year by year. I wonder if an increase in value from £4 million to £12 million is something to do with the development potential of the site.

My point really is that the Co-op may be socialist in its origins but it has long since ceased to be run on purely socialist principles and is mainly capitalist in its trading and business practices. In my view it is not proper to use taxpayers' money in intervening to prime a capitalist developer's fund. There are funds of private capital available to facilitate development, if the business case is sound.

If the land owners do not like the terms then they should simply pass the challenge on to some private individual or group better able to make a go of the development. If there are no takers then the market must prevail and either the land lies undeveloped or the prices fall to the point at which the deal is attractive. One thing is clear to me, no public money should be used to facilitate this private enterprise.

**The Bailiff:** Deputy Paint has stood a few times.

**Deputy Paint:** Thank you, sir.

I will not be very long. I have just got a few things to say. The present IDC policies were put together with the best intention, and I have to say that, because I was there at the beginning of it. But unfortunately they have not worked out the way that it was hoped.

Personally, I have never been very keen on tick box policies, because they mainly do not account for places in the Island that may be available for development, the policies cover and, most of all, most importantly, the public sentiment, which we have all had emails about recently. With regard to development in itself, no sensible developer will invest in any property or development or enterprise that will lose him or her money.

I cannot see why some of the Members of this Assembly cannot see that. Government may be able to waste vast amounts of money but entrepreneurs will not be able to do that or will not do that. I think the Requête may help to push the IDP to more acceptable policies in the future so I will be voting for the Requête.

Thank you, sir.

**The Bailiff:** Deputy Lowe, then Deputy Ferbrache.

**Deputy Lowe:** Thank you very much, sir.

This has come up before this site, Leale's Yard, and I have previously said – and I stick by exactly what I have said – the States should not be going anywhere near helping the developer get out of a hole that they got themselves in. If they have bought that land, it is up to them to

take the consequences. I think we would be setting a serious precedent, getting involved with this. We have pockets of land right around the Island where people have bought, developers have bought, and the market has not been right for them.

3080 The Co-op is a different matter again really, which makes it even worse for me. The Co-op have had access to the political Members. I can remember when I was on the IDC at the time, in 2007, a precedent was set then, where we had a board meeting and they were allowed to come in and talk to the board members to tell us what they would like to consider, under the understanding that we would not be committed in front of them, but we would give feedback as a guidance of where they needed to go for plans for Leale's Yard.

3085 The famous Mrs Le Page from Torteval would not get that opportunity but the Co-op had that opportunity and I do not think it had every happened before. I accept now, planning is different, you can go and you can see a planner, I am not quite sure if you can still see a politician, mind you, from off the committee or off the authority because you are quasi-judicial and you have to stay independent until it comes before you.

3090 But that is what happened back in 2007 when I was on that committee. So they have had ample opportunity over the years to deal with that. You would think, and I just realised that there are three Vale Deputies here who have actually all spoken against this, and you would think we would be the ones at the front of the queue to say, 'Get that site sorted, it is a mess down at the Bridge.' Thankfully we are all on the same hymn sheet and we are sort of saying, no, because we have a responsibility to the taxpayers' money to spend it wisely. Certainly, bailing out a developer, I believe, and my colleagues so far that have spoken on the Vale, also believe to stay absolutely clear away from that.

3095 So yes, we might, I think there was an expression used this morning, have been dancing around trying to see what we can do with this site. No, we have not been dancing anywhere. The Co-op have been dancing and how many times have we read in the paper where they are now going to develop it and they had an extension – 'Oh, we are now going to develop it.' Well get on and develop it or do like others do and split the site off and sell it in sections (**A Member:** Hear, hear.) and then somebody might actually come along and buy it.

3100 But if they do not come along and buy it that is a commercial decision that the Co-op made all those years ago and they have to take the consequences for it. It is not a case of coming cap in hand to the States to say, 'Help us.' I am sure, if we started this today and approved this today, and although it is sort of saying there is no cost as they are going to go away and look at it, who is going to pay for the civil servants' time?

3105 We are all short now of time with our staff, right across the States, because we have had to make sure that we can operate with a staff reduction in numbers and prioritise to fit in with the P&R Plan. This was not part of the P&R Plan so therefore staff will be diverted yet again from something which is nothing to do with the P&R Plan. We either stick to the P&R Plan or we play around and send staff in all different directions because this has to come back. Stay focussed on the P&R Plan and what is a priority and not jumping to a developer who has got themselves in that situation.

3110 Obviously I am a great supporter of the Bridge, I would be I am in the Vale and go down to the Bridge, but the Co-op have a lot to answer for. There were thriving shops down there. It is still a good place to go and shop and I still do, but they evicted Creaseys, they evicted the Bridge Motor Shop, all because they were going to develop this. They could have had quite a lot of money coming in over the years if they had not actually evicted those people, coming out of those premises.

3120 Again I have no tissues out for the Co-op for what has actually happened down at the Bridge. All I say is that you have got the opportunity to actually separate that site. Do it. If there are problems with the actual surface of the site, whether it is for flooding or whether it is contaminated, again, you should have found out your research before you bought it and not expect us to do it.

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I think you have got the gist, sir. I will not be supporting number 6 and I urge States' Members to reject number 6 on the Requête.

3130 **The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, we have heard a lot about Leale's Yard and the development at Leale's Yard, but this Requête is far more than that. **(Several Members: Hear, hear.)** That said, I am going to say something about Leale's Yard in due course. *(Laughter)*

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**Deputy Laurie Queripel:** Are you buying it?

**Deputy Ferbrache:** Only if Deputy Laurie Queripel can lend me the money!

3140 But that is not the starting point. My good friend and much-respected colleague, Deputy Paint, said he is going to support the Requête. The difficulty I have with the Requête is that the Island Development Plan is a legal document. It went through several days of debate and many amendments in this Assembly less than three years ago and you cannot just change it a little bit here, a little bit there, a little bit elsewhere, without a proper and detailed planning inquiry. **(A Member: Hear, hear.)**

3145 Now I look at the people who signed this Requête, all seven of them are sensible Members of the States and I thought all seven of them are people that I would respect their intellect and their logic. But I have some difficulty, that said, in this particular case, because it seems to me that some of them may have been influenced by the fact that perhaps there is a development in Cobo. Some of them may have been influenced by the fact that there has been development on greenfield sites.

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What they could do is seek to bring a concerted, a concise amendment to the IDP that there be no development at all on greenfield sites. How practical that is, I do not know, because it has a knock on effect. We know we have had the Housing Report, we know it was unsatisfactory, we know it was a waste of money. But the fact is there is a need to develop homes for people, there is a need to develop affordable homes for people, because there are not enough homes.

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Now are we absolutely satisfied that they can all be built on brownfield sites? We may be. But where is the research that says that conclusively? Also, we are concerned, and Deputy Tindall made the point there have only been four houses in a certain area in the last 12 months or so, but the truth is the north of the Island is very developed and we do need the infrastructure report that Deputy Brehaut has talked about. We need to know whether our roads and our drains and all our other services are going to be able to cope.

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Policies have changed over the years. At one time there was going to be building, there was going to be this lung of housing all the way on the east coast, on the left-hand side. Thankfully that position has changed over the years, because that would have created ghetto after ghetto after ghetto and it would have been totally unsatisfactory.

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The truth is ... there are a couple of things. In the old days Conseiller or Deputy Ogier used to drive around in his bus with his committee and tell people that they could have a bungalow here, a bungalow there and what happened? That was a disaster. Because there was no consistency and we had all the ugly ribbon development that we have got in Guernsey that has done serious harm to our countryside.

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So you have to concentrate your development in a certain area by and large. Now where are we going to do that? We have not got a lot of countryside anyway. What we have got is remarkably beautiful but we have not got a lot of countryside anyway so are we going to build in the country parishes? The answer is we cannot do that because we would have no countryside.

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So the truth is that most of the development has to be in developed areas. That has to be properly structured and properly done. It cannot be done, on a whim, I have to say, with considerable respect to the seven people, all of whom I respect, of this particular Requête because it just will not work.

I am now going to speak about Leale's Yard. The Co-op clearly bought a pig in a poke many years ago. They had all those grand designs, which were approved by the relevant planning authority at the time, were approved by the States of Guernsey at the time and it was going to be a second St Peter Port.

Nobody had given any thought to the fact, if it was a second St Peter Port, the first St Peter Port would go to wrack and ruin because there would not be enough people to go in the shops, visit the restaurants and do all the other things that people do in the Town. Because we are so small we have only really got room for one Town. **(Several Members: Hear, hear.)**

But against that Leale's Yard is an eyesore. Do you remember the planning brief that was approved, that it would be developed, as I have already said? Nothing happened and then, when people wanted to do things on the fringes and around that particular development, they could not do so, because that development had a lifetime, I think, of 10 years and then it was extended.

No developer will touch that site at all. If they were given it for a pound they will not touch that site. It is polluted with the chemicals that Deputy Inder referred to. It will not be developed by any developer unless there is massive States' subsidy. That massive States' subsidy would be £10 million, £20 million or £30 million. What are you going to be left with? Because nobody is going to do that. The States are going to have to subsidise that.

They may decide that because that part of the Island definitely needs reinvigoration that they are going to spend £10 million, £20 million, £30 million. I am not quite sure where, at the moment, it is going to get that £10 million, £20 million, £30 million, when one of the signatories to the Requête wants £157 million for the school project; another signatory to the Requête wants £90 million for the Hospital project. So where is this money going to come from?

I say many times, I am fortunate where I stand, I can see out there and I am still awaiting the money tree to grow up. Deputy Brehaut said I have got many trees in my property. I have not got one money tree. I would like one and if anybody has got one can they go and plant it there please because I would be delighted to go and pick the fruits of it.

So we have got to face the fact that I do not like the SLUP. We should amend our legislation to get rid of the SLUP so that we make the process, we have an Island plan, which we review periodically, five years, as Deputy Lester Queripel said, and it is coming up for review in about two years' time. We review that, we review that radically. Not just a little piece here, a little piece there. We do the things; we look at whether we need building on greenfield sites. We look at the infrastructure, we look at all these other things.

Third party appeals. Now let me go onto that. Because Leale's Yard should not be touched unless the States wants to spend £10 million to £30 million and if it does it has got to have a clear view and just do it. Because when we ever negotiate with these third parties and these developers, they win and we as a States' Assembly lose, because we are useless at the negotiating. Everybody thinks there is an expert in this room and nobody is.

Deputy Whatshisname in front of me, Deputy Inder, just pointed out to show he is an expert but he is a self-appointed and subjective expert! *(Laughter)* In connection with all of that, the people we entrust with it are good people but they do not have the expertise and they will run rings around them. So we should leave that alone.

My own view would be that the only thing you can do is turn it into a nice parkland in due course. **(Several Members: Hear, hear.)** That may even be a great help. That would be the best use of that particular land and you do that. I think it was Deputy Brehaut who said it, I think it would be an excellent idea. That is a kind of practical use and that might not cost £30 million because you could probably live with the pollution, to a degree. I am sure there is a way you could work around that. *(Interjections)*

Third party appeals – how would third party appeals work in relation to the Law? I know they have them in other places but how would they work in Guernsey? Would a third party have a Wednesbury type approach, which is a decision of Lord Green in 1948? Wednesbury was an area around Wolverhampton whereby they wanted to open the facilities on a Sunday .... Anyway the test was a high one.

Would the grounds of appeal be those that used to apply in relation to our housing Laws that we have? I did more housing appeals as an advocate than anybody else and I never understood what the housing appeal rules were. They were whatever you wanted them to be on a particular day. (*Laughter*) And the Court of Appeal varied as to what they were on a particular day, over a particular period.

Would they be the same grounds of appeal that apply under our present planning Laws? Again those are a bit iffy; what do they actually mean? They have not been knocked about. There is an alternative right of appeal on a point of Law to the Royal Court. I do not think in the 10 years or so we have had the Law in operation that they have actually been exercised.

Jersey's 2002 Planning Law that has been in operation 17 years. I think they have had one case go to the Jersey Court of Appeal. So what would they be? The general rule is when you go before an appeal body, which is what the planning appeal tribunal is, you could only look at the material that was placed before the relevant body, in this case the Planning Authority. Now the way I read the Requête is that people would be able to write letters after that decision and that the Planning Authority, the appeal to the Planning Authority, would have to take that into account. How is that just? How is that fair? How would it be administered? What would the limits be?

None of this has been thought out with the precise detail that it should be. It is wonderful in theory. We are saying to the community out there that we are going to do something. But I am not sure what you are going to do. I am not sure how practical it can be. What you should do, as I say, what Members of the States should do, they should look at it in a concerted way and in two years' time, when the review that Deputy Lester Queripel so rightly says should take place, they should then come up with all these various policies. They should then address that.

By that time, hopefully, we might have some mileage in relation to our infrastructure and Planning Law and we might be able to piece the whole thing together. Other than that, we stick with what we have got.

One of the things that really concerned me was that there could be, and of course there are lots of fancy words, but the fancy words say that sometimes the authority should be given the right, Deputies should be given the right, to move away from the Plan in a more significant way than a minor way. On what criteria would that be? How subjective would that be? How would that work in practice? What degree of precedent would that cause? What policies would you take into account? It just is unworkable, theoretical, impractical nonsense. It would not work.

Therefore, as much as I respect all seven of the Requéants, I have to say that I thought the letter of response written by P&R was an excellent and thoughtful one, even with the odd sentence not finished and the odd grammatical error! (*Laughter*) In essence it was still a good letter and we should follow their recommendation.

**The Bailiff:** Deputy Le Clerc stood earlier. Deputy Le Clerc.

**Deputy Le Clerc:** Thank you, sir.

I am just rising to say that Deputy Ferbrache has stolen my thunder because that is exactly what I was going to say. I think we have got a perfect opportunity down at the Leale's Yard site (**A Member:** Hear, hear.) to make that into a lovely park for probably far less, and perhaps as part of their social responsibility, the Co-op might like to do that as their donation to the community. I know they give quite a lot back.

I cannot support Proposition 6, even after it has been amended, because I do not believe it is right for us to be looking at that development of Leale's Yard; and part of that is because, and I am going to be very selfish here, there is approximately £20 million left in the corporate housing fund and I would not want those funds to be redirected from the corporate housing fund, to be spent on Leale's Yard, when we have got lower hanging fruit, such as the Fontaine Vinery, which is already owned by the States of Guernsey, and we have got the Saltpans, which is almost adjacent to the Leale's Yard site, which again we should be able to acquire and put affordable housing on at much less cost than the Leale's Yard.

That is my concern, that we could spend valuable capital that is in that corporate housing fund and divert it away from the housing that we need over the next few years. So I ask you not to support Proposition 6.

Thank you.

**The Bailiff:** Deputy Graham.

**Deputy Graham:** Thank you, Mr Bailiff.

As a requérant I shall be supporting the Requête, although I do share Deputy Ferbrache's views on Proposition 6 and, at the risk of disrupting a friendship, I shall vote against that Proposition.

But the reason I rise is really because I want to advocate Proposition 5, which is the right of third party appeal and I hope by the end of it I might have justified to Deputy Ferbrache at least why I think we ought to have one, although I probably will not satisfy him in the detail of precisely how it is going to work, although I do understand it is working adequately in Jersey and has been for some years.

For me, Mr Bailiff, the narrative starts back in the 1990's when I had the privilege of serving, I think it was for four or five years, as a non-States' member on the then Island Development Committee. There were some pretty heavyweight politicians around on the committee in those days. John Langlois was one of them, Bill Bell was another and I think Sue Plant was around too, at the same time. Of course that is partly explained by the fact that the Island Development Committee, as far as I remember, had sole responsibility for all planning and development matters. It was not the rather convoluted sharing of the SLUP and the Law and the IDP, between the committee that we have at the moment, and the authority.

If I mention this it is because I did have experience of being on the inside and seeing these things from the inside. But I was also there as a poacher-turned-gamekeeper because the previous two years I had been in battle with the IDC, as my wife and I tried to knock down the house that she had been born in, to rebuild it. We were trying to rebuild it at twice the size of the existing building. It was in a sensitive area and I was given a very hard time and I spent a mini fortune on architects' fees and so on, but it was quite right that I was because, as I say, I was trying to do something fairly ambitious there and it was in a sensitive area.

Fortunately, both the Law, as it was then, and also the Rural Area Plan, gave the committee plenty of ammunition to resist or restrain me in my ambitions. It is just as well that both the Law and the plan and the attitude of the committee did so, because I think we finished up with a better solution than otherwise might have been the case.

At that time the writing started to appear on the wall, because we imported – and I do not mean this in a derogatory sense – an English planning lawyer, to re-write our Planning Law and 10 years later, lo and behold, it emerged. But right in the early days it was very clear to me that in a situation where, at one extreme, you can have a planning concept which is very permissive, in other words everything is permitted unless it is expressly forbidden and, at the other extreme, you can have an approach to planning where everything is forbidden unless it happens to be expressly allowed.

It seems to me that in Guernsey, as small as we are, with previous land resources, living cheek by jowl, our approach to planning probably ought to edge more towards the latter rather than to the permissive former, in my view. But in fact I think, as things have turned out, and I think the writing was on the wall at the time, we finished up really where the odds are actually stacked against the community, particularly in preserving the environment, and stacked in favour of the developer.

It is not just a public perception, it is a very strong feeling and I think sometimes the authority made a mistake in giving the impression that they are in denial about that. Deputy Lester Queripel invited us to have faith that all these things can be addressed by the authority, but I have to say to him in his absence that one is not encouraged, necessarily, to have the confidence that the DPA

have actually identified that there is generally a problem there. It may be that when the President responds, at the end of this debate, that she will counteract that.

Going back to my thing about things being stacked against the community, I think there are three areas where this happens. It happens very early on in the planning process, where an application is put in and notification is given on it and we are supposed to put representations in. We all know how difficult that is and how the odds are stacked against us when we are representing, because not only have we got to get that initial representation in and galvanise support on it, we then have to watch like hawks for when any revised programme comes back and the original representations that we have made still stand.

In one case, and Deputy Ferbrache rightly says that I am particularly agitated against one but it is not the sole one, but the one at Cobo does actually epitomise, I think, where the problem arises and why we have really got to do something about it. Many of us represented in detail against that but we failed to re-represent when we saw that the revised plans had not actually addressed the initial representations we had made. Of course then the answer from the DPA is that, 'We only got half the number of representations for the revised plan and therefore we assumed that the representatives had been satisfied.' So in a way –

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

**Deputy Paint:** I will give way but I do not want –

**The Bailiff:** It is a point of correction.  
Deputy Tindall.

**Deputy Tindall:** It was not a question of assuming that the representatives had been satisfied. The representations were all taken into account and the changes were acknowledging the planning issues that the respondents had made and satisfied them. It was not a question of opinion.

**Deputy Paint:** Well, my memory is very sharp of a discussion I subsequently had with the chief planning officer, which very clearly indicated to me that the absence of a substantial number of representations on the second round had persuaded the DPA that, really, the fuss had gone away. Not in those words. But there we are. I have a very clear recollection of that.

The odds are stacked against the community not just at that stage, they are also faced by this matrix of the SLUP and the IDP and the Law, which to most of us is a matrix that you just cannot penetrate. It is more of an opaque. You just cannot force your way through it and come to a rational understanding.

The difficulty is this. Some apparently quite extraordinary permissions are given on the basis that not to have given them would have been incapable of defence in an appeal. I will give you some examples of this. In the life of the IDP, when I submitted some questions to the authority, to which they gave me very full answers, for which I was grateful, 95% of all applications to bring open land into domestic curtilage have been granted. The figures are 179 out of 189. It may be that we have moved on since then.

Of the 179, 45 of them, that is 25%, were agricultural priority areas. Now that says to me that there is a presumption in favour, either in the Law, in the IDP, or in this impenetrable matrix that makes it difficult for the authority, even if they thought that was unacceptable, to defend it against an ambitious developer. That is merely one example.

Deputy Ferbrache reminded you that I am rather fixated on La Roseliere at Cobo, it is because it is so symptomatic. There we have, rather like when I was trying to develop my house plan back in the 1990's, in a very sensitive area, a developer wants to build a replacement house of a dwelling that was already very substantial.

3385 They want to increase the size of that already substantial building by more than two-and-a-half times, in a very sensitive area. More than that, it is going to occupy three-and-a-quarter times the percentage of the site, when it is built. And it is going to be six feet higher. And it is quite gratuitously going to take away views and light, not just from neighbours but from people around and the general vicinity.

3390 Now I know in Law there is no entitlement to views, but I do not think in Law there should be a presumption that you can gratuitously come along and take a view away from somebody, merely to take it for yourself.

3395 Then we had the business of the Corner Field. The developer in this case has asked for the Corner Field, which was the subject, as you will remember, of a 5:1 vote in this Assembly to be treated as somewhat special, to be kept from development. That field was allowed, quite docilely, to go into domestic curtilage and a wall be built around it. It has been built and right at this moment razor sharp little stones are being set in the top of it so that one cannot actually lean against it, whilst waiting for the bus.

3400 Furthermore, two permanent wooden gates were given permission to be installed, the sole purpose for which was to close off a contested right of way. It is not really a contested right of way; it is a right of way. Now something must be wrong when that sort of situation is irresistible. In other words, the Law, the SLUP and the IDP make it impossible for the authority, even if they were so minded, to defend that against appeal. This is where the Deputies, like myself, have the difficulty. Something really needs to be tackled here and again this sort of impenetrable matrix is a very difficult one for us to cope with.

3405 Finally, the odds are stacked against the community, not only in the representative phase, when we are representing against an application, they are not only against us in terms of the authority being handicapped as to how defensive they can be against a rather aggressive application, but then at the end of it, if the developer does not get his way, he can appeal against a rejection, but we the community cannot.

3410 I would say, through you, sir, to Deputy Ferbrache, that is in my view the rationale behind wanting to have one. I think Deputy Ferbrache asked genuine questions which need to be answered in time as to precisely how that will work. I have had a quick look at how it works in Jersey. It seems to be a fairly sensible way. It does not have the force of Law, as I understand it, for example, in our old system where you used to appeal to the courts, but I think it would be a safety valve for those of us, and many of us in the community, who feel that we just cannot take on the developer in a one-sided battle.

3420 Members of the States, that is the reason why I stood up. I think there is a rationale behind that particular part of the Requête. It is the one that most strongly prompted me to be a part of it. I am regrettably going to have to vote against Proposition 6 but I would urge Members not to be put off the Requête as a whole, merely because perhaps one or two of the Propositions in it are not to their liking.

**The Bailiff:** Deputy Fallaize.

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

3425 Like Deputy Graham, I am a signatory to this Requête and I want to explain why, because he said that sometimes different people sign requêtes for different reasons and that is true, and my reasons for signing it are slightly different to his.

3430 Before I do that, I want to say my signing this Requête should not be interpreted at all as criticism of the performance of the Development & Planning Authority or of the Planning Service. I know that is a sort of throw-away thing that people often say when they sign requêtes but I genuinely mean that.

3435 I think the performance of the Development & Planning Authority in steering the Island Development Plan through the States, which is a very weighty, tricky document, just in terms of political performance was one of the best of this States' term. Whenever I have had to deal with

the planning officers they have been, without exception, very professional, very balanced and impartial and open, and I think they provide an exceptionally good service. (**A Member:** Hear, hear.)

3440 I have not said that for this reason but it is true that recently a new role has slightly come my way. Because of the reluctance of Members to stand for the fifth seat on the Development & Planning Authority, three or four of us, through the Rule of Procedure which requires Members in certain offices to step into committees which are not quorate have had to go through an initial briefing and may very well be called upon to sit in open planning meetings to bring the  
3445 Development & Planning Authority up to quorum. So I hope what I am about to say is not going to conflict me from any of those cases (*Laughter*) but I am afraid I am going to say it anyway and then they will have to advise me. (*Laughter*)

3450 Going through the Propositions in the Requête, 1 is fairly innocuous; 2, which is all around the review of the Island Development Plan, is the Proposition which I feel least attached to among the Propositions in the Requête. Some of the Requêteants will feel more attached to that one than to others. My main reasons for signing the Requête are not to do with any flaws I perceive in the Island Development Plan. I think there is a case for reviewing it. I think there are some modifications that need to be made to it but if that was all that was in the Requête I would not have been a signatory to it.

3455 I am more concerned with Propositions 3-6. So Proposition 3 is to carry out a review of the constraints which are placed on the political Members of the DPA and its democratic character. Now Deputy Ferbrache has very consistently, always put completely the counter view to the view I have put and he creates the impression, I am not sure, I think I am probably putting words in his mouth, that he is very comfortable with elected Members being kept at arm's length, at least,  
3460 from the planning process. I do not know, he may be content if, in the future, the detailed planning determinations were actually carried out by unelected members, I do not know. But he certainly does not want to see more political influence over planning decisions.

3465 It sounds very plausible when he says that but actually the position we have got ourselves into in Guernsey where there is relatively little political influence over planning decisions, is unusual. You can find a few jurisdictions which have done this, I think Ireland has done it, but it is very unusual. In Jersey the ultimate planning authority, other than a judicial review, is the Minister for Planning. In the UK the Secretary of State has not given away all the kinds of powers, effectively, to make political decisions, which we have in Guernsey. Local planning authorities in the UK still have more scope to make political decisions in the planning process than our planning authority  
3470 does.

I do think that this is simply a question of what role democracy has in the planning process. This is something that splits opinion in the States and I think in a sense one feels this instinctively. I think that democratically elected and democratically accountable Members of a government ought to be able to bring some political influence to planning decisions, in the same way they can  
3475 in decisions of public authorities in other areas of Island life.

Now I think we have gone even a step beyond that because the planning tribunal, in the days when the appellant body was the Royal Court, as I understand it the role of the Royal Court in those cases was to determine whether the Island Development Committee, as it was, had acted *ultra vires* and/or had made a decision, which was considered unreasonable. Now that is not what  
3480 the planning appeals tribunal is doing.

The planning appeals tribunal is sitting effectively as an original body. It is not asking itself whether the original decision of the Development & Planning Authority was reasonable, it is actually asking itself whether it, as a body, would have reached a different conclusion faced with the same circumstances. What that has done is effectively to have created a second superior, senior chamber, within our planning determination process and I just think that is wrong. I think it  
3485 is anti-democratic. That is why I support Proposition 3.

The Cobo Alice example is a very good one. Deputy Graham brought an amendment to the Island Development Plan, the purpose of which was as clear as night is from day. I did not vote in

favour of the amendment. I do not think Deputy Merrett voted in favour of the amendment, ironically enough given that she is the lead signatory on the Requête. I thought the proposals in the Island Development Plan were better than Deputy Graham's amendment. But I was in a very small minority.

Most of the States voted in favour of his amendment and I submit that every single Member of the States knew what they were voting for and the Development & Planning Authority knew what message the States was trying to convey (**Several Members:** Hear, hear.) and not once, during that debate, did the Development & Planning Authority say, 'Yes, okay, we know what you are trying to achieve but even if you vote for this amendment and turn it into a Resolution it is unlikely to achieve what you want it to achieve.'

I think every Member of the States left the Assembly that day believing they had voted for something and the Development & Planning Authority left believing all the Members had left believing they had voted for that thing. Then when it came to the application being made, it was not possible to put into effect the clear will of the States. When that happens something has gone wrong. (**Several Members:** Hear, hear.)

What has gone wrong, in my view, is that there is a complete disconnect between the will of the States, as expressed through States' Resolutions in relation to planning, and the constraints that are placed on the political Members of the Development & Planning Authority. Not all Members of the States would agree with that but that has been my long-held view.

I will give way to Deputy Trott.

**Deputy Trott:** I agree with everything that Deputy Fallaize has said but my understanding is that the problem was that that particular field was already classified as domestic curtilage. It was already classified as domestic curtilage. And therefore, as a consequence, to un-classify it as domestic curtilage, one needed a planning inquiry in order so to do. So it was another example of where the States was unable to influence its view because of the restrictions that the planning process ... No? I am wrong, am I? I am wrong, so discount what I have said! (*Laughter*) That was my genuine understanding of the problem. Thank you for giving way.

**Deputy Fallaize:** I do not want to discount what Deputy Trott said because I rather like that argument. But if it is not factual I will have to discount it.

I will give way to Deputy Tindall.

**Deputy Tindall:** I thank Deputy Fallaize for giving way.

Just very briefly, because I do not like going into specifics on planning applications. What it was, it was not domestic curtilage originally. It was not. What it was, was under the Plan, it was going to be included within the local centre. The amendment was to remove it from the local centre.

But by removing it from the local centre, it never precluded one particular type of development, which is incorporating it into domestic curtilage. That is the only thing that could have happened to it; by putting what sounds like a rather awkward wall around it, but not included in the other plot of land, not taken into account in respect of the other building application on another plot of land. It could only be just included as domestic curtilage.

**Deputy Fallaize:** I will give way to Deputy Graham.

**Deputy Graham:** I accept in the explanation that the action of the States, the decision of the States that day may not necessarily have precluded the field being taken into domestic curtilage but surely, by the same token, it did not put it into a position where there was a presumption that it would not. This is really the argument that I was putting. I believe the agreement to allow it to be included into domestic curtilage was unnecessary, it could have been resisted and was rather gratuitously accepted.



**Deputy Fallaize:** Of course, now, this goes back to the point that Deputy Trott was making because what would have happened if the Development & Planning Authority had rejected the application? The applicant, probably or possibly, would have gone to the planning appeals tribunal and the planning appeals tribunal would have ruled in favour, because the Development & Planning Authority's decision would have been influenced primarily by a States' Resolution, which is a consideration outside the list of considerations, which the planning appeals tribunal could have taken into account. That is how any sense of democratic influence or accountability has been completely undermined in the planning process.

I will give way to Deputy Merrett.

**Deputy Merrett:** I thank Deputy Fallaize.

So part of my opening speech yesterday was regarding that if this was the will of the States in 2016, if the policies within the IDP at the moment were not enabled to enact the will of the States, then the DPA is the policy making authority; my assumption would have been that they would have reviewed the policy of the States, realised they could not enact the will of the States and therefore bring through a policy paper to determine what would be necessary, if it is indeed a planning inquiry, to bring that back to the States to determine and ensure the States understood what the actual consequence of an amendment would be. That is my concern because to say two-and-a-half years afterwards, 'Well, it is within the policy, we cannot do anything,' that is my concern.

**Deputy Fallaize:** Yes. I think that is a fair point. In retrospect, I think that is what the Development & Planning Authority should have done but I find it hard to criticise them because I think the constraints around them are so deep and so hard for them to penetrate that I think it would have been very difficult for them to have done that.

This leads me onto Proposition 4. There is a Strategic Land Use Plan, then there is an Island Development Plan, then there is a whole process around making planning determinations and decisions against applications made within the terms of the IDP. I just think this is too much for a small community.

I am surprised Deputy Ferbrache defends – oh, he does not defend that actually, he thinks the SLUP and the IDP should be amalgamated so he is not entirely wrong! *(Laughter)* We have created this extraordinarily thick netting around land planning and development, which I am sure is terribly exciting to people who are engaged in the land planning business, land planning professionals, some architects, lawyers who advise on land, but it is totally inconsistent with all other aspects of Island life.

If we try to do this in the area of education or health care or any other area of public service, the States would think it was laughable. But we have done it in the area of land planning. I do not know whether it has been done as a kind of over-reaction to the disaster of ribbon development. It may well have been. But it has left us, I think, in a very unsatisfactory position.

One of the problems, I think, with the Strategic Land Use Plan and the Island Development Plan, the way they are constructed together, is that their development inevitably straddles multiple States' terms. Well that undermines any sense of democratic accountability in the process. If you are at the wrong point in the planning cycle, a Government is effectively elected and comes into office knowing it cannot do anything at all to change planning policies and planning arrangements.

No sensible Government would allow itself to be put into that position. But that is the position which now prevails in Guernsey. So my criticism is not really about the detail of the Island Development Plan but I really do think that the problem –

I will give way to Deputy Lester Queripel.

**Deputy Lester Queripel:** I thank Deputy Fallaize for giving way.

Just to clarify what he just said, is he saying that no sensible government would put themselves into this position and we are not a sensible Government because we put ourselves in the position? Surely it goes much deeper than that. I am sure he will correct me if I am wrong; he has got more experience in these things than I have. It seems to me the problems arose in 2011, when the Strategic Land Use Plan was approved, which primarily determines that future development should take place in St Peter Port and the north of the Island. I would just like his views on that, please, sir.

**Deputy Fallaize:** My view is the problem dates back to the development of the Land Planning and Development Law 2005. I do not think the problem is actually, in terms of the detail of the policy. I think the problem is the framework of legislation and policy that has been built around the whole process.

So I think that the States should undo some of this. We have this ludicrous situation where we sit and H.M. Comptroller has since established that indeed there would have been a planning inquiry necessary to have amended or replaced GP11 in the Island Development Plan, which has nothing to do with any specific planning application or any specific area of land. It is an entirely Island-wide based policy and yet to change it would have required all the expense and time of a planning inquiry. I think that is a ludicrous situation to have got themselves in.

In answer to Deputy Queripel, no, the issue is not whether this is a sensible government. This Assembly does not see itself as a government, not in any conventional sense. That is all to do with our system of government and not having parties and all that kind of stuff. Members of the States just do not see themselves as a coherent government that has arrived to take the offices of government and then put into effect its programme. That is, I think, the origins of why we have ended up in this kind of position over land planning and done things which no other government would have wanted to have done.

Proposition 5 is about third party representation. Deputy Ferbrache is right, that would be quite complicated. But I think the principle has some merit and is deserving of further investigation. In relation to Leale's Yard and Proposition 6, which I do support, actually Deputy Ferbrache thinks a park would be a good idea. I do not think the Proposition precludes a park. It requires the Policy & Resources Committee to come back to the States with a policy letter containing recommendations to enable the progression of development of the site. That could be the development of a park.

A private investor is not going to develop a park. I think Deputy Ferbrache would accept that. So if there is going to be any development of that site at all, any change of ownership and development of it, it is probably going to require the involvement of the States to a greater or lesser extent and Proposition 6 in the Requête does not preclude that.

But for those Members who are saying that they do not think Leale's Yard is a suitable place for significant physical development, I do not think that view is consistent with the SLUP, which envisages that building will start from the centre of local areas and then work out. I would also say to them if it is not going to happen in areas that could permit quite large numbers of residential units, where is this development going to take place?

Because if it is going to take place in the north of the Island and the sort of northern part of Town and it is not going to take place on sites like Leale's Yard, then the only thing that is going to be left is probably is ribbon development or something very close to ribbon development. So I think Proposition 6 should be supported.

These are the reasons why I signed the Requête. If Deputy Tindall makes a sufficiently persuasive speech I may be prepared to vote against Proposition 2 but I am certainly in favour of Propositions 3-6 and indeed 7.

Thank you, sir.

**The Bailiff:** Deputy Dorey.

**Deputy Dorey:** Thank you, Mr Bailiff.

I support Propositions 3, 5 and 6. I would just like to put in some context. My biggest disappointment about Guernsey is the ribbon development which I think, as Deputy Ferbrache so well said, has blighted our countryside. The other thing that has happened is the success of the glass house industry over the years, we were very successful, we built lots of glass houses but then the industry did not become profitable. We still have a lot of derelict glass house sites in the Island.

They were built in locations that were suitable for horticulture not for housing development, industrial development, anything else. Unfortunately people see them as brownfield sites, which now can be developed for housing, industrial or other uses. They should be put back to what they were before, agriculture. (**A Member:** Hear, hear.)

The States was active when we had a downturn in our economy, using unemployed people to clear glass house sites and there were many glass house sites, which were cleared, and they were put back into agriculture. It is unfortunate that has not been carried on and it still concerns me. I think we just have to look at those sites differently.

The step change, as Deputy Ferbrache said, was when land use consultants came and their principal was a Guernseyman and the A&F of that day called them in to look at our land use policies and they were, perhaps I overstate it, but, horrified at what they saw Guernsey had turned into. They blocked the ribbon development and because what we had was detailed development plans, we had about 60 development plans and we suddenly had a detailed development plan and we have a whole lot of development in St Martin's and then we had another one, with a whole lot of dwellings in Castel. It was unconnected and we needed to have a contrast between the urban and rural areas; just like when you fly over any other location in this world – most locations, most developed countries – you have towns and you have high developed areas and you have greenfield areas outside those towns.

They proposed, I think he said, this big area along the front, which I did not totally agree with, but they then went on to propose the housing target areas. At some point there was a priority of housing target areas, how they should be developed, and unfortunately that has been set aside.

I disagree with both Deputy Ferbrache and Deputy Fallaize in relation to the Strategic Land Use Plan (SLUP). I think Deputy Fallaize, I do agree with him on one point. The problem has been that the SLUP came to the States in 2011 and the IDP came in 2016. It was not even in the next Assembly; it was the next Assembly but one. It was unfortunate one was near the end and one was near the beginning and that is partly because we did not resource either of those sufficiently. But I still do believe that the idea that we have a Strategic Land Use Plan is right. I think the timing is wrong, but it is right. When a detailed development plan comes forward, it is very difficult to change the ethos behind it, the main principles behind it.

You are at a planning inquiry stage and, as we know, we only debate it at the final stage. The whole point was that, as a democratic political body, we gave direction to what the IDP should be based on and that was the whole point of the Strategic Land Use Plan and I still think that is right. The timing was wrong, the time it took, but this Assembly as a democratic body, I think has to give direction onto how it wants to see the Island develop at a high level. It is up to a committee to come forward, otherwise we have the situation that we had with the detailed development plans, going back into the 1970s, or early 1980s, where a committee just came up with a plan without any direction from the States about where they wanted development. Then it went to a planning inquiry and the States was at the last point. It was too late to change it. The States was not able to make significant changes and say, 'Actually we do not want all those developments in that area. We wanted a different policy behind it.'

So I do think the Strategic Land Use Plan is right but the outcome has not been correct. We can improve the process but I believe that the fundamentals are right.

I support, as I said, Proposition 3. I think P&R support it and I have got nothing more to say to that.

I support Proposition 5 to allow appeals. I have always felt that it is wrong that a developer can appeal but the person who makes a representation against a development cannot appeal. I think, to make things fair, both should have the right to appeal. But you have to have some limits otherwise we would never have any development in this Island.

I do not entirely agree with the wording in the Requête. I agree that you should only have 28 days, or even less, to register your appeal and the appeal should be held, preferably, within that 28 days. I think it should be limited just to the people who have made a representation. If you did not make a representation and you live near, I do not think that gives you the right to appeal. The whole point of an appeal is that your point has not been taken into consideration. So the right of appeal should be only allowed to make somebody's representation. If a developer appeals I believe that the people who have made representations should also be able to make a representation. So I agree with those points from the Requête.

I will be supporting Proposition 6. I think Deputy Fallaize did sum it up. People think we are making the decision now. The whole point is to come back with the information, then we can make the decision. It is for a policy letter pertaining recommendations to enable progression of development at Leale's Yard regeneration area. It includes consideration of 'States' involvement in the delivery of the development', so there might not be States' involvement:

... if appropriate, including consideration of incentives and mechanisms to facilitate the development of the site and the funding of the same.

We can make a decision when we have the facts and I believe that we should have the facts to enable us to make a decision at that point in time. So I urge Members to support it, and if you look at the back of the amendment you can see there are significant areas with no development on. So just to clarify, say Leale's Yard is polluted, there was already, when the Co-op initially bought the site, some development done on the edge of the site. I think you cannot just clarify as one area. It is made up of different areas and there might be some areas that it is not appropriate, there might be some areas that it is appropriate for parkland. But we should look at it properly.

In most other places, where this is our second main centre, it is right at the very centre of our second main centre, it should be some of our highest value land and we should be looking at it in terms of development. We should be developing from the centre out. That has always been my view. We should not be looking at Fontaine Vinery, which is far away. I think Deputy Merrett said in her opening speech about people can walk to the shops. The way people can walk to the shops is if you have development as close to the centre, to the shops, as possible. So I believe that it is right that we should look to develop that area and I urge Members to develop it.

People sort of say about the States getting involved in development, but perhaps people forget but in things like Rue de la Passée, just in from Portinfer, there was a major housing development done there by the States and there was another one done in Grand Maison Road, which were done at a time when they were not profitable, they were incentivised by the States to develop at those sites. Perhaps they were not the right sites, I do not think la Passée was the right site, Grand Maison was the right site to develop. But the States got involved and developed those sites and they made a loss on them. But it was considered right at that time. Right, because they wanted to produce housing for first-time buyers, which they did. So there is a history, I am saying, of the States getting involved in developments in order to incentivise it.

Finally I would like to just speak about, because it has been mentioned, GP11, amendment 3, and its relevance. I would ask the DPA to come back. My amendment, which was seconded by Deputy Fallaize, was touched on earlier about an alternative, having tariffs, to having to have allocation of affordable housing on a large site. I think the Deputy whose proposed amendment made a point about that it has discouraged development of large sites, I think we should have that amendment and I urge her to develop that amendment because it is an alternative to make a tariff payment.

I would rather have mixed housing developments, but if that is what stopping large sites being developed, tariff payment would be suitable for me. The difference that it makes is to the value of

the land that is developed. It just means that, effectively, they can develop 100% of the land but some of it they have to pay back. It just means that the land has less value because they have to make a payment on it. They can develop it or, if we had affordable housing, they could develop a percentage of it; a high percentage but not all.

They are both similar but if a tariff payment makes it happen, I urge them to come back with that. I think the States' Resolution was to come back in 2017, so that Resolution we have been waiting for it a long time.

Just to sum up, I will support 3, 5 and 6. Perhaps the one that has been most debated is 6. Vote for 6 and make a decision when you have the facts. Do not make the decision now. Remember that site is made up of very different areas. Not all of it is polluted, if it is polluted. We had pollution at Admiral Park, for example, and that was developed. Sites which had pollution can be developed and made good use of.

Thank you.

**The Bailiff:** Deputy Hansmann Rouxel; and then Deputy Langlois has stood many times, so I will call him after.

**Deputy Hansmann Rouxel:** Thank you, sir.

I just want to start off by thanking Deputy Merrett and her Requéants; but particularly Deputy Merrett for bringing this Requête. I know that she has put a lot of blood, sweat and tears into bringing this Requête. It comes from a place of frustration and feeling that we really need to be able to do something to address people's concerns. A lot has been said about the reason why we end up tied in knots and I do not think it is as simple.

Unfortunately one of the consequences of us having this Requête is the perception from people that should this Requête not pass then things will not change. I do feel that there is some proactive response from the Development & Planning Authority, but on the other side there is a perception that, should this Requête pass then those little greenfield spaces are protected and everything is going to be hunky dory and nothing is going to get built on that somebody does not want to get built on.

I do not think this is propagated by the Requéants but that is the perception out there. Again there have been some bizarre assumptions made by the Vale Douzaine that those Vale Deputies who did not sign the Requête were somehow remiss in their duties – **(Deputy Fallaize: Hear, hear!)** *(Laughter)* Deputy Fallaize being the only Vale Deputy who represented the Vale by signing the Requête.

Again it is not every single aspect of the Requête. It is good that we have this debate but the perception and how this is reported – and this is to the media who are listening – be careful how you report this, **(Several Members: Hear, hear.)** because it is not a silver bullet. No silver bullet can destroy a werewolf.

So, on to the specifics of the Requête. I just wanted to get that out of the way, not that it will make any difference to how this is reported, unfortunately.

The Requête itself, a lot has been said about Proposition 2 and that is where I think most of the meat of the Requête sits, trying to acknowledge all these little bits. One of the areas that it talks about is areas of biodiversity importance and whether they should be considered, designated as sites of special significance to afford them more protection. Again, it sounds alarm bells for me because it does not address ... it gives a sense of actually if something is a site of special significance then it cannot be built on. Would it add greater protection if the ABIs, if we had adequate environmental protections, like the Wildlife and Countryside Act 1981, in the UK?

In that Act, primary legislation, which protects animals, plants and habitats in the UK, how would this help? Because if we look at how the UK works, when we see that there are more checks and balances and their balances are more robust; for instance if there a planning application which falls in a site of SSI, which is a site of special scientific interest, the local authority must notify Natural England. Natural England then has powers to require that planning authority to

3795 demonstrate compliance with their advice. They provide advice, the planning authority does not necessarily have to take that advice, but Natural England has powers to require the planning authority to demonstrate compliance with their advice.

They have the ability to hold off the development until things are done. They can also, if appropriate, take legal action and challenge the validity of the planning decision. There are also  
3800 special consultation arrangements before any local authority can grant planning permission. For instance, in a guidance, I think, of Chichester local plan, which I looked up, they need to look at the Wildlife and Countryside Act, they need to look at the Conservation of Habitats and Species Regulations 2010, which is an EU directive; they have to look at the national planning policy framework, wildlife is a material consideration; and they need to look at their own biodiversity of  
3805 the Chichester local plan.

So there are all these extra things and it sounds like an eye-watering amount of bureaucracy so before Deputy Ferbrache has a cardiac arrest at the thought of me suggesting that, I am not advocating that level of bureaucracy. But we have an unbalanced system where that level of  
bureaucracy and complexity of the Planning Law, which operates with the power of primary  
3810 legislation, against almost a vacuum of protections for other areas.

So you have the 2005 Planning Law, which is primary legislation, it has the force of Law, but all of these other aspects, like the protection of wildlife, like the protection of habitats, like biodiversity, do not have those statutory protections. I am not advocating that we implement all these statutory protections because all that does is just bring more bureaucracy.

3815 When a planning application arrives, these factors around areas of biodiversity, planning does consult with the stakeholders, but they then interpret this consultation and decide. They are the arbitrators. I think part of the reason for the increasing feeling of powerlessness and the desire to investigate third party appeals, just part of the reason, stems from exactly this deficit. When, for instance, representations are made by experts in those fields, whose expertise far outweigh the  
3820 expertise in biodiversity or agriculture than perhaps a civil servant who is a planner, or a more generalist civil servant, their opinion is weighted along with other lay representation and not as an expert. Unless we are either able to give those opinions sufficient weight in the decision-making process, or we ensure that the expert opinions are provided on a statutory platform, like Natural England, we will continue to fall short of providing a route for public expressions and the public's  
3825 expectations.

As Deputy Fallaize has pointed out, we have tied ourselves up in these planning knots and it is this frustration that has come through so clearly, through much of the debate of the IDP. I feel this frustration and, yes, we have had descriptions of the good old days, or not, that led to ribbon development and houses built as close to the road as possible, because services ended at the  
3830 road, and connecting or extending them into your property would cost money so, as a result, you have properties literally sitting on the road and no space for pedestrian walks or pavements; or random open spaces that are not built near any amenities, like Port Soif.

All of those things, much of the tension that we have created ourselves, is in response to trying to unpick the negative consequences of past planning decisions or, in some cases, the lack of  
3835 planning. This very real tension of land use, on a finite Island, is immense. Using land in the most efficient and productive way that also supports the economy and the social and environmental objectives of the States, is a near-impossible task. I think this is what has led us to try and create a Planning Law that tries to marry all of those things.

I do not feel that it has been a wasted Requête but I have to just say, in terms of Proposition 2,  
3840 I thought long and hard about voting for it and I cannot vote for it, for the reasons specified by the Development & Planning Authority, in terms of the timeline and what it actually would indicate.

There is one other reason that came to mind and one was this idea of in-principle decision and the possible unintended consequences of making an in-principle decision that we would then  
3845 take those things forward to the planning inquiry. If we made an in-principle decision but nothing can be incorporated and therefore enforced until after 2021, would there be a rush by developers

to get planning permission and build on green fields before the rules were altered? For me, the temptation is to try and do something but I think in trying to do something we could make the situation worse.

3850 Last but not least, I would just like to declare an interest because, in the recycled number 14, it does make reference to areas of important open land and it actually does mention that these policies have not been sufficient to justify refusal of permission on sites such as Maresquet in the Vale or La Pointe, and I am a neighbour of La Pointe field and therefore have an interest in that field staying the way it is.

3855 With a heavy heart I say that I will not be voting for 2. I will be voting for 3, 4, 5, 6 and most definitely 7, which is the resource one, (*Laughter*) and 8, which directs the preparation of legislation as necessary. And in 9, I will be voting for (a) but not (b), as I do not see the need to direct the review of the legislation.

3860 **The Bailiff:** Deputy Langlois.

**Deputy Langlois:** Thank you, sir.

As Deputy Ferbrache has left the Chamber I do not feel inhibited about thanking him for what I thought was the speech with easily the greatest clarity and sense I have heard this afternoon. I do not think that is unconnected with the fact he has obviously spent a large part of his professional career involved in probably jousting matches with the planners (*Interjections*) – yes, and winning.

I agree with Deputy Hansmann Rouxel regarding Proposition 2. The question I asked myself was would the benefits of compressing the timeline, as the Requête suggests, for the review outweigh the disbenefits? I cannot see that they do, in any way, as the DPA has shown. You are only talking about a few months and the degree of disturbance to the process is just incompatible with a sensible way of approaching some of the points Deputy Merrett has made in the Requête.

3870 I can understand she would like the opportunity for the review to take place in this term, given the fact that we agreed the IDP earlier in this term. I understand that but I do not think it is worth attempting to compress the process in the way this Requête suggests.

3875 But there is one other aspect of this, which I find slightly disturbing, in that it is as if we are on a pendulum and we do not quite realise it. Some people referred to the bad old days, when planning decisions were largely subjective and politicians were heavily involved in them. There was a reaction to that because it simply did not work very well and was fairly catastrophic, in fact.

3880 So the concept of development plans arose and the pendulum started moving in that direction. Over the years we have refined the development plans and in such a way that the SLUP, for instance, was the result – an extraordinarily wide-ranging and detailed consultation with the people of this Island. Obviously the development plans then arise out of that. So when Deputy Graham and Deputy Fallaize, in particular, criticise the rigidity of our planning system, in some ways the rigidity is there to protect the objective policies which have been derived from many years of consultation with the population, from the subjective whims of politicians. That is where the pendulum is at the moment.

3890 So I find it alarming when people say, as Deputy Fallaize says frequently, that we have got this ridiculously rigid system and that is where the problem lies. That rigid system is there to protect all the work that went into finding out as best one can what the people of this Island really want in terms of development of the Island.

Now, people can believe that if we re-ran the SLUP over the next three years, it will change; but it will not. It will still end up with the concept of trying to preserve what little we have got left of the rural areas and concentrating development in the two main centres and in the local centres. In other words, I do not believe the SLUP would fundamentally change, simply because there was so much consultation went into the SLUP as it stands at the moment. I think people maybe want to believe that we would have a change but I simply do not think that is going to happen.

3895 Once you have got that as the base for your development plan you end up with a development plan probably pretty much as we have got at the moment. I am not saying it is

without flaws and the DPA have brought in their action plan and there will be plenty of time to review the Island Development Plan according to schedule, rather than attempting to rush it, which is what this Requête is trying to do, and we might get somewhere.

But it is no good everybody imagining there is a perfect system. This pendulum of subjectivity and then swinging back to a more objective planning system is going to continue simply because, as people are now expressing their discontent with the current system, if we introduce far more subjectivity, such as Deputy Yerby seems so keen on, there will be a reaction to that and people will be standing up here in a few years' time, objecting to the ridiculous idea of allowing politicians, who know nothing about planning or development, to be making crucial decisions.

So there is no nirvana, in terms of planning policy. We can only try to get a reasonably balanced one. It might be that the IDP is flawed. I personally think it is probably not detailed enough, especially in the main centres. I think there should be a far finer grain, for instance, in the northern main centre, which is where community plans would come in. But then what concerns me about that is listening to the reports of the open planning meetings and the controversy around them and the controversy surrounding appeals and tribunals, it worries me that community plans again, people somehow imagine that has got to do with changing policy when what all those tribunals and those meetings are about is examining the interpretation of policy. They are not about changing policies.

People's expectations seem to be far too high. If there is a policy flaw – and it is always possible of course that a policy might be being interpreted incorrectly. I know that as somebody who fought the westward expansion of the Airport to no avail, absolutely convinced to this day that there was a failure to interpret development plan policy correctly.

But people do seem to imagine that the only problem with these various tribunals and meetings is that somehow politicians do not have more say in the final decision. There is no reason a politician should make a better judgement or better interpretation of policy than officers do, or the members of the tribunal. I am really concerned that people's expectations are being built up far too highly for the community plans. We have got to read where the community plans fit into our existing system.

I do not want to blame anybody for this but maybe it is almost inevitable that politicians, when they are faced with angry Islanders about some particular planning decision that has been made, want to give them some hope that there is going to be a remedy and in many cases there simply are not.

If the Island decided, through the SLUP consultation, that development should be concentrated in the two main centres, and everybody keeps talking about the north and it is the northern main centre, then there is going to be some development in the northern main centre, as night follows day. What people should be concentrating on is making those centres the best place they possibly can be.

I will be supporting Proposition 6, with my fingers crossed, because I think the northern main centre desperately needs some TLC. We have set up a Seafront Enhancement Area for St Peter Port, which is doing okay as far as I can see, but somewhere that really needs the States to have a good look at and maybe even financial intervention, that seems to be obvious what is needed up there and it might go some way to alleviating the concerns that people who live in that main centre feel.

I will not go on about any more detail about the centre, or I will start charging; but I have got some ideas! Anyway, I think I will leave it at that. I would definitely advise everybody not to support 2 because I think that would be disastrous if we tried to accelerate the timeline. But on the other hand, I do not think the other Propositions would do too much harm or too much good, either.

Thank you.

**The Bailiff:** Deputy Yerby.



3950 **Deputy Yerby:** Thank you, sir.

Deputy Langlois accused me of wanting to inject some subjectivity into the process. Of course, he is slightly wrong. I believe that no matter how hard we try to codify planning decisions, no matter how many rules we put in place and how many exceptions for different scenarios, it is impossible to account for the vast variety of planning scenarios that actually exist. We are only, at best, pretending that the decisions that we make are objective. They are inherently subjective and we need a system that acknowledges and reflects that reality. (**A Member:** Hear, hear.)

3955 Having said that, sir, I think Deputy Dorey really steered us through the Requête well. I feel that I can let Proposition 1 go simply because, if Members vote positively on the other Propositions, they have effectively signalled that they agree with it anyway (*Laughter*) so it is not something I need to be precious about.

3960 Similarly, I can let Proposition 4 go because we wrote the Requête before last month's debate on the Policy & Resource Plan and I do not particularly feel the need or the desire to revisit that.

The meat of it is in the other Propositions. I am delighted with the number of people who have said they will be supporting 3, 5, 6 and of course 7. It would be foolish to vote to do some work and then not provide the resources for the work that we have agreed.

3965 Proposition 8, although I do not think actual legislation will be required at this time, but better to have voted for it than not, then at least we have got that base covered; and as Deputy de Sausmarez reminded us, Proposition 9, since we went through all of that this morning in any event. (*Laughter*)

3970 But I owe it to Deputy Merrett not to leave her to make a single-handed defence of Proposition 2. First I would remind Members how we got here because, as I recall it, at the time the Requête was written, there was no other game in town in terms of responding to the considerable concern arising from the AMR late debate last year.

3975 Now, I know Deputy Tindall was working on her action plan at that time and we are now in a different place with the action plan having been published. I want to try and say what I have got to say without it reflecting any slight on the character or the integrity of any of the Members of the Development & Planning Authority, but if Members will recall the many email exchanges that we were all a part of, there were periods of time where it was not clear that the DPA, as a political entity, had a single point of view.

3980 So in terms of knowing whether or not the DPA as an entity was going to be able to come to a cohesive position on any action plan, at the time the Requête was being prepared the jury was very much out on that. It is very much to the DPA's credit that now they have done and they are all behind this action plan as I understand it.

3985 I do agree, again, with Deputy Dorey, as he said the States should set the policy direction at an early stage in the planning process so that we know what parameters we are working within and the States is not the last one to the party at the end of a long process. But I do also think that we need the responsiveness to shape our planning framework in response to what we learn, as things go along, what we learn from our parishioners, what we learn from policy development in areas other than planning policy.

3990 I feel that Proposition 2 is a way of demonstrating that responsiveness in a way that we had not seen, again before the Requête was published, although as I said, now that we have the action plan we are beginning to see that in different ways. But despite thinking that everything in Proposition 2 is of signal importance to our community and really does need to be addressed, and recalling the strength of feeling around it in the AMR debate, it needs to be addressed with some degree of urgency.

3995 I am giving a slightly cagey defence of that and that is because of the way that the DPA have told us that they will respond if Proposition 2 is successful. If I was being very cheeky I might accuse them of doing a P&R, in that they have told us that whatever we decide today, the outcome is going to be *this* and it is effectively going to delay the process in respect of what might otherwise be done and certainly not result in a better outcome and be delivered as a result of the action plan.

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This is definitely subjective and this is definitely a matter of opinion. My opinion is that where there is a political will there is a way, as Deputy Fallaize I think said about the Cobo Alice amendment. If the will of the States is clear, the Committee or the authority, if it chose to, ought to be able and is able to find a way to deliver on it.

I know that Deputy Tindall disagrees, in fact she has already told me that and she will doubtless set that out in her response to the debate. The big tension within me is whether I can vote for Proposition 2, knowing what the DPA will do with it if it is successful. So my position is yes, but with a heavy heart, and almost with a horrible disloyalty that possibly I would not do it if I thought the rest of this Assembly was going to do it. But then maybe if I thought the rest of the Assembly was going to support it, I would hope that the DPA would reconsider how they would then respond to and enact it.

I think that part of the reason for including and building this Requête around Proposition 2 is that we do not want to be having a debate around the AMR, last year, which said these parts of the IDP are not working, a debate today which says these parts of the IDP are not working; and then for the DPA to go through a process to recommend changes to the IDP, whether now or whether in a couple of years' time, which does not find another way of addressing the bits that are not working.

In this context my worst nightmare (*Laughter*) is that we go through that process and come to the conclusion that actually everything is fine, the people who are getting worried about it have got nothing to get worried about, so let us just stick with what we have got because all it needs is to get over some teething problems and continue as it is. So whatever the outcome on Proposition 2 I suppose my message to the DPA is, please let's not have the same debate in a year or a year-and-a-half's time.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, I think part of the problem we have here is that of over-promise and under-deliver. When we were sold the IDP, it felt like it was going to solve all our planning problems. We were told how flexible it would be and how it was such a brilliant planning system that everybody would be happy.

But it has not and it was obvious it could not because, as Deputy Fallaize has said, the problem, and this is why I ended up signing the Requête, is because of the process. Really I have got my experience from the whole saga over Les Blanchés – it was a really tortuous planning process, two open planning meetings, crossing two terms, and the decisions wiped away by an unaccountable tribunal. The latter taking place after the IDP came into place and after the site became an agricultural priority area and also being outside the local centre. But it was allowed, as the application came before the IDP.

The problem is this assumption that the IDP means it is so easy to determine a case. You just have to look at the facts and undertake a tick-box exercise such that it is obvious whether a site can be developed on it or not. The concept of minor departures, though, is meaningless as far as I am concerned. It is more a case of greyness, whether it is 50 shades or not. Every application has an element of greyness about it. If it was all about facts, we would not have lots of expensive advocates making their living in relation to planning applications. (*Interjections*) No, Deputy Ferbrache is not here for me to say that, so I feel quite safe!

And the process, just as Deputy Graham has said, is really stacked against the community. The community cannot make an application to the tribunal; the community do not even have a voice at a tribunal. That is why I will be supporting 3, 5 and 6 in particular. I agree with Deputy Yerby, I think 4 really has been superseded by the discussion and what came out of the P&R Plan last month.

In respect of Proposition 2, I have listened to what P&R have said in the letter and the reams of material from Deputy Tindall, which I am grateful for. I am actually really grateful she has whittled

it right down into a couple of flow charts, which really do make sense and have brought it home to me. I cannot see myself being able to support Proposition 2.

4055 I am acutely aware of the fact that funds are tight at the moment and I am really not sure whether forking out quite that amount of money for just a short amount of time, in effect, to speed things up that much, if it does, really justifies supporting Proposition 2.

4060 However, I do totally support Deputy Fallaize when it comes to the sheer complexity of the system, with so many inter-dependencies that they are not allowed to change for a decade. Just image if, when we were faced with the NICE Drugs Requête, we said, 'Sorry it is a 10-year policy and it cannot change without the process and the process, now, that will take two years.' As Deputy Fallaize said, this is the only place where the process is like working through treacle and you have got no idea where it is going to go.

4065 So, in a nutshell, my reason for signing the Requête was about process. It was not particularly about the IDP, although I do have concerns which I hope area addressed as part of a review, in particular over retail. I think we have got it completely wrong there. I think everybody has got far too complicated for something that should have been quite simple. So that is why I will support all the Propositions bar 2 and 4, for the reasons I have said, it is not really necessary now.

4070 I would like to just finally thank Deputy Merrett for all the hard work she has put into this Requête actually. She really has led this Requête and got the facts. This has not come out from just a Friday night of thinking, 'I am fed up with something.' A lot of work has gone into the Requête and I think it really has moved the debate on in this regard. Also to Deputy Tindall for her valiant defence, (**A Member:** Hear, hear.) but I cannot fully fall in favour of what she wants.

4075 So I will support everything bar Propositions 2 and 4.

**The Bailiff:** Members, it is approaching 5.20 p.m. I think we are getting to the point where we need to have a decision as to whether we continue to sit this evening. (**A Member:** Pour!) I do not see the point of saying, 'Let's sit for another half an hour or an hour.' I think if we continue to sit it has got to be to the conclusion of the debate.

4080 So can I just have an indication of how many people have not spoken and would still wish to do so? And then obviously Deputy Merrett will reply. So there are nine standing, plus Deputy Merrett, so it looks like 10 speeches still to come.

4085 I will put to Members the Proposition that we continue to sit until conclusion of the debate. That is what I will put to you: that we continue to sit until the conclusion of this debate. Those in favour; those against.

*Some Members voted Pour; others voted Contre.*

**The Bailiff:** I think that is too close for me to call.

**Deputy Lester Queripel:** A recorded vote, sir, please?

4090 **The Bailiff:** Yes, we will need a recorded vote.

**A Member:** We have also got to do the next States' business as well, sir.

4095 **The Bailiff:** Yes, next States' business, but that will only take a couple of minutes,

**A Member:** I know, but you did say we would finish at the end of the debate.

**The Bailiff:** Deputy Tindall.

**Deputy Tindall:** Sir, could I make an observation, because obviously from the DPA's perspective, if we do not get direction before 4th September, if it is rolled over to 4th September, we will lose even more months. I just wanted to point that out before the vote.

**The Bailiff:** I think that point has already been made. I think that point was made earlier. So the Proposition is that we continue to sit until the conclusion of the debate, however late that might be.

*There was a recorded vote.*

*Carried – Pour 22, Contre 9, Ne vote pas 0, Absent 9*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Fallaize	Deputy Lowe	None	Deputy Roffey
Deputy Inder	Deputy Green		Deputy Oliver
Deputy Laurie Queripel	Deputy Dorey		Alderney Rep. Roberts
Deputy Smithies	Deputy Le Tocq		Alderney Rep Snowdon
Deputy Hansmann Rouxel	Deputy Brouard		Deputy Ferbrache
Deputy Graham	Deputy Dudley-Owen		Deputy Parkinson
Deputy Paint	Deputy Kuttelwascher		Deputy Leadbeater
Deputy Yerby	Deputy St Pier		Deputy Mooney
Deputy de Lisle	Deputy Stephens		Deputy Meerveld
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Prow			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			

**The Bailiff:** The voting on that Proposition was 22 in favour, with 9 against. We will continue to sit, then, until the debate is concluded, however late that might be.  
Deputy Laurie Queripel.

**Deputy Laurie Queripel:** Thank you, sir.  
Whether I support the Requête or not, of parts of it or not, because as has been pointed out, it is not perfect, even though it is comprehensive and a lot of work has gone into it and I thank the Requérents for that, I certainly chime with the spirit of it and the concerns it raises.

But I just want to echo and add some additional observations to those concerns. The first thing that I am rather nonplussed about is this continued narrative coming from some quarters, and it is coming from the DPA, that there are not really any problems with the IDP and there is no real clear evidence that there are problems. I am quite dumbfounded by that.

**Deputy Lester Queripel:** Sir, point of correction.

**The Bailiff:** Deputy Lester Queripel, point of correction. *(Interjections)*

**Deputy Lester Queripel:** Sir, in my speech I said I thought the IDP was an unwieldy monster and I also said the evidence is there that policy GP11 is not working. So Deputy Laurie Queripel is not actually correct in what he has just said, sir. *(Laughter and interjections)*

**Deputy Laurie Queripel:** I sort of accept what Deputy Lester Queripel is saying, sir, but as far as I remember the DPA is not a one-man committee. So I think that is pretty much a minority view. *(Laughter and interjections)* I give way to Deputy Tindall, sir.

4130 **Deputy Tindall:** I am grateful for Deputy Laurie Queripel giving way. Very simply, there is a lot that we think we could do. The evidence comes through Annual Monitoring Reports so I can add another one to Deputy Lester Queripel, I do not think visitor accommodation is working right. But I just give you examples. It is not as black and white, I am afraid.

4135 **Deputy Laurie Queripel:** I appreciate that but to me the evidence is very clear that things are not working, either in regard to the policies or perhaps in the way they are being interpreted. Perhaps I can put it that way?

If ever there was a good example of the shortcomings of the IDP or the way that policies are being interpreted, it is this: the fact that the field at Les Maresquet is under threat of development. 4140 I do not know if Members know where Les Maresquet field is but it is on the north side in La Hure Mare Road and it is an area that is already densely developed, there is quite a bit of residential there, sir. It is right next to the Power Station, to Guernsey Electricity, there is a lot of industrial down there. There are freight yards, there is a recycling centre. States' Works are located there as well.

4145 If ever an area desperately needed the relief and the contrast of one green field it is the Maresquet area and yet that area, that field, is under threat of development. I think, if I remember rightly, there has been a framework that says that perhaps 30-50 houses could be placed on that field and there is also talk about, because it is next to the power station, it might need to be screened or surrounded by a higher wall.

4150 What effect that would have on the area and on the amenity or the enjoyment of the area, for the neighbours, is hard to comprehend. There are other examples, too, that one could point to but for me, having been close to that issue and dealt with the residents in that area, that is a classic example of where the IDP falls short, or at least the interpretation of the policies fall short. That area is desperately in need of that relief of that green space of that field and it is under threat 4155 of very dense development.

I did mention the fact I think there are some problems with the policies but actually I think it is more to do with almost the slavish adherence to the fact that the north has been targeted for development, so it is almost like you would have to fill in every gap or every blank or every green space. That should not be the case at all, sir. There needs to be green space in the north, 4160 regardless of the fact that it has been targeted for development. I think because the policies, as I say, have been perhaps slavishly or mechanically adhered to.

That could be solved, actually, in my view anyway, to some extent by a better application of the general material planning considerations. To me, the general material planning considerations, as far as I am concerned, are undervalued and they are under-weighted and they are not applied 4165 in the way that they should be.

I will just give a small sample of what the general material planning considerations say. The introduction to them says:

The general material considerations which must be taken into account by the authority determining a planning application ....

It is a bit of a throwback, sir, these considerations. They came from the 2007 Ordinance. They have been in place for a long time.

The authority must have regard to:

13.1(a) The likely effect of the development on the natural beauty and landscape quality of the location in question.

4170 Well if you are thinking about Les Maresquet, immediately that 13.1(a) should call into question the suitability of developing the only green field in that area. It goes on to say:

13.1(c) The appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used.

Now, if anybody can tell me that a high screening wall that might make a development look a bit like a prison camp is a suitable or an appropriate development then I think they should think again. Then in 13.1(d):

The likely effect of the development on the character and amenity of the locality in question.

4175 Once again sir, when you think about what I have described in regard to the Maresquet area and the fact that it is the one green field left in that area that should itself, once again, call into question the idea of development on that field.

The likely effect of the development on roads and infrastructure, traffic and essential services,

It goes on to say in 13.1:

(h) The likely effect of the development on parks, playing fields and other spaces

(i) The likely effect of the development on the reasonable enjoyment of neighbouring properties.

4180 In my opinion, if those general material planning considerations were given the prominence that they really should have and perhaps even beefed up with definitions in them, I think that is the sort of policy, as it were, that should prevent some development on greenfield areas.

So I think actually that is something that, whatever the DPA do, I really do think they need to think again about how they apply, or do *not* apply, those general material planning considerations because they should have much more prominence and they should factor into everything that  
4185 they do, but particularly when they are looking at developing a green field in an otherwise very densely developed area.

So the lack of weight given to those, sir, I think if they were interpreted and weighted properly it would have helped to overcome a number of the problems that we are seeing at the moment. That to me is very clear evidence of where things are not quite working right or not being  
4190 interpreted in the right way.

Now, sir, the other area where I think the IDP is a bit slavish in the way that it is applied is, and I can only speak for the Vale, I am sure it occurs in St Sampson's as well, there are vineries ... And if vineries have gone into disuse I am all for finding an alternative use for them if they are placed in a suitable area, but in the Vale there are vineries that are being targeted for an alternative use that  
4195 are clearly unsuitable for that use. Sometimes they are down very narrow lanes, sometimes it is down a rue tranquille in an area that is otherwise residential. How you can adapt environments for industrial use in that scenario, where you are going to have trucks and vans and heavy goods vehicles going down a narrow lane in a residential area to an environment that has been changed for industrial use, I find it is difficult to understand. To me the IDP is not working in that way  
4200 either, sir.

Actually the ironic thing is there are vineries in other parts of the Island that are much more easily accessible that are probably on main roads that are not very close to residential areas are not even considered for that sort of use. So there is an imbalance there for me, as well.

The other thing that I do not think that the IDP does very well, or at all – and Deputy Ferbrache touched on this when he spoke earlier, we were talking about an infrastructure plan – is the fact that there are sites that are quite close to each other, adjacent to each other, and they are all up for potential development. There is not a great deal of thought about the cumulative effect of that development either in a social sense or in regard to the infrastructure, the roads, the drains, the services; and that is another shortcoming I think that should be addressed within the IDP.  
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4210 As for supporting the Requête, I have heard what has been said about Proposition 2 and the fact that the DPA have said it is not possible to come back to the States by April 2020. But because, when I look at Proposition 2, it talks about:

- (a) Giving greater consideration to the cumulative impact of separate developments ...
- (b) Re-evaluating the need for Development Frameworks ...
- (c) Reconsidering the approach to prioritisation of development on Housing Allocation areas, in a manner that affords greater protection to greenfield sites, designated as Housing Allocation Areas

Those are all really good things, those are all things that really need to be looked at, and I am still minded to support that even though we are told that the DPA might not be able to meet that April deadline and might only be able to come back in September. To me, that sort of thing needs addressing sooner rather than later.

I will just find my notes again.

Now, I asked Deputy Brouard a question this morning, sir – and I know the Leale's Yard situation has been spoken about at length today, but what really galls me about that site is it was serving a very good purpose before the Co-op decided to clear it out. It was actually serving a vital purpose. It was an industrial complex, an industrial yard. As far as I am aware, it was fully subscribed to, it was full to capacity, there was a waiting list for people to go into that site and it was closed at pretty short notice and many businesses either could not find suitable premises or had to close down because that yard ceased to exist as an industrial yard. And it has been lying dormant now, as a wasteland really, for well over 10 years.

Now, that is a great shame. The Co-op made a commercial decision to do that. They thought they could do something else with it. They are clearly finding that to be a problem now and I agree with the points that Deputy Inder and others have made. I am really not sure that the States should be galloping to their rescue to bail them out in order for something to be done with that site, when we do have other sites and more suitable sites that could be used for affordable housing.

The other thing about the IDP that I find rather strange and it is a bit of an Orwellian-type thing, really, in George Orwell's book *1984* it talks about 'war is peace' and all that sort of thing. The other thing I find about the IDP is the fact that it does class vineries as greenfield sites. I just do not know how that can be. There are structures on vineries. There are greenhouses, there are packing sheds, there are boiler pits, there is a great deal of contamination on vinery sites from lead paint, from glass, from different kinds of fuels. How they can be classed as greenfield sites I just do not know.

But they are only classed, it seems to me, as greenfield sites in certain areas of the Island. In other areas of the Island they are fair game to be developed in some way. There is not a lot of consistency there for me. I know that goes back to the SLUP, where the SLUP tells us where certain developments can take place and where they cannot. But nonetheless I think there needs to be a different definition for vinery sites. I do not think just classing them as a greenfield site is accurate or truthful.

So, for me sir, there is very clear evidence that there is a problem with the IDP. There is very clear evidence that things are not working as they should do. Whether that is the policies or the interpretation of the policies, or the general material planning considerations not being applied properly, there is a problem somewhere and it needs to be addressed sooner, rather than later.

So, yes, there are certainly parts of the Requête I will be supporting. I may even be supporting those parts of the Requête even though we have had the comments from the DPA about what they can comply with and what they cannot comply with.

Thank you, sir.

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you, sir.

I shall be very brief indeed and try to contribute to your very optimistic 10-minute average. I can be brief because what I would have wanted to say has been very eloquently said in three speeches: that is Deputy Graham, Deputy Fallaize and Deputy Soulsby. I think the words that ring in my ears are those of Deputy Graham's: 'the impenetrable matrix'.

I will not delve into any technical aspect because they have all been very covered. I could do, though. I think the one single subject I get most representations on, is around representations to the DPA; and I was involved in open planning with what happened at Les Blanchés, which has been covered by Deputy Soulsby.

4265 The one Proposition I do have difficulty with is Recommendation 6 and that is actually, I think Deputy Smithies summed that up best, around it being a bit too detailed to be considered in the round with the others and I have some reservations about that one.

4270 What I must say is, again I agree with Deputy Soulsby and thank Deputy Merrett and all the other Requéants because this is a subject that is something, in the democratic process, where we get a lot of representations and Deputy Merrett has done a lot of work and research, as she always does, and I think bringing this Requête is very important and a very important debate. I also thank Deputy Dudley-Owen and Deputy de Sausmarez for bringing the Woodland Propositions, which I shall also be supporting.

Thank you, sir.

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**The Bailiff:** Deputy Le Pelley.

**Deputy Le Pelley:** Yes, sir. I would just like to say that I am going to support the whole thing. 'Action this day' is a well-known phrase from Winston Churchill. I think we have heard the people living in St Sampson's want action this day and the sooner we can get moving on this the better.

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**The Bailiff:** Anyone else? Deputy Gollop.

**Deputy Gollop:** Sir, thank you very much.

4285 Yes, like Deputy Le Pelley, I might not be quite as short as him, but the message will be similar. I am likely to support the whole thing even though I could argue intellectually about reservations for this, that and the other. It is just I suppose I have come to the view that, although we are seeing the cultural change Deputy Tindall is working hard on with the new Committee, on the action plan, which is very well presented on many levels, we do need to have a culture of change about how we perceive planning and how we act to it.

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I have to say I felt a bit thrown to the wolves, really, in the last few years, with States' Members and douzeniers and all kinds of people taking a pop at the IDP, something they had all unanimously supported back in 2016 and in a way, perhaps, although they have taken a fatherly or motherly interest in us from time to time, when there were queries raised a year or two ago, there has not been that much political engagement with the Policy & Resources Committee. I appreciate Deputy Stephens attended one of our open planning meetings and Deputy St Pier attended one of our DPA meetings.

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The reason I say that is this. We had a constitutional change in our structure, which was quite fundamental, back in Easter 2016, and I actually was the only crossover Member, politically speaking, from the old Environment Committee. My intention was really to do not the full term but perhaps two years, and I think I have stayed a year too long, both for my own benefit and for the benefit of the Committee, because you had a situation whereby we had a new system of Government and a shortage of candidates for the presidential role.

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I remember Policy & Resources neither specifically endorsed me nor put up an alternative. And that is how it has been a bit, because we went into the confusion, initially, as to who was responsible even for presenting the key work stream of the Island Development Plan, we have had a bit of that with the seafront enhancement. And we were downgraded because many more nostalgic voices that I have heard today have talked about, for good or bad, the old Island Development Committee and its personalities and characters.

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4310 But in those days when it had heavyweights – I heard somebody describe the late Deputy Bell, Deputy Advocate Langlois and so on – in that era the IDC was a major committee. It had nine members, including the redoubtable Colonel Deputy Graham next to me, when he was a non-



States' member. It commanded respect and it was an A-level committee in terms of pay grades, politicians, and rankings and all that. Eventually we became a C-grade committee because the Development & Planning Authority more or less has the same ranking as the old Island Development Committee in terms of its mandate, but its political status is infinitely less. Indeed it does not have Principal Committee status, which has led to some issues with the Policy & Resource Plan and so on.

That is all part of the general narrative and context, because I do not think Policy & Resources have really been listening to either perhaps DPA voices or the voices of many others who have felt a degree of dissatisfaction with planning. Some of those concerns are actually based upon perhaps false assumptions and misleading interpretations but it has been a conversation that has dominated the last year or so of the Assembly and it clearly requires a degree of analysis, which in many ways the Merrett Requête calls for.

There have been issues, and I do not know if it is my place really to go into specifics like the Cobo situation, I do not think I will. But I will just say that I would have come to a different decision, personally, of having an open planning meeting, if I had been aware of all the facts, and that was partly my fault, perhaps, as President, and partly we needed additional information from the officer team and maybe St James' Chambers. But you can all be wise after the event.

I would say that the current system we have, and I pointed this out more when I was an ordinary member, because I feel as a president you have a duty to try to bring the committee together, the different voices, supporting the officers as well, who have a hard job to do and have professional experience and competency. But when I was an individual Member with Deputy Brehaut and others, I used to regularly say I did not understand what our role was in coming to adjudications in open planning meetings.

In those days you only appeared at open planning meetings if you were a member of the Environment Department board and then, in the change, you are in the situation where the one committee could not share members with you, although it shared officers, was Environment & Infrastructure. We were separated, so the two roles were incompatible. And that, actually, has led to the DPA being more in the spotlight.

But an issue I had then and still have is, if you compare the argument Deputy Ferbrache ably put today, that really politicians should stay away from planning decisions, and you compare and contrast it with the Deputy Fallaize view and other people, Deputy Queripel, saying that maybe there is a democratic deficit, what we have at the moment is a really muddy compromise. The open planning meetings and occasionally decisions being taken behind the closed doors, is not working. It is something and nothing. It is neither fish nor fowl.

I went over to Jersey last week, I have not time to go into all of that, but I think perhaps they have an even more complicated system from a political point of view; they possibly manage it differently because of a different set of personalities and issues. But intrinsically what we have got at the moment is an awkward compromise and that is why I entirely endorse what Deputy Merrett says about the need for analysis of the committee's role and the political role.

Leale's Yard, to be honest the Requête is too ambitious because it covers an enormous scope and it is very unusual, from a political watcher's point of view, that many of the signatories, despite having commitment to the goals of the Requête are not going to vote for individual Propositions. They clearly come at it a bit like DPA Members in the past, from several different perspectives. That is interesting.

For example, Deputy Lester Queripel made the point about evidence but of course we have different views, even on the committee, as to what constituted evidence. In a committee which is heavily influenced by professional expertise, that evidence ought, to a certain extent, come to officers. I think it is a judgement call as to how far politicians should be involved with planning decisions. I think the last year has taught me that, for the foreseeable future, we actually do need to consider more involvement.

You know, we have heard a lot of talk about Home Affairs and where the boundaries are, we all know that the Home Affairs have certainly a key role in resourcing the police force in terms of

4365 financing the police force, in terms of legislation, but we would all have concerns if there was any possibility of any member of Home Affairs, hypothetically, I am sure this has never happened, wanting evidence as to whether to prosecute John Gollop for throwing his cigarette butts in the street. **(Two Members: Pour!) (Laughter)**

4370 There is a clear difference between the operational role and the policy role and it is not that clear in planning, it has to be said, because the expectation of Douzaines, of Constables, of many members of the public, of the people who have been contacting Deputy Prow and Deputy Merrett, is that Deputies are actually sitting there, nine-to-five, going through the applications and saying yes or no to them, or going out in a bus all over.

4375 Clearly we are not fully conversant in actually communicating how accurate or not accurate that is and I realised after the second year, I think we had a good first two years, that I was not temperamentally cut out for this position, because I did not want to have difficult conversations with committee members or, perhaps, officers, from time to time. I wanted to be popular and the role is quasi-judicial, to a degree. I could not live with approving decisions that we had not necessarily looked at, due to delegation, and there were many other areas I could go into. 4380 Because I think it is a particularly unusual role, as presently structured, because the politicians are more monitors and regulators than they are decision-makers in many respects.

What I would say though is that actually, even if Deputy Merrett does not win all of her Requête today, it has made progress, because I think the action plan that Deputy Tindall and the DPA have published, does reflect they are listening and working on concerns, **(A Member: Hear, hear.)** because I think it has gone a lot further than it was possible to do when I was President, maybe. I must admit, despite my three years in the role, I am genuinely surprised to see the DPA response that we will probably, possibly, have a States' debate by November 2021, because I had imagined that we would actually have at least two more Annual Monitoring Reports and that the evidence base to get to the position of a planning inquiry would actually be later than that. If you 4385 look at the DPA review route, one is talking about assessing the evidence in June 2020 and revising SLUP and so on, and even the inspector's report from the independent planning inquiry taking just two months. Well, that is optimistic, especially at the height of the summer, I would suggest. So perhaps both timelines are on the optimistic side. 4390

But what I found particularly impossible with the job was to effectively tell Members who wanted to see change instantly that that was not politically deliverable, it was not deliverable in terms of professionalism or resources, and it was not deliverable in terms of the Law and the structure that we have – the Law that Deputy Graham has referred to and Deputy Laurie Queripel and many others. 4395

So where are we with this? I can support all the Propositions, I will not go through all of them at this point. One can argue about the practicality of some of them and I think perhaps, with hindsight, we should have had a separate Requête debate on Leale's Yard because it raises a completely different set of issues. And, as regards the Island Development Plan, we actually have to look how far we are, as an Assembly, wanting to constrain political involvement and also how far we are going to give stronger environmental protection to sites of special interest, because I 4400 think we did not put enough work into that side of the Plan. 4405

Again, although the points about cumulative development and natural sites have been well made by Deputy de Sausmarez, frequently, we should have had more of a debate on that, with hindsight, in early 2016. The big snag of the DPA, of course, and why I will continue to support the Merrett Requête rather than the DPA version of the timeline – although it is only theoretically two 4410 months away and, as Deputy Soulsby has pointed out, possibly rather expensive – is that it does not bring in the objectivity of a third party. For once I am arguing in favour of consultants.

It also kicks the can down the road, in a manner of speaking, from this Assembly to the next one. We saw perhaps one of the problems we have had as a new committee, when we all went into what was virtually a six-day debate on the Island Development Plan, is many of us were 4415 inexperienced in our roles and there were many new Members. This timeline unfortunately replicates that, with policy letters not going to this Assembly. I think there is a general feeling that

we want greater clarity and perhaps strengthening our commitment to brownfield sites over greenfield sites, sooner rather than later. (**A Member:** Hear, hear.)

I do not think, sir, I will say any more.

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**The Bailiff:** Deputy de Sausmarez and then Deputy Brehaut.

**Deputy de Sausmarez:** Thank you, sir, I will be quick.

I would just like to personally testify to the blood, sweat and tears that Deputy Merrett has put into this and to the chorus of thanks for her and I would also like to add to the chorus of thanks to Deputy Tindall, in particular, who I think has worked her socks off recently. (*Interjections*)

For me, signing this Requête was all about outcomes and that is what I am still focused on and I think it has been a really constructive debate, actually. I include in the word 'debate' all the dialogue that has gone on in the process leading up to this. I am just seeking a few points of reassurance – slightly worried that Deputy Tindall is not around to hear them but anyway, I will pass her the note! (*Laughter*)

I think a lot has been encapsulated in the action plan and I was really glad to read that. I was particularly glad to see the note in the action plan about greenfield sites because I think this hits a nail on the head. It says that the review does look to look at whether brownfield sites should be prioritised before greenfield sites in main centres etc. and, if so, how this might be achieved. I think that is going to be crucial.

Community plans. The action plan does talk about how they can be better communicated but, for me, actually I would like to see us revisit the concept of community plans, look at how they are done elsewhere, which I think is better, generally, and see if there is anything we can do to give those community plans a bit more meaning. I do not think it is just about communicating them better or even resourcing them better, I think it is about looking at what effect they have once they are lodged. I think that is an area that does need to be looked at.

I think Deputy Graham did a very good job of talking about the balance or imbalance, as many people in the community could see, about environmental considerations weighed up against other development considerations; and I thought Deputy Hansmann Rouxel did an extraordinarily good job of cutting through that area and I would hope that her remarks would be taken into very careful account.

One further point of reassurance that I would like to hear from Deputy Tindall is some reassurance about the how the action plan is going to be implemented, because obviously it is something that has been generated at committee level and it does span more than this political term.

Finally, on the point of Leale's Yard I agree with, I cannot remember, I think it was Deputy Dorey who said this is not asking for a decision on Leale's Yard, this is asking for discussions to be had and for a report to come back. I completely agree with him that we should be making a decision at the point that we can see the evidence, so I will be supporting Proposition 6.

In terms of the other Propositions, I look for some reassurance that everything that is included in Proposition 2 can be adequately dealt with and if I can have that reassurance I will be voting against Proposition 2 for the reasons set out eloquently by others. I think that is everything.

**The Bailiff:** Deputy Brehaut.

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

I too would like to praise Deputy Tindall for all over her endeavours and commitment over the past few days and weeks and there was an interpretation earlier today that she was mocking the electorate or mocking parishioners. I think what she was talking to and talking about was what we get a great deal of and we have had a large number of emails, which is the north of the Island is sinking under the weight of development, yet nothing is happening in the south or the other side of the Island. Of course she was right to give the actual figures of four, when a great deal more

properties are being currently constructed, for example, in St Peter Port South. So there is this narrative – and I have used that word again – out there that says that the north is going to bear the brunt of any future development when we know that some of the statistics used hinge on Leale's Yard, which is a non-starter.

Just on Leale's Yard, I need to declare an interest. A family member works at the Co-op, my son, and I am a shareholder, I am sure like a lot of people in this room, and I have a whole tub of green stamps. But what I have not enjoyed is the *schadenfreude* around the Co-op, which is the pleasure at the unease and discomfort they find themselves in. Not so long ago the entire world banking system collapsed and it took a long time for companies and organisations to recover from that. Then a company that was a victim of that, or was compromised by that, then looked to retail when retail moved online. Personally, I think it is just a set of wretched circumstances that have left them in this situation. I used the term before, 'people's park', and what a fantastic opportunity – and I would urge politicians who define themselves by being from the north or northern, to get behind a project such as the people's park.

If you look at the climate action plan, the number of trees that will have to be planted, for example, I appreciate Deputy Le Clerc has got designs on that site too, but we could have a very, very special green lung in an area of this Island that really is calling out for it. I think we should put a bit more effort and endeavour into that, which is why I am supporting Proposition 6.

I do not like this general context of the conversation regarding the Co-op, which is, 'You have got yourself into this mess; you get yourself out.' Hindsight is a wonderful thing but they are a victim, and how many of us could have predicted exactly what happened? I have certainly visited places in the north of England where sites that, for example, like former mining communities and other towns that have lost the pit head and everything, but the slag heaps and everything have been regenerated into nature parks and wetland reserves. So there is real potential down there.

I intended to vote for 3, 5 and 6. I am getting a bit nervous about voting for 5, if I am honest, I will need to think again about voting for 5.

Proposition 4, which may have been overlooked by some and I just ask people, if you want to review the SLUP, just be reminded that any perceived uncertainty over the Island's strategic planning policy could be harmful to the economy and, in particular, the construction industry. So if the message out there is that the plan is up for review, then people could be waiting for that.

I do not have anything more to add other than I think sometimes the Planning Department or States' Members are only as good as the strength or the weakness of the opposition that is out there at the time. Sometimes a relatively small group of people can organise themselves into opposing a development, because some things will always fall outside a policy, won't they? There will always be the really difficult cases, the square pegs that will not go into a round hole. That is the sort of way planning is and we cannot always look to the revision of an entire plan to fit some of these awkward and more difficult cases in.

Thank you, sir.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you, sir.

I am going to do a fairly quick canter through, there are a few fences to jump and I will try not to crash into those. What might help us and especially will help us a bit later on in the evening is, if people just want to have a look at the Propositions that we are going to be asked to vote on and start thinking about where you might go with the nine Propositions that we have.

For those of you who are undecided or need some help I just want to remind you where P&R are and myself in particular. On Recommendation 1 we say that nothing will change, *per se*, from passing Proposition 1, therefore probably not worth adding to that.

On Proposition 2, we do not support it so please mark Proposition 2 as 'not to be supported'! (Laughter)

Proposition 3, support, no problem there. Proposition 4: mark down 'not support'.

Proposition 5, this is the one with the third party. It is an interesting one and it is only for Environment & Infrastructure to undertake the work but there are going to be significant difficulties when it comes in, if you bring it in, or there will have to be some thought about do you only allow it for larger developments? Do you allow it for everything? Does my driveway being tarmacked from gravel be counted in and therefore I have to wait until someone else has had the chance to object to it? I will come on to that more in a moment.

Proposition 6, which is Leale's Yard, and I have got a few comments to say on that in a moment. Please support that.

Proposition 7, (*Interjection*) do not support – thank you very much, Deputy ...

Proposition 8, for the legislation: fine, we need to do that; and the woodland, which is number nine, obviously support (a) and have a real think about whether you would want to do (b).

I am going to give way to Deputy Merrett, if that is okay?

**Deputy Merrett:** Thank you, Deputy Brouard.

Can I just confirm that Policy & Resources wants Members to support some of the Propositions that will need resource but they want us not to support the Proposition that would allow that resource?

**Deputy Brouard:** If that is what it says in our letter then, yes, absolutely. (*Laughter*)

I will just now go through a couple of the fences that I now need to quickly jump. I need to declare an interest on the Co-op, that I am a shareholder with the stamps, but I think, again probably half the States is. I think it is a great opportunity to be something other than an abandoned site, which may carry on for years and years.

I do understand Deputy Inder's concerns but that is what the review, hopefully, will bring out: what it will cost to clean up; who is going to pay? Does it need cleaning up? Could it be a park? Could there be ponds there? Certainly, that area regenerated, I think, would be a bonus for St Sampson's and the Vale. (*Interjection*) If people disagree with that then please say, because I think it would be a good thing to do to get that site moved on to something different. I just want to ... I will give way to Deputy Inder.

**Deputy Inder:** Through you, sir, thank you for giving way.

I may be prepared to vote for 6 but there is quite clearly going to be some work going to be done. So could he confirm that, though you, sir, if Policy & Resources want my support for 6 can they confirm that any of the work done by Policy & Resources will be billed directly to the Co-op? (*Interjection*) Why not?

**Deputy Brouard:** No, I do not think I can ... (*Interjections*)

**Deputy Inder:** There is your answer.

**Deputy Brouard:** Do you want to have that area in St Sampson's left fallow? (*Interjections*) I give way again.

**Deputy Inder:** I have only stood up because the question was directed to me. I do not necessarily want it to lay fallow but I just do not want any of this preparatory work to be paid for by the taxpayer – *the taxpayer*. If this is just a small project, then send the bill to the Co-op.

**Deputy Brouard:** I hear what you say, but I look at it ... There is a different way around looking at it. I would not have an issue for me, personally, I am not speaking on behalf of Policy & Resources, but if it costs me £100,000 to do some research work that ended up that the Co-op was gifting me for free, the site, that I could have a park there for St Sampson's, I would not have a problem with paying £100,000 for that. (*Interjections*) But we do not know at this stage. We need

to find out what it is we are going to be able to do with that site and what the advantages and disadvantages in the costs were. That is the whole point of doing the next stage.

4575 I think you highlighted the issues, which is great. I think you have probably reduced the price considerably this afternoon for them, (*Laughter*) but we need to take it on to the next stage.

I just want to also join in the congratulations to two people. One for Deputy Merrett for bringing this very difficult and thorny issue to debate; and secondly to Deputy Tindall who has done, I think, a sterling job in defending not somebody else's Plan, it is our Plan, it is your Plan and it is my Plan, because we put it there in the first place.

4580 I have just got to do one of these, 'I told you so,' (*Laughter*) I do not do it often, I do not often get the chance, really, it usually goes the wrong way. But there was an opportunity to amend the SLUP back in 2011, to insert at the end of a particular Proposition confining development to brownfield sites except in exceptional circumstances. That did lose, then, and I appreciate you are now going to have a look at it. Obviously myself and Deputy Mahy were eight years ahead of our time. So that is really good.

My final one, and this is probably the nub of it for a lot of parishioners, for a lot of the people who contact us, for my frustrations, it covers what Deputy Langlois was talking about, about the expectations that people have when they make representations, and it also picks up a little bit on what Deputy Graham was saying. I have been in the States 15 years, now. I still struggle to get my head around the concept of making a representation on a planning development site when the planners will allow whatever is allowed under the Laws that I set. So me going along and saying, 'I don't like it' – how on earth is that going to change it? Because the Laws I have set in place give the planners the ability, in fact demand that the planners give permission.

4595 What would be so helpful would be if we had some idea that, when we put a representation in, whether it is worthwhile even doing. In other words, what is actually up for grabs? The planners have been –

I give way to Deputy Lester Queripel.

4600 **Deputy Lester Queripel:** Sir, Deputy Laurie Queripel went to great pains to explain earlier general material planning considerations do exactly the kind of thing that Deputy Brouard is referring to.

4605 **Deputy Brouard:** I will stand up and then sit down again for Deputy Gollop.

**Deputy Gollop:** Thank you very much.

I was just going to point out that Deputy Brouard has taken us back to the nub of the question and that is how far does the States want and can tolerate under the current Law, without legislative change, the subjectivity – Deputy Yerby used that word – of politicians who sit either as a right on the DPA because they are elected or, perhaps in Deputy Fallaize's case, to fill a vacancy, how far that subjectivity can materially be used as departure from official planning policy?

4610 The second point, that Deputy Soulsby particularly reminded us of, how far that subjectivity can be respected by what is effectively a second chamber of a planning tribunal, rather than instead of taking the political elements into consideration, taking just the planning elements. So I cannot answer Deputy Brouard's question.

4615 **Deputy Brouard:** I will stand up and sit down again for Deputy Le Pelley.

**Deputy Le Pelley:** Thank you very much, Deputy Brouard.

4620 Could you give us a view of what Policy & Resources might feel about local authorities, like Douzaines and more local communities, having some kind of input in the actual thing? We are talking about community involvement and probably the best way of that community involvement being articulated is probably through the local parish councils, the Douzaines and the Constables.

Is there a view?

4625 **Deputy Brouard:** I do not think I can probably give a view from Policy & Resources but, certainly from myself, as I chair the Douzaine Liaison Group, we have certainly been having that discussion with the planners and also the Douzaines. The difficulty I think people face is, if we knew what was up for grabs, then we would know that our representations have got some meaning, and that has been the problem. We make the representations but we have got no idea  
4630 whether it makes any difference or not.

The trouble is, according to Law, it should not make any difference because the planners would have passed it in the first place provided it fell within the Law. So you come down to this. If we had something that said, from the planners, 'When you put in a representation on this you can advise us on this and this; these are the areas we are uncertain of, and we will make a decision  
4635 and your advice will make it change'.

But at the moment, my advice to the neighbour who wants to build in the greenfield site next to my house, will be you can make the representation but it will not make any good because it is one of the areas that is zoned for housing. So what is the point of me making a representation? And once that knot has been broken and some advice and guidance – which I know the planners are looking at – once we can get that sorted, I think that will make the expectations of people  
4640 when they do – I have almost finished.

I will give way to Deputy Merrett.

**Deputy Merrett:** I do appreciate it, Deputy Brouard.  
4645 My extensive experience of making numerous representations is that you take hours and hours out of your life, into the early hours of the night and the morning, and what you do is you look at policies within the IDP and you decide if you believe they have been subjectively interpreted in the way you believe they should be. They look at the application and you decide if you think enough weighting has been given, for example, to IP9, which is about the infrastructure, and then  
4650 you try to argue that you do not believe that interpretation has been given the right weighting or the interpretation has not been the same, but it is literally you trying to make an argument against a particular policy in the IDP.

**Deputy Brouard:** I fully appreciate that but the difficulty is I have got no idea what amount of weighting they are going to take for what I say for a policy. Also, once they have already decided  
4655 it ... And how is it going to be then with third-party applications? The States has decided that myself tarmacking my driveway is within scope, my neighbour does not want it done, so what power does my neighbour then have? We go to a third-party appeal. They are now saying that I cannot tarmac my drive because my neighbour does not want it, but the planners say I can and  
4660 the Law says I can.

This will be some of the clarity that, if we could put it out to Islanders, that would be very helpful and take a lot of the expectation – because half the problem has been the expectation, that by saying something, something else will happen. But as Deputy Graham said with the Cobo Alice field, the expectation was there but of course it did not happen and therefore it makes it all  
4665 the more difficult to sell that view. That is my main point and my only knock that, after 15 years, I still struggle with it.

If Deputy Tindall and her team can be the ones that break it and I really hope they do, please, all the best to you in doing that and I wish you luck.

I give way for the fourth or fifth time to Deputy Lester Queripel.  
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**Deputy Lester Queripel:** I thank Deputy Brouard for giving way.

For clarity, seeing as I am on the DPA and Deputy Tindall is here, is he saying that the general material planning considerations need to be beefed up in some way? Deputy Merrett was wrong before when she said in policies there was an element of subjectivity, I believe. She is wrong.  
4675 Policies are definitive. They are absolutely definitive. It is the general material planning considerations that are subjective. There is a distinct difference.

So what is it that Deputy Brouard is asking for, because I am still not clear? The general material planning considerations, as Deputy Laurie Queripel went to great pains to explain, are very broad. There are so many areas that anyone who objects to an application can invoke. So what is it he is looking for, because they are already there? We have already got the tool in the box. What is it he is asking for the DPA to add to the tools in the box?

**Deputy Brouard:** Thank you, Deputy Queripel, and I will give some clarity on that. What I am trying to understand is I want to be advised that my representations make a difference. But how can they make a difference if the planners are following the policy that they have got in front of them?

If it says my driveway can be tarmacked, then I can tarmac my drive. If my neighbour is making representations saying that they do not want my driver tarmacked, it is going to make no difference whatsoever. But my neighbour will feel very frustrated having come to the table, making representation about planning, thinking that they are going to make a difference, but they are not. So it is just to know exactly what is available by way of when you actually do make a planning representation.

I give way to Deputy Fallaize.

**Deputy Fallaize:** I am grateful to Deputy Brouard.

Does he not agree that a big reason for the problem that he is addressing, which is the disconnect between representations and effective representations, is actually the existence and the role of the planning appeals panel? Because the members of the Development & Planning Authority, whenever they are sitting to make decisions, must be fearful that if they depart too much or even at all from the policies that are set out, there is a high risk that an applicant will take his or her case to the planning appeals panel or tribunal, which will sit and consider the case afresh, without any political considerations and reach a different conclusion.

Deputy Tindall is shaking her head but I do not understand how the members of the Development & Planning Authority cannot have that in their mind, when Deputy Gollop says he did when he was President. I do not understand how they cannot have that in their mind when they are being asked to make decisions and therefore is not that aspect of it in need of review in order to achieve what Deputy Brouard is wanting?

**Deputy Brouard:** I think Deputy Fallaize is right. That is one of the aspects that I think will ... Because you are almost having a second bite of the cherry rather than actually confirming that a sound, reasonable decision has been made in the first place, which is probably all that normally happens with a review.

I will give way to Deputy Tindall.

**Deputy Tindall:** I thank Deputy Brouard for giving way.

I was not shaking my head in the sense of a planning appeal, I was shaking my head in respect of any appeal. So if we remove the planning appeal tribunal and replace it with the Royal Court, which was a suggestion that Deputy Fallaize, or someone else in the Chamber had made previously, that was my point. It was the fact that, yes, we do have to make a decision that is reasonable in accordance with all of the principles and that is to save States' money, save taxpayers' money. It is not a question of wanting to avoid an appeal.

**Deputy Brouard:** Thank you.

For me, it picks up the point that Deputy Le Pelley made: if the Douzaines are going to make representation to Planning, they are a body that knows the parishes very well, what weight is given to their representation as opposed to anybody else? If it is just equal then it almost negates it.



4730 If the point they make is one where the planners would pass it anyway, what is the point? And if the point that they are making is one that the planners cannot take into account, then there is no point in asking for representation in the first place.

I think Members have heard enough from me and I am awfully sorry Deputy Lester Queripel, perhaps through the DPA, when they sum up, would probably be the best way.

Thank you very much, sir.

4735 **The Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, I will pick up on this thread.

4740 I do not intend to speak for long but I think, in many respects, the debate of the last 10 minutes has been the nub of it. If one looks at Proposition 3, which incidentally I intend to support, the final sentence reads as follows:

... whether or not the planning legislation should be amended to give the Development & Planning Authority discretion to make more than minor departures from a development plan where other material planning considerations weigh in favour of such a departure;

4745 Now let me give you an example of a material planning consideration: density. One of the most contentious applications that I have seen in my two decades, now, in this Assembly, has been Pointues Rocques. Now, Deputy St Pier and indeed all of the representatives of St Sampson's managed expectations, saying that the issue was the density; the issue was the number of houses and the resultant problems that were associated with that, from footfall through to traffic movements.

4750 Now, clearly the consideration of the overwhelming public consideration would, if we amended the way in which the DPA operates, would be able to take that into consideration. If they then refused to adjust the density accordingly, we then could be sovereign over them by simply replacing them by people who would take into account the overwhelming public opinion with regard to that specific planning consideration, the issue around density. As far as I am concerned it really is as simple as that.

I may give way later, I was somewhat annoyed by just how many times Deputy –

4755 **Deputy Tindall:** Point of correction, sir.

**Deputy Trott:** If it is a point of correction, of course.

4760 **The Bailiff:** Point of correction.

**Deputy Tindall:** I believe, looking at the material considerations under section 13, density is not a material consideration. It is in the Island Development Plan and maybe it should be –

4765 **Deputy Trott:** Sure. Because here we go again, I doubt you will find a Member of this Assembly who will disagree with the statement that the President herself has just said, of course it should be. Density is a –

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

4770 I am sorry but I did say *maybe* it should be. I am not endorsing that it should be, and I think that is important.

**Deputy Trott:** Okay. Well, it should be (*Laughter*) and there is absolutely no doubt I think, in the majority of this Assembly's view, or for that matter the majority in our community. We have to have development but sometimes the density is so absurd that no reasonable person can support it and Pointues Rocques is a classic example. (**Several Members:** Hear, hear.)

4775

Leale's Yard: there has been much discussion on Leale's Yard. The truth is that Leale's Yard is owned, as I understand it, by the Channel Islands Co-operative Society. Now, the clue is in the title. It is owned not only by the members who reside in Guernsey but also by the members who reside in Jersey.

4780 The chances of an asset, which I speculate, I do not know for certain, is probably on the balance sheet in the high millions, somewhere between £7 million and £10 million would be my guess, being simply bequeathed to the people of Guernsey as a consequence of the philanthropy of the Channel Islands *per se*, Members, is extremely unlikely.

4785 The idea that this could be sold off piecemeal, I think an idea put forward by Deputy Inder, is also of course extremely unrealistic. Why? Because there are material infrastructure problems associated with that site that are likely only to be unlocked by Government. However, the concept that Government would be making some sort of charitable donation as a consequence is of course also misguided. There are a number of mechanisms whereby the Government could provide the infrastructure and get a very reasonable return for its investment. So I strongly support Proposition 6 because I think that is the sort of evidence that needs to come before this Assembly. (**A Member:** Hear, hear.)

4790 One of the other things I want to raise is the issue around the Requête. There is a problem associated with debates like this because, for instance, let us take Proposition 2. Lots has been said about Proposition 2, I suspect most Members are going to vote against it; some Members who signed the Requête are going to vote against it. The reason for that is that we would spend £200,000 to get an extra two months of acceleration on the timeline that will now be undertaken by the DPA. That would be foolish.

4800 The point is almost everybody in this Chamber is of the same view. We need to change a situation where the States is almost castrated, if I can use that word, it becomes so impotent in the way in which it can issue instructions. That will change under 3, if we can find a mechanism so to do.

4805 We have got ourselves into this mess. Proposition 1, which I am not going to support and let's be clear why. The IDP has been drafted on the basis of having a 10-year horizon with a statutory review every five years. Now we agreed to that. That in my view was a mistake. I said before that I think we should have a statutory review every three years but I am the first to recognise that is a material undertaking and there are costs associated with it. But we do need to get to a situation where this Assembly can move with more agility than it currently does and that is clearly important for the integrity of this Assembly.

4810 I do believe that large numbers of our community have lost confidence in our ability to control this planning system (**Two Members:** Hear, hear.) and that, in its totality, I thank the Requérents for bringing. But it is important that we do not create a them and us environment where, just because significant elements of this Requête are not going to be supported, there are reasons for that, but the general thrust is that we need to grab back an element of control that reflects what the community that put us here's wishes are. (**A Member:** Hear, hear.) That is a fundamental principle of democracy.

4815 Thank you, sir.

**The Bailiff:** Deputy Green.

4820 **Deputy Green:** Sir, can I invoke Rule 26(1)?

**The Bailiff:** I do not think there is anybody left to speak who is not entitled to speak but if there is anybody who will not be entitled to speak during the reply sequence, and there is about half a dozen who can speak in that time, will you stand in your place? No. (*Laughter*)

4825 So we will go straight through in reverse order that was followed at the opening, so the first person who is entitled to speak is the President of the Development & Planning Authority, Deputy Tindall.

**Deputy Tindall:** Thank you, sir; are you sitting comfortably?

4830 **The Bailiff:** No. *(Laughter)*

*[The Bailiff leaves temporarily, with Deputy Lowe presiding.]*

4835 **Deputy Tindall:** Whilst this Requête is entitled the Island Development Plan, it covers more aspects of work relating to development planning than just one plan and just one committee. The Propositions, by involving five committees, illustrate the need to balance the effect of the built environment on economic, social and environmental activities on-Island, illustrates the competing policy aims and touches on the complexity of achieving that balance.

In response to P&R's requests for comment the Development & Planning Authority have set out our views on all of the Propositions and whilst I could expand on the many points raised I will touch on one or two, but I will only add one personal comment, in respect of Proposition 6. The IDP policies mean that it will be a mixed-use development, so comments about potential uses that have been mentioned today are perfectly possible, including some park area.

4840 I personally agree with a few people. I have concerns over supporting Leale's Yard, especially when we have other regeneration areas also crying out for development.

The DPA is not directly involved in the remainder and, as we are in respect of Proposition 2, I will concentrate my comments on that, because this is a Proposition which affects the DPA to such an extent, it would change the work we and officers plan to do, as directed by the States, for both this term and the next.

4850 It is therefore detailed, my speech, as whilst I thank those for indicating who will reject Proposition 2, some have not, obviously, and some have had to leave. So I am not sure of the views of those who remain in the Chamber although it would be really helpful, of those who are going to reject Proposition 1, could stand in their seats and then I would sit down and I could publish my speech! But we cannot do that. It was a nice thought.

4855 So this Proposition, if approved, I believe will probably end up meaning that at the five-year review, no-one will succeed in making any real change to the IDP. This is not scaremongering, this is a heartfelt, honest assessment of the difference between what the Requéants seek and what can be achieved in practice.

I do hope that Members here, madam, appreciate that I am not just saying this to win the day, because this is not about the Requéants winning, or the DPA winning. Far from it. This is about the people out there winning, about responding to them in the best possible way.

4860 Proposition 2 of this Requête is an example of two groups of States' Members, two groups who only want the best for the community. These two groups have both been working to achieve virtually the same aim. One group, the DPA, who has had the benefit of regular access to professionals in the field; and one group, the Requéants, with less access. I also want to make clear that, whilst I make observations about the Requête and the Requéants' approach, and indeed possibly others who have spoken in debate, but as Deputy Yerby said similarly about those when referring to us at the DPA, my comments are not aimed at individuals. They all hold honest beliefs, as we all do. In fact, as I think Deputy de Sausmarez mentioned, this has been an excellent and almost entirely a good-mannered debate.

4870 So the DPA and the Requéants are seeking virtually the same aim and I base this on conversations that we have had with most of them. These aims are: a report to be completed, with recommendations, on how to best address a variety of mutual concerns, which States' Members can debate and amend, which will ensure amendments to the IDP in 2021. I say 'mutual concerns' because the various actions set out in Proposition 2, all of them, are included in our action plan and I really do wish people had read the action plan because a couple of comments are made in speeches and I would just like to direct them. The answers are in there, I do not want to lengthen my speech by referring to them.

4875

Most important, I believe, to the community, is whether brownfield sites should be prioritised before greenfield, and therefore the designation of more protected areas as open port and open land.

4880 I also say we both seek to return with recommended changes to the IDP for States' approval in 2021 because that is what will happen. Not in 2020, when there could be another opportunity to add suggestions for change, or indeed 2022, as P&R's letter of comment implies, but 2021. As well as clarifying what we agree upon I have to make clear what the Requérants are not seeking.

4885 For those who have concerns over the concentration of the development of the two main centres, St Peter Port and the Bridge, in other words the spatial policy, the Requête does not look at that. It does not, despite Deputy Brehaut's comment, require a review of the Strategic Land Use Plan in the same way it requires a review of the IDP. Despite the title of the Requête, the one Proposition out of seven which deals with the Island Development Plan, does not ask for changes whatsoever to the plan today. As people have said, many in our community have contacted us under the false impression this Requête, if approved, makes those changes today. It does not.

4890 I have to say that I do not agree with most of what Deputy Inder said, but I do obviously agree with the point about the IDP being a good document. He said the problem is the inability for Deputies to make the change to the IDP. Again, I think Deputy Brouard really made that clear, but what I would like to say is, in particular, that this is a message that may be going out and I do not want it to because it is wrong, and that is there is no point in making representations. There is  
4895 every point in making representations. The frustration that we found is that people are representing things that are not under planning legislation and, from that perspective, yes, that is part of our communication plan. I will make sure I have got that point done.

So the Requérants have confirmed that they will accept in-principle decisions to be made then and that those decisions would be subject to the statutory process.

4900 I give way to Deputy Brouard.

**Deputy Lowe:** Deputy Brouard.

**Deputy Brouard:** Thank you very much.

4905 So is Deputy Tindall saying now that things such as density ... So, if someone complains about a particular site, saying that density is an issue for them and there are too many houses being built on the site, that would now be a consideration and make a difference to what happens? Or are we saying that that would not make a difference?

4910 **Deputy Tindall:** I can give an example for Deputy Brouard's point. It happens to be in relation to the development framework. We are happy to take on board – I will stand corrected – but I believe it was Pointues Rocques where we actually reduced the density because of the representations, the many representations that we received. So there are aspects between the material planning considerations and the IDP, how it all fits together; but it is complex. That is one  
4915 of the reasons why I have often called for really robust training for those who are making these planning decisions.

We are lucky we have planning officers who are, obviously, absolutely fantastic professionals with many years' experience. That is also why there is an element that the subjectivity point comes to OPMs when they are contentious and there are many stages by which an application for open  
4920 planning goes through. We do take an incredible amount of consultation with experts that Deputy Hansmann Rouxel mentioned earlier. It is almost a given we will do that consultation. We do not need another layer of legislation, please! We will do that anyway. We have fantastic experts on Island; Société Guernesiaise was one in particular that I mentioned.

4925 **Deputy Lowe:** Deputy de Lisle.

**Deputy Tindall:** I give way to Deputy de Lisle.

**Deputy de Lisle:** Yes, madam, just with regard to the point of representations, the Douzaines are making numerous representations to the planners and, to be quite honest, they are relevant planning points are being made and still there is frustration within the Douzaines and not just with respect to individuals that are providing representations to planning, but also the Douzaines are frustrated as well.

**Deputy Tindall:** I can only repeat that all planning representations are taken into account and we do get many representations from the Douzaine. In fact, as Deputy de Lisle knows, we meet the Douzaines on a regular basis and, through my membership of the Douzaine Liaison Group, I do my bit there. It is often representations, for example we have many times been told we must take account of infrastructure.

Infrastructure is something we do take account of, we have traffic impact assessments and we do take account. But without an infrastructure plan, we cannot do the bigger piece and hence there are some times that, yes, it is extremely frustrating, it is frustrating for us. But I should also add, please read the action plan. There is going to be a workshop for not only how to make an objection, which I know I will put Deputy Brouard on the top of the list for that particular invite, but it will be open to everybody. It is a public workshop which we are hoping to do at the end of the year. Community plans will come first.

Also, in the action plan, it talks about one of my ideas that came out of a Douzaine Liaison Group discussion, which was the role of the Douzaines in the planning process. I will not go into greater detail now, because I certainly do not want to lengthen my speech any longer, but there are these ideas all around.

I should also answer one particular question of Deputy de Sausmarez at this point. The action plan does not cover more than one political term. It is all actions that will be taken, and that is why that is phrased in that particular way, by this Committee, and make sure that we hand it over after the end of June. Obviously the statutory process will carry on and, again, this is all with the *big* proviso of Proposition 2 being rejected today.

So, if I can return to the speech, the Requêteants confirm that they will accept in-principle decisions to be made and that those decisions will be subject to the statutory process. They accept that the process will end in the autumn of 2021, with a States' debate on the final proposed changes to the IDP.

So what it is that the Requêteants seek, which the DPA takes such objection to? Why is it we ask the Assembly to reject Proposition 2? The Requête asks for a review of the mutually agreed areas to identify the basis for making changes to the IDP. But they do not want this to be a full and robust research of the subject, or indeed the necessary extensive consultation to ensure that any recommendations for change are supported.

The Requêteants appear to be content with a review which is half-baked, as long as it has come back to the Assembly this term. The effect of Proposition 2 of the Requête is to ignore the importance of a successful outcome being changes in the IDP, and they prefer a debate in April 2020 – a debate that will also not make changes to the IDP because any directions would be subject to the statutory process.

The Requêteants seek to overturn the timeline, which the planning services set out. A timeline based on previous exercises to change a development plan and replace it. One that may result, if I may say so, by this Proposition 2, in the so-called five-year review being actually the six-year review instead.

It has been said that it is necessary to return to States' Members this term, so they can direct the DPA to include areas of concern in the five-year review. But for those who have read the DPA's action plan, they will see that all of the concerns raised in the Requête will be included in the DPA review already or resolved before then. That is because we have listened to the Assembly, we have acted, because the voice of the people has been heard and we have acted. (**A Member:** Hear, hear.)

4980 So what does the Requête seek for debate in April 2020 and how is that expected to be achieved? As the Requête is not clear on this point, the Requéérants will ask for clarification and kindly confirm that they would be satisfied with only in-principle recommendations.

So what is an in-principle recommendation? 'In principle' means, according to the dictionary of Google:

- used to indicate that although something is theoretically possible, in reality it may not actually happen.

4985 That is the point, we could come back and make in-principle recommendations, but in reality those changes they seek may not actually happen. The changes, which some of the public believe are being decided today, the changes some of the public think would be decided in April 2020, will not actually change the IDP until 2021.

4990 It is not about being only in principle, though, because the DPA believes that it would be expected to make recommendations in April 2020, which could be carried through the statutory process to actually amend the IDP. That is because we already have a list of in-principle suggestions that we have all agreed on and if that is not sufficient for the Requéérants, then clearly the DPA are expected to undertake sufficient research and consultation to ensure those in-principle recommendations can make the changes to the IDP.

4995 We just cannot see that work being possible in just three months. The DPA were advised during our second meeting with some of the Requéérants that they did not seek to derail the statutory process and the necessary research that that would entail, indicating that whatever we had collated by the time of the preparation of the policy letter that could be incorporated for debate.

5000 That was of course intended to help and possibly said, because there may be an appreciation that the Requête could scupper the final outcome, but it does at least understand what research is needed to even produce in-principle decisions. Completing the substantial research enough to get the basis for change to the IDP is vital, so it begs the question should we complete minimal research – sufficient, but only on some aspects raised in the Requête? Or we should start the required extent of the research on all aspects and come back to the Assembly knowing it is incomplete?

5005 But we understand only the full extent of the work crammed into three months would satisfy Proposition 2 in the Requête. So for the DPA, by asking for so many aspects to be reviewed, we feel this is an unnecessary burden and an unnecessary review, seeks to add an extra debate, an extra layer to the process, a process already criticised for the number of layers it contains.

5010 This review, in three months, may not be possible because it will need to be undertaken by one or more off-Island consultants at relatively great expense. That expense takes many forms, including officers' time and also opportunity cost, because we will lose the benefit of work which cannot be carried out. Work which, ironically, will have ensured the outcomes the Requéérants seek.

5015 This extra review fundamentally jeopardises any changes being made to the IDP at the five-year review because of three reasons: the probability that the work for review on in-principle recommendations will not be able to be completed in the timeframe; the inability of the officers to concentrate on the work for the five-year review, let alone our action plan; and, most importantly, because it delays and could even remove the most essential part of the process – robust research into each recommendation.

5020 As we all agreed that we should review these policies, I will concentrate on two things: how the approval of Proposition 2 would not only derail the outcome sought by many but also why the DPA have not submitted an alternative. The first consequence of Proposition 2 is the alteration of the timeline to the IDP by 2021, and that is by virtue of the nature of the review needed in debate for April 2020.

5025 In order to appreciate what the Requéérants seek, what the process would be if Proposition 2 were to fail, we have produced two flow-charts previously mentioned, illustrating the timeline. I ask Members if they could have those timelines in front of them, next to each other – I have been

handing them out – so that you can see, as I go through. Unfortunately I seem to have lost mine, which does not help; ah, there you go. Thank you very much. Too many papers in front of me!

So if I could go through the dates and activities to prepare for any review, the difference can be compared. For those listening at home, these can be found at page 26 and page 27 of P&R's letter of comment, which is on gov.gg on today's agenda paper. As can be seen, the five-year review, or the DPA route as I will call it, commences next month hopefully, with a topic-based research, which will cover many areas; the vast majority of which, as I say, are listed in the Requête.

I should add at this point the list is not the same, as research is not needed for some, such as the changes to the development framework or promoting community plans. But that work is still dependent on the rejection of Proposition 2. This evidence-gathering is an essential part, as without it any changes to the IDP will be rejected at the planning inquiry stage if not supported.

Breadth of the topics covered, which is not just housing land, employment land, which was first envisaged, means that, under the DPA route, what was planned during these 10 months has expanded. While this was already a tall order, it was felt that this was feasible using on-Island resources, both staff and funding.

However, the Requête route requires this to be done from October 2019 through December 2020, including going out to extensive consultation in three months. And then that is assuming we can find *and afford* consultants who will work over Christmas and New Year. Members, sir – this will be interesting reading back on *Hansard*, but there you go! Members, sir, will note that the Requête route envisage two months of officers' time being used to define, choose and prepare the instructions for the consultants.

Members may query why the planning service here on Guernsey cannot complete the research instead, albeit within the identified five months of August, so avoiding the need to instruct consultants. Unfortunately we simply do not have the staff to complete the many research topics and undertake, in particular, the consultation within five months *and* guarantee completion.

The Requête route also assumes that we can find consultants who can indeed cover these topics, cater for all of these consultation requirements and do so in the time allocated. Whilst our staff will do their utmost to identify suitable consultants, if directed, it is not guaranteed. Disappointingly, these consultants will also need to be based off-Island. It has been confirmed that the procurement process would not allow anyone potentially conflicted to take part, so that includes our on-Island private consultants. This means we will lose on-Island knowledge; a loss, which I believe will be apparent when, or should I say if, in-principle recommendations return to the Assembly.

Even then, I have not taken into account the problems, which are caused by the holiday period, during Christmas and New Year. So if we get consultants, they will either produce the goods in mid-December, i.e. after only two-and-a-half months; or more likely, and preferably, work through the holidays and produce in the New Year.

The next step in the Requête timeline is the additional element of States' debate, as required by Proposition 2. As Members will see from the timeline, this includes two months to compile the policy letter and reconcile the conclusions from the findings of these various reports, as it is highly likely, because of the breadth of the topics, they will have been produced by different consultants. This will also need a legal review, then approval by committee and all be achieved in a maximum of two months.

Many are aware of the time it takes to produce a good-quality policy letter and this limited timeframe does not follow good practice and, in my view, should be avoided for that reason alone. I certainly will not get much sleep in February, which may not be the best incentive here for those here to vote against Proposition 2 but at least I know there are a couple here who will empathise. It is only two months because the date for submission for such a policy letter to debate on 22nd April is 2nd March 2020.

So to the extra debate. This will be on in-principle recommendations, made by off-Island consultants, based on a speedy compilation of research and consultation responses and a similar

rush to produce a policy letter. I have explained that, unfortunately, this misunderstands what in-principle recommendations are or indeed when such recommendations can be drafted.

Members will see that, under the DPA route, 14 months is allocated for topic-based research and evidence-gathering and update the baseline reports, including any directive by the States, including consultation, assessing evidence and evaluating options. Substantially longer than the three months under the Requête route, albeit that route does not include drafting the actual amendments to the IDP and carrying out the environment impact assessments or EIAs of the amended policies.

As for work being done on the five-year review in addition, as suggested by the Requêteants, there is insufficient time for any meaningful work to be undertaken during the period of three months when the consultants are doing their part and staff will be catching up on work missed during the two months used for preparation of instructions and preparing for the time they will be diverted from their work during January and February 2020 – and hopefully also have some time off at Christmas and the New Year.

So, back to April 2020. What could be achieved at the debate? Well, a discussion, of course, with an airing of views and hopefully, at the very least, clarification of what Members seek. Before that there would also be a further chance for the public to put forward their views. Of concern, however, there will no doubt be amendments by Members to add extra in-principle recommendations. Or should I say add extra in-principle suggestions? And so another concern. The Requête route timeline does not include any time for research into any such additional in-principle suggestions, so it is quite possible any amendments could further delay the process and particularly the return to the Assembly in the hope for a September 2021 decision on the changes to the IDP.

Assuming there are no amendments, or ones which do not delay the timeline, we might like to get back to the statutory process in May 2020 and draft actual and not just in-principle amendments to the IDP and also to complete the EIAs. Still no changes to the IDP.

So under the Requête route, assuming no hiccups like extra research are needed, consultation on draft action amendments will take place in August 2020 as opposed to October 2020. Now I want to make clear to Members it is not our objection to a debate in April 2020, as I reminded Members in debate on the amendment regarding woodland, that we proposed to come back to the States for a debate on the Planning Law under our action plan, it is the preparation, level of research, consultation, consolidation, legal drafting and a policy letter, covering such a wide variety of planning issues, that is required to be undertaken by the end of February 2020. It is just too short a timetable. We need more time to do the work properly.

The effect of that will be apparent very quickly. If we have to undertake the work required by Proposition 2, the officers of the planning service, with the due diligence they always apply, but it will become apparent possibly by Christmas, what quality of work will be possible to achieve and what will be able to be debated in April next year. The question of the effect of Proposition 2, if successful, and the potential to delay to the 2021 planning inquiry, will probably be known this year.

It is already apparent, just from the work that officers had to put in regarding preparation for this debate, unfortunately by this time we would have expected to have published the Annual Monitoring Report for 2018. We have received a brief overview but none of us on the DPA has read it yet. We hope that we can release that shortly but that will depend again on the outcome of the vote on Proposition 2.

At this point I would like to answer a question that Deputy de Sausmarez asked me earlier and I believe mentioned in debate, and also I think another Deputy mentioned, I think it was Deputy Gollop, about debating the next AMR and the next AMR. We would hope to come back to this Assembly with the AMR for 2018, so another year's worth of evidence with amendable propositions. That, I think, is a really important aspect, because that means you will have the opportunity – you will not be able to amend the report because it is factual – but you will be able to amend the propositions. We are working on that to make sure that can be achieved.



So it may not be, as it was last year, December, it might be early 2020. But at least that will give any opportunity to add suggestions whilst we are still in the mix. But we can only do that if Proposition 2 is rejected.

The States, by approving the IDP in 2016, require the DPA to complete this monitoring but it is becoming obvious that we will not be able to continue with the extensive monitoring we have undertaken for 2017 and 2018, for this year and for next year, which would also produce evidence as Deputy Gollop says, for the planning inquiry, but we may not be able to do it as detailed just simply by the workload that we have. Of course this will weaken the evidential basis for change.

The Requête does not mention the need for evidence, or provide any, because it is reacting, not to evidence, but to the voices of those who consider the IDP flawed, but it is evidence that will change the IDP and that has got to be backed up with extensive consultation, allowing those who have not spoken, and who would be affected by the changes, sought to have their say. This is not demeaning what people say, this is just what is needed to make changes.

I am sure, as I have said often, anecdotal evidence, which is what we are relying upon, leads into evidence. It usually does. It just takes time to come through the system and, for me, it is quite often that people recognise something. It is getting that evidence and putting that ... That is why we want to do robust research to get it. It is probably there, it just needs that robust element of research.

As well as this consultation point, because we must let people who are affected have their say, the planning regime affects us all, not just a few. The Law requires consultation of all those affected, not just those dissatisfied with the current regime, to ensure a balance between the economic and social environment factors at play.

So, to return to the timelines: both the EIAs cannot start until the earliest, May 2020, and consultation on the draft amendments is set for October, in respect of the DPA route, and August 2020 for the Requête route. A certificate of consistency with the SLUP, which will remain unchanged, and still require concentration of development in St Peter Port and the Bridge, will be obtained in November 2020 for the Requête route and January 2021 for the DPA route. This two months' difference continues throughout the remainder of the timelines. So the debate under the Requête route, which will approve changes to the IDP, will either happen in September 2021 or two months' later under the DPA. Two months' difference at a financial cost of £200,000.

But at what cost?

The cost – and this is the real issue that the DPA is concerned about – is the possible lack of robust evidence to change *anything*. Whilst the Requêteants believe that what they are proposing will benefit those calling for change, when in respect of Proposition 2 and the Island Development Plan, we, the DPA and P&R, say they will not. And that is the irony.

In fact we say that Proposition 2 could prevent the changes they seek. The voice of the people has been heard but the method chosen to respond will let down those people whose faith has been put in the hands of the Requêteants. I do hope that those who have read the DPA's action plan will see we have heard the same voices. We have also responded and we have also come up with a workable alternative.

Instead, why not just accept that we, this current team on the DPA, and anyone else who wishes to join us as our fifth Member, will not only start the research on all these matters the Requêteants want reviewed, take the actions they too want and by June 2020. If Proposition 2 fails, we will have done the necessary substantive research and that includes the extensive consultation.

The reason why the DPA have not submitted an alternative proposition? This is simply because we have done the work, we have agreed the in-principle recommendations, albeit without the underlying work completed, and just wish to get on with it. (**A Member:** Hear, hear.)

Sir, that is the formal part of my speech, the DPA line if you like. But then I started asking myself how would it feel if the shoe was on the other foot? If I live next door to a field, I would not care what the planners call it. I would not even care if the States had agreed years ago to build houses on it. What I would care about is keeping the field.

People have criticised some of those who have written to us, calling them NIMBYs – ‘Not In My Back Yard’. Well I do not criticise them and I certainly would never mock anyone. We would all be the same. In fact, if I was told that the Requête was the way to do it, I would support it. But it is not. I hope we all realise that.

What could make changes is the action plan. But why would I not believe the DPA that it would do the trick? Well, that is because many do not trust us. We have said for ages that there is no evidence to change the IDP. There is not. But it does not stop us looking for it.

Most Deputies have supported their parishioners when asked, and I would. I have objected to local planning applications. This is our democratic right, getting involved in decision-making. I do not want to have that removed. If anything, I would want to be able to understand the policies to make sure my voice had effect. I would want to attend the workshops the DPA are going to put on, on how to make objections, to make sure that those are taken into account by the planners. As I repeat, the advice to Deputy Brouard and others is there. I would want to do everything I could do to protect the patch that I see around my home, keep the good bits, keep the open field. If I was offered the chance to do so, I would grab it.

But would I support a debate in April 2020, knowing it would jeopardise that protection I sought? Knowing I could delay it? Knowing that, after I read the alternative, the DPA’s action plan, looked at the timeline, listened to the arguments, would I support the Requête? I hope that they would see what I see and that is the DPA are compromised by adding extra items to the five-year review. We have been realistic. We have provided a consensus approach.

Sir, this has been a long speech and I am thankful to Members for their patience, but to me the stakes are high, between changing the IDP in 2021 and not. The emphasis has changed since 2016 from the built to the open space. Please support the DPA. Please reject Proposition 2.

Thank you, sir.

**The Bailiff:** In the sequence of closing speeches, the next would be on behalf of the Committee *for* Economic Development, but both the President and Vice-President have left, so we move to Committee *for* Employment ... Unless any Member wishes to speak and I see no-one rising. (*Interjection*) No, he has spoken in debate.

**Deputy de Lisle:** No further comment, sir, I think it is time to get on. (*Applause*)

**The Bailiff:** The Committee *for* Employment & Social Security?

**Deputy Le Clerc:** It might be a first but I agree with Deputy de Lisle, no further comment! (*Laughter*)

**The Bailiff:** The President of the Committee *for the* Environment & Infrastructure, Deputy Brehaut?

**Deputy Brehaut:** Sir, I have got (*Laughter*) about 34 pages; but bearing in mind the time, no, sir, I have no further comment.

**The Bailiff:** So the President of Policy & Resources Committee, Deputy St Pier.

**Deputy St Pier:** Sir, I will be very brief indeed. It has been a long debate and most of the points have been covered. Really just to reiterate and here are a couple of key ones.

Propositions 2 and 3, I would suggest, are at the heart of this Requête and I think the reasons for opposing Proposition 2 have been well articulated by quite a number of speakers. But I would add to what has been said, to say that actually the action plan has really been, and I think Deputy Yerby said this, the thing that has changed since the Requête was lodged. I personally think it is

5235 incumbent on us to have confidence in the people that we have elected and put in charge of the DPA to go away and deliver that action plan.

It is very clearly articulated, it is timelined and the implications of supporting Proposition 2 have been well-presented, not only by the President but also by others and included in Policy & Resources' letter of comment. I think a key point is that it is our responsibility, I would suggest, to support those and show confidence in those that have been charged with the leadership of the DPA and that have clearly, as the President has shown, taken a grip of the matter.

Proposition 3, Policy & Resources have indicated their support for, and indeed Proposition 6 as well. The opposition to the others has already been well presented, sir.

5245 **The Bailiff:** Deputy Merrett will reply.

**Deputy Merrett:** Thank you, sir.

I do not wish to repeat a 45-minute speech but I do have a few things to say and first of all that is the thank-yous. Specifically to Deputy Yerby, who has helped me phenomenally with drafting the Requête. Her patience, integrity, intelligence and support in trying to deliver the social, environmental and financial consequences of some of the policy decisions is very much appreciated.

Secondly, officers. I have spent a considerable time with officers and what I would like to say is I was really pleased to see it has gone from a 'No, you can't do that' to 'How I can do it'. Because that is really what I am looking for – apolitical advice on how I can do something. My biggest thanks of all though, sir, goes to the community. They have a *huge* investment in this debate. They have a *huge* concern and their engagement with this has been most appreciated.

I also will thank Members that have stayed in their seats so far, I do very much appreciate that.

A lot has been made of the action plan versus the Requête. I will try to be brief but there are some differences. So I did not, obviously, have sight of this timeline. They have been drafted obviously by, well I do not know who has drafted them but actually in planning, but there are some differences.

I am going to be very brief but for example in the Requête there was a presumption to the manner that affords greater protection to greenfield housing allocation areas, but in the action plans they want to decide whether the brownfield sites *should* be prioritised before greenfield sites. That is a key difference sir.

I have got a presumption that I want that to happen and in the action plan they can decide whether it *should* be that way. That to me is great. So what we have a fantastic lesson in today is process. This was very well articulated by Deputy Tindall, who knows the process inside out. My concern is more the policy that this States has given direction to. So that is, I think, quite a key one.

I think in reply to Deputy Trott, it was not an argument of semantics, I think Deputy Tindall was quite clear. Deputy Trott thought ... his interpretation was density would be taken into consideration but Deputy Tindall rose to her feet to say, 'No, no, no, I just *may* do that and again I may not.' So that kind of is really my concern.

I do think Proposition 2 gives more clarity and a presumption towards something, whereas the action plan is whether we should or we should not. So it is far more generic and I do not really know what is going to come back from that. The dateline, whoever put it together, obviously it is speculative. But it is not about the September/November bit, because we only asked if it could come back earlier than November, if it is November so be it, that is fine, clearly. It is actually front-loading it to get some political direction from this Assembly, rather than relying on the political determination or will of the DPA and I think that case is a key difference.

I think the biggest elephant in the room for me, sir – and I like elephants in the room, we have had many over the last couple of days – is the fact that there an election in June. I do not know who is going to re-stand. I know what I have read in the *Press*. I do not know who is going to be elected and I do not know who is going to be elected into the presidency of the DPA.

So an action plan: we were unable to amend the action plan, we were unable to give assent to the action plan and a future DPA committee could, in theory, put it on the shelf. That is my concern. So I am going to absolutely support Proposition 2 for all those reasons. If the DPA could not return the cumulative sums States' direction by April 2017 and if they do not return by April 2020, I think only myself voiced the concern about the cumulative sums not being returned two years ago. If they cannot return it then that is for them to stand up and explain in due course.

I am not going to go into why you would even consider employing an overseas consultant and all that goes around with it when you have got a director of policy, because that would be a really odd thing to do.

So I would like to just quickly say to Deputy Lester Queripel, the good ship DPA, I would say that maybe Proposition 2 of the Requête and the action plan were in fact ships in the night that may have crossed.

So I think that is probably all I need to say on Proposition 2, which I am absolutely going to support, because I think it gives political direction and there are actually other bits in Proposition 2 that are not in the action plan or vice versa, ABI enhanced protection. To me it was actually (a) which was very important to me, which is to give the cumulative effect of various planning into account and that is not in the action plan either, but then GP11 is and then we have got something about, I cannot remember, I think it is not a pet project that would be disingenuous, something that Deputy Tindall is particularly concerned about which was if we had a ... I will not go there. I will go there. If we were to have a tourism strategy as directed by the States then we could potentially have debated that a long time ago.

Right, so I am looking through this as fast as I possibly can. I am not going to say much about Proposition 6 because I believe I made my intent clear when we opened the amendment. I will be supporting it and Members will come to their own views and of course they are totally and utterly entitled to do that. I am not going to bother to respond to Deputy Ferbrache – oh, that sounds disingenuous. Deputy Ferbrache is not here so I will not respond to him. So that is that.

And lastly, I just want to say because again I think it is a little bit disingenuous or I think misleading, I am going to talk about the north very quickly. Okay, actual completions, I agree. But the *potential* under the current IDP, with the current housing allocation areas, is for 740 dwellings in the north and 61 in St Peter Port main centre. Now if that should not concern our community, if that is not a concern of Members of this Assembly, I would be quite surprised. So the fact that we have agreed it and that the housing indicator or whatever it is called has completely changed, as a minimum or maximum, all the rest of it; but at the end of the day, sir, there is potential and that really is, I think, the concern of our community.

I will certainly look forward to seeing what the DPA does. I will certainly look forward to seeing who wishes to sit on the DPA when we reconvene in September. So I will end, sir, and I do not know how quickly I have done that. I think it was pretty quick. **(A Members Well done!)** *(Interjections and applause)* I hope I did not speak too quickly.

I could go on for two or three hours. *(Laughter)* As I am stood on my feet, I could do. I do not want our community to think that it is not because I do not care, because I care absolutely passionately about it. But I think we have covered it all and I think I will end on, I will go back to Deputy Tindall's speech, it is an absolutely excellent process. Brilliant.

I would not be in a position where I am process-driven. I would want to be in a position where I am policy driven and I think potentially that is where the main difference is, sir, **(A Member: Hear, hear.)** between the Requête, Proposition 2, and the DPA's action plan. That to me, sir, I think if Members cannot really see that I would be a bit concerned.

So I am not going to speak to any other Propositions, but I am going to ask for a recorded vote on Proposition 2, and I think another Member has asked me to ask for a recorded vote on Proposition 6.

**The Bailiff:** I think Deputy Lester Queripel has asked for a recorded vote on every Proposition.

**Deputy Lester Queripel:** Sir, I have already asked for it.

5340 **The Bailiff:** But I am going to ask him to reconsider that.

**Deputy Merrett:** If you do not mind, sir, (*Laughter*) I could finish my speech, or I could go on for another hour. So I have just got to make the decision now.

It is quarter past seven in the evening.

5345 I believe, sir, that Members are concerned about Proposition 2 and Proposition 6, primarily, so I was suggesting, sir, that any Member who has asked for a recorded vote on every Proposition just takes a moment of reflection and decides whether or not that is really their intent. If it is, that is absolutely fine by me, sir, but I think 2 and 6 would be wise.

Thank you. Goodbye. (*Laughter*)

5350

**The Bailiff:** Deputy Inder.

**Deputy Inder:** I am particularly interested in (c), (d) and (e) as the most environmentally friendly ones so I certainly want a recorded vote on 2(c), 2(d) and 2(e).

5355

**Several Members:** Ooh.

**The Bailiff:** I was not expecting to take the sub-Propositions separately. I think we take Proposition 2 as a single. (**A Member:** Yes.) It cannot really survive. It would have required an amendment, I think, to knock out any parts that needed to be knocked out.

5360

Deputy Lester Queripel, you did ask for a recorded vote on every Proposition, is that still your view, given the time? It has gone 7.15 p.m. now.

**Deputy Lester Queripel:** Well, we could take 7 and 8 together, sir, could we not?

5365

**The Bailiff:** I do not know. There may be some people who want to vote differently on them. I do not know.

**Deputy Lester Queripel:** Well, why do we not just take them all, sir, individually?

5370

**The Bailiff:** We will take them individually *aux voix*, with just the recorded votes on the ones that Deputy Merrett has requested we have a recorded vote on?

**Deputy Fallaize:** I am sorry, sir; these are actually quite important Propositions. I think we should have a recorded vote.

5375

**Deputy Lester Queripel:** Sir, I have asked for a recorded vote on them all, please.

**Deputy Fallaize:** I think we would have a recorded vote at any other time.

5380

**The Bailiff:** A Member is entitled to ... Okay we will have a recorded vote on each one of the Propositions and we will have to take them sequentially.

**Deputy Lester Queripel:** Thank you, sir.

5385

**Deputy Tindall:** You did say not subs, but 9(a) and (b)?

**The Bailiff:** Yes, 9(a) and (b) can be separate but I think Proposition 2 needs to be taken. But I have already said 9(a) and (b) will be taken in two separate parts.

5390 So a recorded vote on Proposition 1, which is to agree that the States has the responsibility and should have the opportunity to direct policy adjustments to the IDP during this political term. *(Interjection)* You have asked for a recorded vote on it and so has Deputy Lester Queripel. That is what you were asking for. We are doing Proposition 1 as a recorded vote.

*There was a recorded vote.*

**Proposition 1**

*Carried – Pour 16, Contre 13, Ne vote pas 0, Absent 11*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Fallaize	Deputy Hansmann Rouxel	None	Deputy Le Tocq
Deputy Inder	Deputy Green		Deputy Dudley-Owen
Deputy Lowe	Deputy Dorey		Deputy Roffey
Deputy Laurie Queripel	Deputy Brouard		Deputy Oliver
Deputy Smithies	Deputy de Lisle		Alderney Rep.
Deputy Graham	Deputy Langlois		Roberts
Deputy Paint	Deputy Tindall		Alderney Rep
Deputy Yerby	Deputy Brehaut		Snowdon
Deputy Soulsby	Deputy Lester Queripel		Deputy Ferbrache
Deputy de Sausmarez	Deputy Le Clerc		Deputy Parkinson
Deputy Prow	Deputy Trott		Deputy Leadbeater
Deputy Kuttelwascher	Deputy St Pier		Deputy Mooney
Deputy Tooley	Deputy Stephens		Deputy Meerveld
Deputy Gollop			
Deputy Le Pelley			
Deputy Merrett			

5395 **The Bailiff:** That was a close vote. We probably would have had to go with a recorded vote in any event so I do not think we have wasted any time! *(Interjections and laughter)*

The voting on Proposition 1 was 16 in favour with 13 against. I declare Proposition 1 carried.

*There was a recorded vote.*

**Proposition 2**

*Not carried – Pour 11, Contre 18, Ne vote pas 0, Absent 11*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Inder	Deputy Fallaize	None	Deputy Le Tocq
Deputy Lowe	Deputy Smithies		Deputy Dudley-Owen
Deputy Laurie Queripel	Deputy Hansmann Rouxel		Deputy Roffey
Deputy Graham	Deputy Green		Deputy Oliver
Deputy Paint	Deputy Dorey		Alderney Rep. Roberts
Deputy Yerby	Deputy Brouard		Alderney Rep Snowdon
Deputy Prow	Deputy de Lisle		Deputy Ferbrache
Deputy Kuttelwascher	Deputy Langlois		Deputy Parkinson
Deputy Gollop	Deputy Soulsby		Deputy Leadbeater
Deputy Le Pelley	Deputy de Sausmarez		Deputy Mooney
Deputy Merrett	Deputy Tindall		Deputy Meerveld
	Deputy Brehaut		
	Deputy Tooley		
	Deputy Lester Queripel		
	Deputy Le Clerc		
	Deputy Trott		
	Deputy St Pier		
	Deputy Stephens		

**The Bailiff:** The voting on Proposition 2 was 11 in favour and 18 against. I declare it lost.

**Deputy Inder:** You voted against the environment.

*There was a recorded vote.*

*Proposition 3*

*Carried – Pour 28, Contre 1, Ne vote pas 0, Absent 11*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Fallaize	Deputy Langlois	None	Deputy Le Tocq
Deputy Inder			Deputy Dudley-Owen
Deputy Lowe			Deputy Roffey
Deputy Laurie Queripel			Deputy Oliver
Deputy Smithies			Alderney Rep. Roberts
Deputy Hansmann Rouxel			Alderney Rep. Snowdon
Deputy Graham			Deputy Ferbrache
Deputy Green			Deputy Parkinson
Deputy Paint			Deputy Leadbeater
Deputy Dorey			Deputy Mooney
Deputy Brouard			Deputy Meerveld
Deputy Yerby			
Deputy de Lisle			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Prow			
Deputy Kuttelwascher			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			

**The Bailiff:** The voting on Proposition 3 was 28 in favour, with 1 against. I declare it carried.  
Now, Proposition 4.

*There was a recorded vote.*

*Proposition 4*

*Not carried – Pour 12, Contre 17, Ne vote pas 0, Absent 11*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Fallaize	Deputy Inder	None	Deputy Le Tocq
Deputy Lowe	Deputy Smithies		Deputy Dudley-Owen
Deputy Laurie Queripel	Deputy Hansmann Rouxel		Deputy Roffey
Deputy Graham	Deputy Green		Deputy Oliver
Deputy Paint	Deputy Dorey		Alderney Rep. Roberts
Deputy Yerby	Deputy Brouard		Alderney Rep. Snowdon
Deputy de Sausmarez	Deputy de Lisle		Deputy Ferbrache
Deputy Prow	Deputy Langlois		Deputy Parkinson
Deputy Kuttelwascher	Deputy Soulsby		Deputy Leadbeater
Deputy Gollop	Deputy Tindall		Deputy Mooney
Deputy Le Pelley	Deputy Brehaut		Deputy Meerveld
Deputy Merrett	Deputy Tooley		
	Deputy Lester Queripel		
	Deputy Le Clerc		
	Deputy Trott		

Deputy St Pier  
Deputy Stephens

**The Bailiff:** The voting on Proposition 4 is 12 in favour, with 17 against. I declare it lost.  
Proposition 5.

*There was a recorded vote.*

*Proposition 5*

*Carried – Pour 27, Contre 2, Ne vote pas 0, Absent 11*

**POUR**

Deputy Fallaize  
Deputy Inder  
Deputy Lowe  
Deputy Laurie Queripel  
Deputy Smithies  
Deputy Hansmann Rouxel  
Deputy Graham  
Deputy Green  
Deputy Paint  
Deputy Dorey  
Deputy Brouard  
Deputy Yerby  
Deputy de Lisle  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Prow  
Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Trott  
Deputy Le Pelley  
Deputy Merrett  
Deputy Stephens

**CONTRE**

Deputy Langlois  
Deputy St Pier

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Tocq  
Deputy Dudley-Owen  
Deputy Roffey  
Deputy Oliver  
Alderney Rep. Roberts  
Alderney Rep. Snowdon  
Deputy Ferbrache  
Deputy Parkinson  
Deputy Leadbeater  
Deputy Mooney  
Deputy Meerveld

**The Bailiff:** Proposition 5 was carried by 27 votes to 2.

5405 Proposition 6, which I remind you is the replaced version of Proposition 6, as a result of the  
successful Deputy Brouard/Deputy Le Tocq amendment.  
Proposition 6.

*There was a recorded vote.*

*Proposition 6*

*Carried – Pour 18, Contre 11, Ne vote pas 0, Absent 11*

**POUR**

Deputy Fallaize  
Deputy Hansmann Rouxel  
Deputy Graham  
Deputy Green  
Deputy Dorey  
Deputy Brouard  
Deputy Yerby  
Deputy Langlois  
Deputy Soulsby

**CONTRE**

Deputy Inder  
Deputy Lowe  
Deputy Laurie Queripel  
Deputy Smithies  
Deputy Paint  
Deputy de Lisle  
Deputy Prow  
Deputy Kuttelwascher  
Deputy Tindall

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Tocq  
Deputy Dudley-Owen  
Deputy Roffey  
Deputy Oliver  
Alderney Rep. Roberts  
Alderney Rep. Snowdon  
Deputy Ferbrache  
Deputy Parkinson  
Deputy Leadbeater



Deputy de Sausmarez  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Trott  
Deputy Le Pelley  
Deputy Merrett  
Deputy St Pier  
Deputy Stephens

Deputy Lester Queripel  
Deputy Le Clerc

Deputy Mooney  
Deputy Meerveld

**The Bailiff:** Proposition 6, 18 in favour, with 11 against. I declare it carried.  
Could we go *aux voix* with 7 and 8?

*Several Members voted Pour.*

5410 **The Bailiff:** Proposition 7, to direct the Policy & Resources Committee to find sufficient resources –

**Deputy Lester Queripel:** For completion, sir, I would like to carry as we are.

5415 **The Bailiff:** Carry on as we are. In that case we carry on as we are with a recorded vote on 7 and 8.  
So, Proposition 7, Greffier, recorded vote.

**A Member:** Sir, can we take 7 and 8 together?

5420 **The Bailiff:** P&R have indicated that they oppose 7, whereas I suspect they will support 8, so I do not think we can take them together. So we will have a recorded vote on 7.

*There was a recorded vote.*

*Proposition 7*

*Carried – Pour 22, Contre 7, Ne vote pas 0, Absent 11*

**POUR**

Deputy Fallaize  
Deputy Inder  
Deputy Lowe  
Deputy Laurie Queripel  
Deputy Smithies  
Deputy Hansmann Rouxel  
Deputy Graham  
Deputy Green  
Deputy Dorey  
Deputy Yerby  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Prow  
Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Le Pelley  
Deputy Merrett

**CONTRE**

Deputy Paint  
Deputy Brouard  
Deputy de Lisle  
Deputy Langlois  
Deputy Trott  
Deputy St Pier  
Deputy Stephens

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Tocq  
Deputy Dudley-Owen  
Deputy Roffey  
Deputy Oliver  
Alderney Rep. Roberts  
Alderney Rep. Snowdon  
Deputy Ferbrache  
Deputy Parkinson  
Deputy Leadbeater  
Deputy Mooney  
Deputy Meerveld

**The Bailiff:** The voting on Proposition 7 was 22 in favour with seven against, I declare it carried. Next, a recorded vote on Proposition 8, to direct the preparation of such legislation as is necessary to give effect to their decisions.

*There was a recorded vote.*

**Proposition 8**

*Carried – Pour 29, Contre 0, Ne vote pas 0, Absent 11*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Fallaize	None	None	Deputy Le Tocq
Deputy Inder			Deputy Dudley-Owen
Deputy Lowe			Deputy Roffey
Deputy Laurie Queripel			Deputy Oliver
Deputy Smithies			Alderney Rep. Roberts
Deputy Hansmann Rouxel			Alderney Rep. Snowdon
Deputy Graham			Deputy Ferbrache
Deputy Green			Deputy Parkinson
Deputy Paint			Deputy Leadbeater
Deputy Dorey			Deputy Mooney
Deputy Brouard			Deputy Meerveld
Deputy Yerby			
Deputy de Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Prow			
Deputy Kuttelwascher			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			

**The Bailiff:** So the voting on Proposition 8 was 29 in favour with no-one against. It was carried unanimously. That brings us to Proposition 9, which was inserted as a result of the successful amendment from Deputies Dudley-Owen and de Sausmarez and we will take 9(a) first, to direct the Committee *for the* Environment & Infrastructure to create a Tree & Woodland Strategy for Guernsey. A recorded vote on 9(a).

*There was a recorded vote.*

**Proposition 9(a)**

*Carried – Pour 27, Contre 2, Ne vote pas 0, Absent 11*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Fallaize	Deputy Graham	None	Deputy Le Tocq
Deputy Inder	Deputy Green		Deputy Dudley-Owen
Deputy Lowe			Deputy Roffey
Deputy Laurie Queripel			Deputy Oliver
Deputy Smithies			Alderney Rep. Roberts
Deputy Hansmann Rouxel			Alderney Rep. Snowdon
Deputy Paint			Deputy Ferbrache
Deputy Dorey			Deputy Parkinson

Deputy Brouard  
Deputy Yerby  
Deputy de Lisle  
Deputy Langlois  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Prow  
Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Trott  
Deputy Le Pelley  
Deputy Merrett  
Deputy St Pier  
Deputy Stephens

Deputy Leadbeater  
Deputy Mooney  
Deputy Meerveld

**The Bailiff:** The voting on Proposition 9(a) was 27 in favour, with 2 against. I declare it carried. And last, but not least, Proposition 9(b).

*There was a recorded vote.*

*Proposition 9(b)*

*Not carried – Pour 6, Contre 23, Ne vote pas 0, Absent 11*

**POUR**

Deputy Smithies  
Deputy Yerby  
Deputy de Sausmarez  
Deputy Prow  
Deputy Gollop  
Deputy Le Pelley

**CONTRE**

Deputy Fallaize  
Deputy Inder  
Deputy Lowe  
Deputy Laurie Queripel  
Deputy Hansmann Rouxel  
Deputy Graham  
Deputy Green  
Deputy Paint  
Deputy Dorey  
Deputy Brouard  
Deputy de Lisle  
Deputy Langlois  
Deputy Soulsby  
Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Lester  
Queripel  
Deputy Le Clerc  
Deputy Trott  
Deputy Merrett  
Deputy St Pier  
Deputy Stephens

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Tocq  
Deputy Dudley-Owen  
Deputy Roffey  
Deputy Oliver  
Alderney Rep. Roberts  
Alderney Rep. Snowdon  
Deputy Ferbrache  
Deputy Parkinson  
Deputy Leadbeater  
Deputy Mooney  
Deputy Meerveld

**The Bailiff:** The voting on Proposition 9(b), is 6 in favour, with 23 against. I declare it lost. And that concludes the debate on the Requête.

5435

Greffier, if your voice is still holding out can we move on the Schedule?

**POLICY & RESOURCES COMMITTEE**

**VIII. Schedule for future States' business –  
Approved**

*Article VIII.*

*The States are asked to decide:*

*Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 4th September 2019 and subsequent States' Meetings, they are of the opinion to approve the Schedule.*

*Items for Ordinary Meeting of the States commencing on the 4th September, 2019*

*(a) communications by the Presiding Officer including in memoriam tributes;*

*(b) statements;*

*(c) questions;*

*(d) elections and appointments;*

*P.2019/64 – Presiding Officer – Election of a Member of the Development & Planning Authority*

*P.2019/58 – Committee for Home Affairs – Police Complaints Commission: Reappointment of Chair and Notification of Resignation (e) motions to debate an appendix report (1st stage);*

*(f) articles adjourned or deferred from previous Meetings of the States;*

*(g) all other types of business not otherwise named; No. 1 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2019*

*No. 68 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations (No.2), 2019*

*No. 72 of 2019 - The Road Traffic (Construction and Use of Motor Vehicles) (Guernsey) (Brexit) Regulations, 2019*

*P.2019/59 – The Economic Statistics (Guernsey and Alderney) Law, 2019\**

*P.2019/62 – Projet de Loi entitled "States' Register of Contact Details (Guernsey and Alderney) Law, 2019" – Inclusion of Biological Sex at Birth\**

*P.2019/66 - Committee for Education, Sport & Culture – Transforming Education Programme & Putting into Effect the Policy Decisions Made by the States in 2018\**

*P.2019/60 – Policy & Resources Committee – Independent States Members' Pay Review Panel – Final Report\**

*P.2019/61 – Policy & Resources Committee – Review of the Fiscal Policy Framework\**

*P.2019/56 – Requête – Pension Rules and Regulations relating to Women who were Married as at 31st December 2003 and have Subsequently been Widowed and Remarried a Person with no Guernsey Pension Entitlement\* (h) motions to debate an appendix report (2nd stage);*

*(i) Schedule for future States' business.*

*Amendments to the proposed Meeting dates and order are permitted only for those items marked with an \*.*

*States of Election on the 16th October, 2019*

*Item for Special Meeting of the States commencing on the 5th November, 2019*

*P. 2019/xx States' Budget*

**The Deputy Greffier:** Article VIII, Schedule for future States' business.

**The Bailiff:** Deputy St Pier.

5440

**Deputy St Pier:** Sir, I lay the Schedule as tabled; other than to note that under (h) there will be two further debates in respect of the appendix reports, which the States approved at this meeting, sir.

**The Bailiff:** So we go to the vote. Can we go *aux voix*? (**Several Members:** Yes!) We vote on the Schedule. Those in favour; those against.

*Members voted Pour.*

5445 **The Bailiff:** I declare it carried.  
Deputy Lowe.

**Deputy Lowe:** Thank you, sir.

5450 Could I just take another few seconds to thank you and indeed all the staff for staying behind and serving us so well today? It has been very much appreciated. (*Applause*)

**The Bailiff:** Can I just thank those Members who stayed, not least Deputy Lowe, who gave me a break for 15 minutes to just go and do a few other things. I wish you all a long and happy summer and I look forward to seeing you all back here in just a few weeks' time.

5455 Thank you very much.

*The Assembly adjourned at 7.39 p.m.*