



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 13th October 2016

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Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Procureur),
R. M. Titterington, Q.C. (H.M. Comptroller)

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St Peter Port South

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B. L. Brehaut, R. H. Tooley

St Peter Port North

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

St Sampson

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

The Vale

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

The Castel

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

The West

Deputies A. C. Dudley-Owen, E. A. Yerby, S. L. Langlois

The South-East

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

Representatives of the Island of Alderney

Alderney Representative L. E. Jean

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier) (morning);
A. J. Nicolle, Esq. (H.M. Deputy Greffier) (afternoon)

Absent at the Evocation

Deputy J. P. Le Tocq (*absent de l'île*); Deputy A. H. Brouard (*relevé à 9h 37*);
Deputy D. de G. de Lisle (*relevé à 9h 38*);
Alderney Representative S. D. G. McKinley, O. B. E. (*relevé à 10h 05*)

Business transacted

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States of Deliberation

The States met at 9.00 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

Billet d'État XXV

DEVELOPMENT & PLANNING AUTHORITY

III. The Island Development Plan – Development & Planning Authority Recommendations – Debate continued

The Senior Deputy Greffier: Billet d'État XXV – the continuation of the debate.

The Deputy Bailiff: Well, Members of the States, the next amendment in the running order is
5 to be placed by someone who is not here, which does not particularly help.
But, the next amendment to be placed is not ready yet. Is that right, Deputy Trott?

Deputy Trott: Yes, sir.

10 Sincere apologies, but having given this matter yet more consideration overnight, a minor
modification to the amendment that we know as 25, which I think will become 26, has proved
necessary. So, I beg the Assembly's patience.

The Deputy Bailiff: In that case, we will move to amendment number 4. Deputy Ferbrache, do
15 you wish to place your amendment?

Deputy Ferbrache: Yes, I could, subject to this. I thought it had been circulated, it has not
been.

The current amendment, if I could read it and then ask, I imagine, you sir, as the master of all
procedure, I accept that. I will just find my papers. (*Laughter*)

20 If I may, I will read it and then I will tell the States, if I am permitted, because I am an innocent
in such matters of procedure, but I have got the veteran who could tell me how to accord, that is
my colleague Deputy Fallaize.

I will read the full amendment and then I will tell the States what I am actually asking them to
do, try and save bureaucracy if that is possible.

25 The amendment currently reads as follows:

'To insert at the end of the words in Proposition 1: "; but subject to the modification that the first two paragraphs of Policy IP8: Public Car Parking (see pages 219-220 of the Draft Island Development Plan at Appendix 1) shall be amended to read:

"Proposals for the provision of new public car parks that would result in a net increase in parking spaces available to the public will be supported if: a) it forms part of a major, comprehensive development scheme brought forward through a Local Planning Brief for a Harbour Action Area or a Development Brief for a Regeneration Area and accords with relevant strategies of the States of Guernsey; or b) it would enable additional parking spaces to be provided as part of proposals for public car park rationalisation or relocation or redevelopment, where this would accord with relevant strategies of the States of Guernsey; or c) if it results in the removal and relocation of on-street car parking and enables vehicles to be parked without being subjected to time restrictions, enabling nearby residents to use other more sustainable forms of transport";

'and in consequence of the above modification:'

– which I will only read if you direct me.

Sir, I formally move that, but there has been another draft, but I do not want to delay matters, because otherwise we will come up to this amendment, whatever it might be. I will not be asking the States to support c). I will only be asking for the States to support a) and b), as it were. I do not know if that is possible without amending, if it could be put to separate votes in relation to a), b) and c) and I myself will be voting against c).

I have just been handed the Delancey Conservation Area map, which has nothing to do with my amendment, but I am pleased to receive it. I believe that will be seconded in the full form and he will also support what I have just said, hopefully in not too garbled a way by my colleague Deputy Kuttelwascher.

The Deputy Bailiff: Mr Comptroller.

The Comptroller: Sir?

The Deputy Bailiff: What do you advise, in relation to the process that Deputy Ferbrache has just outlined in respect of this amendment?

The Comptroller: It seems to me, sir, that the Rules will need to be suspended in order to enable him to bring the amended Proposition.

Deputy Ferbrache: I ask for that permission, then, sir.

The Deputy Bailiff: Shall we just put this one back, so that something can be prepared? So that we have a version of the amendment that is to be placed?

Deputy Ferbrache: I have got a copy. If somebody could photocopy it, do whatever. Have we then got to add the words about suspending Rules?

The Comptroller: Sir, I am happy to go and look at this, back in my Chambers. But, obviously, I would have to go away and look at this. I think somewhere there is a draft, possibly online, that I have been sent. I can certainly go away and prepare an appropriate motion and amendment and get that lodged.

It is going to take a little while. Other matters that I have been attending to, in relation to other Propositions, which I think the Assembly will have come before it very shortly. I see there is a map, of which I have not got a copy. I am not quite sure what that is. I do not know whether it is to do with Delancey Park.

Perhaps if I could be given 30 minutes, or so, I could perhaps then have the relevant Proposition ready and be clear as to what is before the Assembly.

The Deputy Bailiff: Mr Comptroller, if you need to leave us, then please do. If we get to any point where Law Officer advice is required, then we will have to take that in due course.

What I am minded to do, Members of the States, is to move to the next amendment and asking Deputy Kuttelwascher, this is amendment number 12, whether he wishes to move that amendment now, or whether it is dependent on amendment 4 at all.

Amendment 12

The States are asked:

To insert at the end of the words in Proposition 1: ‘; but subject to the modification that Paragraph 20.8.3 of the Draft Island Development Plan at Appendix 1 (see pages 217 - 218) shall be amended to read:

“20.8.3 The provision of appropriate levels of private and communal car parking within a development is important to its overall quality and function. Therefore, the car parking standards within Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment set minimum figures for the provision of car parking within new developments within the Main Centres and the Main Centre Outer Areas. However, the strict application of standards can sometimes have an undesirable impact upon the appearance or function of a particular development and although the provision of parking should be expected to comply with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment, it will be interpreted flexibly where it is considered that a better overall development can be achieved.”

Deputy Kuttelwascher: I am happy to move the amendment, sir.

The Deputy Bailiff: Let us move to Amendment 12 now, then.

Deputy Kuttelwascher: I have been ready since half past nine yesterday morning, sir.

Before I read the amendment, can I ask Members who have got access to the Plan to look up 20.8.3, because it all hinges around that, while I am reading it out. I will give them time to find it because I do not have a page number.

The Deputy Bailiff: It is page 217.

Deputy Kuttelwascher: Thank you.

Deputy Kuttelwascher read out the amendment.

Deputy Kuttelwascher: Sir, the main thrust of this amendment, if you look at what is in the actual IDP on pages 217 and 218, it is changing one word. On page 218, approximately half way down, is the word ‘maximum’ and this amendment wants to change it to a minimum.

That is a major change, if you like, in policy. There is a simple reason for that. Again, if you want to encourage the development of office accommodation, new accommodation, you should not have the maximum parking spaces that are contained in this particular document.

I did email everybody a copy of the planning guidance relating to parking, on Tuesday evening. But, also, if you look at Deputy Brouard’s amendment, he has actually got it there as well, with his amendment, so one could refer to that.

The reason why I think it is important to have a minimum, purely as an example, is referred back to the Admiral Park recent development. There was a requirement for a certain level of parking for all of the investment to be made and it was agreed in the end.

I think it was agreed on the basis of one parking space for every 18 square metres of office space. Now, without that agreement, that £70 million inward investment, and I believe it is all coming from Jersey, would not have taken place, because nobody is going to build an office block with inadequate parking if they do not feel they can let it.

The purpose of the current IDP is to try and stop cars, basically, coming into St Peter Port and I think that is, really, a false premise. It is actually an obstacle to development and that is my issue.

I like to remove obstacles, not create new ones.

Under the IDP, the development that was agreed at Admiral Park would not have happened. Now, is that progress?

105 At the moment, what is allowed is possibly a hotel, possibly a cinema and offices. Under the new Plan, it is offices only.

Also, with a parking restriction, I think it was for 70 or 100 square metres of office space. I do not think anybody would bother to build one. What you would produce would be something that is not marketable.

110 So, this is a change in policy. I think it is significant. It is not so much moving an obstacle, but it is trying to stop another obstacle to development being created.

Therefore, I ask Members to support the amendment. Thank you, sir.

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

115

Deputy Mooney: I do.

The Deputy Bailiff: Thank you very much.

Deputy Tindall, to be followed by Deputy de Sausmarez.

120

Deputy Tindall: Good morning.

Sir, the Authority considers that this amendment, if passed, will require a deferral. The inquiry would need to be re-opened and we would also need to consider the amendment's implications in respect of the duty to carry out an environmental impact assessment.

125 I say all this because last week we were asked by Members to set out right at the beginning of the debate what the effects of each amendment would be and that is why I am doing that. The rest of my speeches have, in fact, contained reasons why the Authority do not actually approve.

Going back to the inquiry, that will delay the matter, the coming in of the Plan, between 12 to 18 months and result in the need to extend, again, the Rural Area Plan and the Urban Area Plan.

130 So, as I say, having explained the Authority's view on the effects of the amendment, I will now address its aim, namely to increase parking. Not maintaining the status quo, but actually increasing parking. It is therefore inconsistent with the SLUP.

Policy LP6 of the SLUP, which relates to main centre vitality and viability delivery, states:

'The States will seek to instigate measures and support projects that enable Town and the Bridge to be maintained as the Island's main economic centres, by ensuring they are accessible by a range of transportation methods, including walking to work, and making adequate provision for appropriately located car parking.'

Policy LP9 of the SLUP, which relates to main centre vitality and viability delivery, states:

'Through corporate working and forging appropriate public and private partnerships, the States will seek to instigate measures and support projects for Town and the Bridge that improve pedestrian and cycle access, improve public transport links and facilities and provide for appropriate levels of car parking.'

135 Both of the policies are informed by Policy SLP37 of the SLUP, which states:

'While ensuring economic and social objectives of the States can be met, opportunities should be explored to minimise the negative effects of car parking, particularly within the centres.'

Despite these directions of the SLUP, perhaps my colleagues may believe the draft Island Development Plan, therefore, is totally anti-car and in fact, as Deputy Kuttelwascher has just said, actually stops cars coming into St Peter Port.

140 It is not. It has been drafted to strike an appropriate balance between conflicting elements. It does not seek to deny that, for some journeys, there is and will remain little alternative to the car. But it seeks to encourage other modes when possible. For example, the Plan allows for new areas

of public car parking as part of a major and comprehensive development for the harbour action area.

145 Relocation of some of the existing public parking is also supported in principle. The SLUP supports a diversified, broadly balanced economy, but also the wide management of Island resources.

I apologise, sir, could I take a short break and recommence later? Would that be possible?

150 **Deputy Kuttelwascher:** I would like to raise a point of order. My amendment has got nothing to do with public parking.

The Deputy Bailiff: Are you asking for just a brief break of five minutes?

155 **Deputy Tindall:** I would like to just leave the chamber and stop my speech at this point, because Deputy Kuttelwascher is quite right and I do apologise.

Deputy Gollop: If I could interject?

160 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: We are on an amendment that we did not think we would get to at this stage, because the first three amendments were put into touch in a way that was not predictable. I hope we could have a recess now for 10 minutes.

165

Deputy De Lisle: Could I be *relevé* before that, sir? (*Laughter*)

Deputy Brehaut: May I raise a point, sir?

170 **The Deputy Bailiff:** A point of what, Deputy Brehaut?

Deputy Brehaut: A point of order, if there is such thing? What concerns me, sir, and seriously concerns me, is the manner in which a plan that has been put together over a series of years is being dismembered and unravelled here in front of us today by amendments that are put at the last minute, with little thought and consideration.

175

People are not even present to replace them. People are debating now an amendment that they did not expect to.

I would please request that the DPA are given a period of an adjournment just to consider and take stock of where they are?

180

It does not reflect on this Government that such an important plan has had such an unseemly start this morning.

Deputy Tindall: I am more than happy just for myself to leave the chamber and sort my speeches out and return as and when and take my place in accordance with the normal form of debate, but obviously, that means I would like to speak again.

185

The Deputy Bailiff: No, I am not prepared to let you speak again.

We either recess now for five minutes, so you can sort yourself out, Deputy Tindall, or you stop speaking now and somebody else from the Authority speaks in due course.

190

Deputy Tindall: I would like five minutes, then, please, sir, and, again, I apologise.

The Deputy Bailiff: I am going to put it to the States.

Will we adjourn for five minutes? Those in favour; those against?

Members voted Pour.

195 **The Deputy Bailiff:** I declare that carried. Five-minute recess.

*The Assembly adjourned at 9.20 a.m.
and resumed at 9.30 a.m.*

The Deputy Bailiff: Deputy Tindall, are you ready to proceed now?

200 **Deputy Tindall:** Yes, sir. Thank you for the indulgence, as well, for allowing me to set out the papers.

I think we all agree this is a rather complicated plan and no one knows quite what is up at the moment, so I am very grateful for your indulgence.

To start the speech again, sir, as I have only just started.

205 Sir, the Authority considers that this amendment, if passed, will require a deferral. The inquiry would need to be re-opened and we would also need to consider the amendment's implications in respect of the duty to carry out an environmental impact assessment. It will delay the coming in of the Plan by between 12-18 months and result in the need to extend again the rural area plan and the urban area plan.

210 So, having explained the Authority's view on the effects of the amendment, I will now address it.

The core objectives of the SLUP include enabling a diversified, broadly balanced economy, but also the wise management of Island resources, including land and air quality, whilst supporting corporate objectives and associated policies relating to, amongst other things, reduction of the Island's carbon footprint.

215 Policy LP1 in SLUP states that social wellbeing and maintaining economic development will be realised through the prudent use of natural resources, ensuring the physical and natural environment is conserved and enhanced and reducing, where practical, the Island's contribution to greenhouse gases.

220 This is in accordance with the States' Environmental Plan. The SLUP requires the Island Development Plan to balance sustainability and economic and social objectives. The SLUP further notes that, as the use of motorised vehicles is one of the main contributors to greenhouse gases, policies that lead to a reduction in the need to travel by car should be supported.

225 In approving the SLUP, the States has agreed this approach. It says that the States should support projects which improve pedestrian and cycle access, improve public transport links and facilities, but also provide for appropriate levels of car parking.

Clearly the SLUP requires a balance to be made between trying to reduce the impact of motor vehicles and ensuring that there is adequate provision for residents and businesses without undue restriction.

230 Levels of on-site parking for new developments need to provide for the reasonable operational needs of businesses and residents, but not provide a level of parking that encourages car use. The application of minimum parking standards would not achieve a reduction in the impact of motor vehicles, a reduction of the Island's carbon footprint, or the balance required by the SLUP.

235 The Integrated Transport Strategy seeks, amongst other things, to support and incentivise transport alternatives and to reduce the dominance of the private vehicle, whilst still recognising the vital role of the private motor vehicle and not seeking to ban cars.

Reducing car dependency and achieving a shift in modes is echoed in the transport hierarchy of the Integrated Transport Strategy, which places the needs of private cars last.

Lower levels of car parking would encourage sustainable travel choices and support the transport strategy.

240 The strategy notes that a reduction in traffic can be achieved through reduced availability of parking spaces. The adopted strategy sets out a number of principles to be considered in the

Island Development Plan to encourage sustainable transport and accessibility for all. These include maximum car parking standards and minimum standards of cycle parking provision in new developments.

245 The application of minimum parking standards, effectively unlimited parking provision, would not incentivise transport alternatives or reduce car dependency and would not accord the division of a strategy to support travel options for all the community, not just car owners.

The implications and risks of this amendment are that the SLUP's core objective of seeking a balance between the needs of the economy and society and reducing the impact of motor
250 vehicles would not be met.

It does not accord with the vision or core objectives of the States' approved Integrated Transport Strategy. It does not accord with one of the principal objectives of the Island Development Plan, the most effective and efficient use of land. The land required to accommodate higher levels of parking provision would necessitate lower densities for
255 development, reducing the efficiency of the use of land and increasing the land-take to meet the development required for main centres and their outer areas.

The inspectors agreed that, as well as increasing motor vehicle use and congestion, it could necessitate more development outside of the centres, or the redefinition of the main centre, outer area boundaries, to include a greenfield land which currently lies outside of them.

260 This would be contrary to the spatial strategy of the SLUP.

The implications for the environmental impact assessment of the Plan would need to be also considered carefully. The policy as proposed remains flexible on a case by case basis, if a better development would result. This amendment does not.

265 There has been no evidence submitted to illustrate that significant parking is required for new developments in main centres and main centre outer areas.

Most importantly, sir, some Islanders may have reasonably assumed that the Island Development Plan must be consistent with the SLUP and States' approved Integrated Transport Strategy and, therefore, not even made a representation as they considered minimum standards could not even be an option.

270 This brings up an issue of fairness and transparency.

This amendment is seeking to alter the higher level strategic policy of the SLUP and the Integrated Transport Strategy through the development plan process, which is not appropriate and would lead to land use policies which are inconsistent with States' approved strategies.

I therefore request my colleagues to reject this proposal.

275 Thank you again, sir.

The Deputy Bailiff: Just before the adjournment, Deputy De Lisle, you asked to be to be *relevé*. You are. Deputy Brouard has also appeared. Do you wish to be *relevé*?

280 **Deputy Brouard:** Thank you, sir.

The Deputy Bailiff: You are *relevé*. Deputy de Sausmarez, to be followed by Deputy Lester Queripel.

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

The problem with any States debate on parking is that we live in an Island of 63,000 traffic experts and, of the 39 with a vote, some have already immortalised their opinion in a manifesto.

This is a truly depressing thought because, to the best of my knowledge, not one of us sitting in this chamber is a transportation planning professional. We are, quite literally, a bunch of
290 amateurs. But we are a bunch of amateurs with a power to shape and define parking policy.

That said, I am sure this Assembly supports the principle of evidence-based policies. We have heard a lot about evidence in the last 24 hours and, despite the odd denigrating remark, I do

believe we see the sense in making policy decisions based on rigorously established, objective evidence, rather than on untested assumptions.

295 Parking provision is, in fact, an incredibly complex issue. It is one of the most influential factors in urban form, with significant direct effects on everything, from land use patterns, development density, office rents, wages, the costs of goods and services, land values, housing affordability, economic productivity, air quality and liveability, to name just a very few.

 In other words, parking policy is worth getting right.

300 Deputies Kuttelwascher and Mooney offer absolutely no justification for their proposal in their wording of this amendment. As Deputy Kuttelwascher has explained, they simply changed the word 'maximum' to 'minimum' and delete the justification for maximums. Simple.

 Whilst I can understand the appeal of this approach, and admire itschutzpah, it does not strike me as particularly robust.

305 I decided to collate the evidence myself, comparing 62 publications by qualified professionals and academics, totalling well over 1,000 pages, probably more, in fact, than it took read the draft IDP and its annexes. I have to admit the evidence was pretty conclusive.

 Although I made a conscious effort to do so, I could not find a single piece of empirical literature or analysis that endorsed parking minimums as good policy. Perhaps that explains why 310 there is no justification for them in this amendment, because there is no justification. Full stop.

 One of the quickest ways I can summarise the research in this field is to read out a few of the academic titles, most of which are fairly self-explanatory. The Trouble with Minimum Parking Standards. The High Cost of Minimum Parking Requirements. Suburban Parking Requirements: A Tacit Policy for Automobile Use and Sprawl. The Hidden Cost of Employer Parking Policies. 315 Parking Requirements and Housing Affordability.

 These are case studies that conclude that parking minimums make housing less affordable, in case you are wondering.

 Death by A Thousand Curb-Cuts: Evidence of the Effect of Minimum Parking Requirements on the Choice to Drive. This research shows a clear relationship between guaranteed parking at home 320 and a greater propensity to use the car.

 Smart Growth Alternatives to Minimum Parking Standards. Does residential parking supply affect household car ownership? The answer is a resounding 'yes'.

 Parking Restraint Policy and Urban Vitality and, one of my favourites, the Evidence Base for Parking Policies: A Review, which is a paper that shows that limiting provision of parking benefits 325 both retail and commercial enterprises.

 This is just the academic research, by the way. When you delve into the policy publications, you find titles like Europe's Parking U-turn – From Accommodation to Regulation and Minimising Parking, Maximising City Life.

 Anyway, you get the drift.

330 With so little to support them and, now, such a compelling body of research urging policy makers to move away from minimum parking requirements, Members may well wonder how they ever came into being in the first place. The answer is, quite simply, by accident. It is all a bit embarrassing, really. The planners do not really like talking about it. I will let you into a little secret: most of them are not transport experts, either.

335 Without the benefit of any relevant education or science, planners made an understandable, but amateurish error and that is the error the draft IDP seeks to correct today.

 Minimum parking requirements are universally acknowledged to be a very expensive mistake. The basic theory is good: by insisting that new developments include parking, planners can minimise the chance of overspill in the surrounding area and shift the cost of parking division 340 onto the developer. So far, so good. The problem starts with the ratios. They are geared towards satisfying the peak demand for free parking. This creates what is known as a development-led supply pattern. The result is an over-supply of parking which, in turn, distorts the market, with far-reaching consequences.

A telecoms analogy helps illustrate the market distortion point. Imagine that the charges for all phone calls were automatically reversed but, instead of getting itemised phone bills, the cost of calls was simply bundled into people's house rental or mortgage payments. Call volumes would go up, more capacity would be needed, demand would be assessed against the current volumes and so on.

Although drivers do not pay for it directly, parking is, in fact, very expensive to provide. Construction costs per square metre of parking are usually higher than the equivalent costs for general floor area. It can cost in the region of £35,000 to build one parking space of the kind you typically find in a commercial development. Each parking space is around 11.5 square metres, but each parking space needs around the same again for access and manoeuvring space, so 20-25 square metres per space is a realistic estimate.

Our current provision is guided, as Deputy Kuttelwascher explained, at one parking space for every 18 square metres of general floor area for larger office developments. Yes, that is right. Our current parking policy facilitates parking structures that are bigger than the offices they serve.

Now, office space is economically productive. It generates income. Yet, because the office workers park for free, the same cannot be said for all that space where they leave their cars. We already know that parking costs more to construct, so who picks up the tab? Well, the higher construction cost, plus the cost of the land itself and the opportunity cost, are bundled into the cost of the building, of course. The business then pays for it in higher rents. The office workers pay for it in lower earnings. The consumers pay for it in higher costs for goods and services. In the end, everyone pays for the parking, whether they use it or not.

For commercial properties in Guernsey, the parking spaces to people ratio works out at about one to 1.5. So, let us put that in context. We spend, as a States, millions each year on our bus service and initiatives to promote and encourage walking and cycling and yet we have a parking policy that assumes just about everyone drives everywhere. And then it bends over backwards to enable them to do so.

Although it has never been written into any strategy, we subsidise cars to a far greater degree than we do any other form of transport.

The costs of meeting minimum parking requirements are just as true of residential development, too. Space that could be better used for accommodating people is, instead, diverted to accommodate cars. The large volume of space that minimum requirements make us devote to parking reduces the density of development in the whole urban area, as Deputy Tindall explained, and this in turn reduces efficiency in many other ways.

Not only does it restrict the economically active components of individual developments, but destinations are further away from each other and they become less accessible. This is the exact opposite of what the Strategic Land Use Plan recommends. Ideally, we want our main centres to be mixed use and high density, to make them walkable, vibrant and economically efficient.

Even the most ardent, die-hard, self-confessed, best petrol head would at least privately admit that clogged up roads and polluted air does not make for vibrant and enticing public spaces.

We only need to look to the growing number of cities embracing the new car-free centres to find evidence that accessibility is more important than mobility. Cars increase mobility, but people go into shops and cafes and pubs on foot, not in cars. So, walkable accessibility is key. Retailers do not call it footfall for nothing. Main thoroughfares like New York's Times Square and, soon, London's Oxford Street, are not pedestrianised for fun. They are pedestrianised for profit.

Sir, I am sure some of my colleagues are thinking, 'Well, this is all very well, but the fact remains we need parking.' Well, do we? We assume that parking provision is simply a response to the demand created by drivers but, in fact, this assumption is wrong.

It is demonstrably the other way around. Parking provision creates car journeys. Causality is a notoriously tricky thing to prove, in scientific terms. Long after it was widely understood that smoking caused cancer, big tobacco companies were still getting off the hook because, in a court of law, the evidence of a causal link was not strong enough. Once the causal link had been properly established, big tobacco had to cough up, if you will pardon the pun.

Last year, a team of researchers established a definitive causal link between parking and driving, not the other way around. They showed that parking provision is, and I quote:

‘The primary leading factor in the decision to drive.’

Now, that stands repetition: ‘Parking provision is the primary leading factor in the decision to drive.’

Their research overrides any presumptive justification for minimum parking requirements in urban areas. Instead, they recommend mechanisms like maximum parking allowances and that, by happy coincidence, is exactly what the draft IDP recommends.

As section 20.8.3 on page 217 explains, managing the supply of car parking is a key factor in addressing traffic congestion and encouraging people to use more sustainable modes of transport and here is why: congestion is not just about high traffic volumes, it is the failure of our infrastructure to cope. Building new parking within developments is the easy bit. Expanding our existing road and junction capacity to accommodate the additional car journeys is far more of a challenge.

I am really glad that Deputy Kuttelwascher mentioned the new development at Admiral Park, because I too would like to use that as an example.

The 722 new parking spaces will generate significantly more traffic, everyone accepts that. While the actual road capacity should cope, the junction capacity is a different matter. Anything over 90% cent capacity will result in queues and delays and this development will push three junctions above that that limit.

Once the new development is up and running, the Vrangue Hill junction with the Bouet, for example, is predicted to reach 124.4% capacity, in both morning and evening peak hours. But, despite the best efforts of the external traffic consultants employed by the developers, there are no realistic measures that can mitigate problem. It is an infrastructure limitation that is typical of main centres and main centre outer areas.

Interestingly, the problems at the Elizabeth Avenue junction can and will be mitigated, but only at the expense of pedestrians and cyclists. Now, the developers justified this by quoting the relatively low number of pedestrians and cyclists, compared with car drivers, making something of a mockery of their commitment to support and encourage alternative forms of transport.

This illustrates the point made in the draft IDP, that the provision of large numbers of private car parking spaces within a development will do nothing to encourage occupiers and users of the development to access the site by means other than the motor car. In fact, this statement would be more accurate if it said that the provision of large numbers of private car parking spaces within a development will actively deter people from accessing it by any means other than the car.

Data collected locally confirms a well-known phenomenon, called the Barrier Effect. People are put off walking and cycling chiefly by high traffic volumes.

In fact, the developers made another very telling comment in their supporting letter. I quote:

‘We note the principle behind your Department’s objective to reduce the use of privately owned vehicles and encourage the use of other modes of transport, however there are no practical alternatives. We have a diverse employment pool; businesses rely on attracting mums back to work offering flexible working hours. Without the use of their car and, consequently, a parking facility, you can understand it would be simply impossible to meet family commitments.’

‘Simply impossible.’ Ha, ha. That had me laughing because, by this definition, I achieved the impossible just about every single day. However, I do have a lot of sympathy for the argument that alternatives are not always viable. Like many other full time working parents, I need a degree in logistics to get my three young children in two different directions so I can zoom off to work in another direction yet.

My family uses alternative forms for the majority of our journeys and I know several other families who do too. So, is it impossible? No. Is it as easy and convenient as it could be? No. Guernsey is a highly car-dependent society, with poor provision for the alternatives.

Are we stuck with this problem for the indefinite future, then? No. Adopting parking maximums as the draft IDP proposes will be a crucial catalyst for far better walking, cycling and bus provision.

445 This is a serious point. There is absolutely no doubt that our current system of parking minimums is inhibiting our economic progress and part of the problem is that we do not really understand the relationship between transport and the economy.

Deputy Ferbrache will remember a briefing session a few weeks ago where I objected to his argument that we needed parking for the mum who has to drop off two kids at the Forest School
450 and then another at the Grammar and then squeeze in a few hours' work at an office, before leaving at 2.30 p.m. to pick them all up again.

What frustrated me about this scenario was the idea that we mums should aspire to the so-called freedom of being a glorified taxi driver for our kids. That is not the kind of aspiration I was hoping to hear from our President for Economic Development, of all people. Would not we 21st
455 Century mums rather have safer roads and better buses, so our children can travel independently to and from school, freeing up a range of options for us to travel to and from work and freeing up more time for us to be more economically active?

Several Members: Hear, hear! (*Applause*)

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Deputy de Sausmarez: I know which role I would rather aspire to, as both a working mum and as a Member of this Assembly with a keen eye on our public finances.

Economic theory and empirical evidence show time and time again that car dependency reduces economic development, which is why I am baffled that this amendment is being laid by
465 two members of our committee of that name.

What is more, case studies consistently and specifically show that the retail sector benefits from higher levels of walking and cycling and lower levels of parking provision.

New York retailers on Ninth Avenue protested against plans to remove on-street parking to make way for a protected cycle lane, but sales have increased by 49% since the parking was
470 removed.

When I hear our Town retailers calling for more parking, I think of what Henry Ford, godfather of the motor industry once said: 'If I had asked my customers what they had wanted, they would have told me faster horses.'

Here in Guernsey, we see parking through the prism of the current situation and we are caught
475 in a vicious cycle. The more parking, the more car journeys, the more barriers to alternative forms of transport and the lower the take-up, so the harder it is to justify investment and the poorer the provision of public transport, leading to more car journeys and so on and so on.

This amendment would trap us in that vicious cycle. Retaining parking minimums does exacerbate and entrench the existing problems and the problems I have described so far, by the way, are just the tip of the iceberg. I could go on at great length to describe the associated
480 negative impacts on public health, business productivity, social equality, environmental sustainability, infrastructure expenditure, educational attainment, the public realm, air and water quality, biodiversity, etc., but I do not want to be responsible for having to start tomorrow's debate at 5 a.m.

We are so far behind the curve, it is downright embarrassing. Our current parking ratios are among the most generous of all the jurisdictions I came across in my research and, often, as much
485 as four times as generous for commercial premises.

In medical terms, we are addicted. The treatment is not cold turkey; it is supported rehabilitation. The movement away from minimum parking requirements is snowballing across the
490 UK, Europe, North America and beyond. Countless jurisdictions are realising the benefits of limiting rather than fuelling parking supply.

San Francisco switched to parking maximums way back in the early 1990s. This policy has indeed proved to be a key tool in encouraging more sustainable modes of transport, making

more efficient use of land and creating better places for everyone to use and enjoy. All those things that are mentioned in section 20.8.3 in the draft IDP.

The Kuttelwascher amendment omits these benefits because retaining parking minimums will fundamentally undermine our chances of realising them.

We cannot change the decisions of the past. What we can do, though, is make better decisions for the future.

I hope that I have demonstrated that there is overwhelming empirical evidence to support the introduction of parking maximums and no evidence, that I could find, to support the retention of our outdated, regressive and counter-productive policy of parking minimums.

Sir, through you, I would like to urge my colleagues to support the sound, evidence-based proposal laid before us in the draft IDP and to decisively reject this un-evidenced, unreasoning and uninspired amendment.

Thank you. (*Applause*)

The Deputy Bailiff: Deputy Lester Queripel, to be followed by Deputy Roffey.

Deputy Lester Queripel: Thank you, sir. I would just like to say I thought that was an excellent speech by Deputy de Sausmarez.

Sir, I accept and I respect that you have ruled that none of these amendments go beyond the original positions, but I am still concerned about the irresponsible and disrespectful approach taken by some of my colleagues in relation to some of these amendments.

This particular amendment seeks to introduce a new policy which has not been consulted and, therefore, will result in a deferral and in the need for a new inquiry to be undertaken.

I appreciate, sir, Deputy Fallaize told us yesterday, it is not acceptable to any of us that the DPA challenge amendments with those reasons. He said we should come up with something better than that.

What more do we need to say and what can we say than that supporting a particular amendment will lead to a delay and additional cost to the taxpayer?

The fact is, we have been elected to do a job in the DPA and that is what we are doing and, surely, if Members are unhappy with that they should lay a vote of no confidence in the Committee?

We are taking our duties and responsibilities very seriously indeed. Especially Deputy Gollop and Deputy Tindall, who have been working flat out on this Plan for months and, I should imagine, they have had to endure many sleepless nights and still are, in fact, enduring many sleepless nights.

Having said that, I am not totally wedded to this Plan. I laid an amendment yesterday that was not successful. That proves that I am not totally wedded to this Plan. But I do intend supporting amendments that make perfect sense and that can be implemented without delay and without further costs, resulting from inquiries, etc.

Unfortunately, this amendment is going to do just that. I appreciate it may have been laid with the best of intentions and I would love to support it, but the ramifications of trying to address the problem in this way will be far too costly in time and financially.

There are ways to go about achieving these aims and I know Deputy Fallaize says we cannot amend SLUP via requête, but as Deputy Roffey said in response to that, where there is a will, there is a way. I resonate with that. For example, I think it is absolute madness that we have got 234 disused vineries in the Island, with a total redundant land mass equivalent to 251 football pitches. That to me is madness. I could have laid an amendment that sought to address that, but that would have meant I was on the wrong path completely, due to the fact that I would have been seeking to introduce a new policy which had not been consulted, blah blah blah blah.

I fully appreciate my colleagues are fed up of hearing that but, as I say, we are doing our job to the best of our ability and I do not know what else we are supposed to say rather than this could lead to deferrals, inquiries, extra costs, even legal issues in some cases.

Sir, I do have some questions for the layers of the amendment, which are these:

What is their interpretation of the word 'flexibly'? How will they know they will be satisfied with the levels and degrees of flexibility employed by the Authority and the planners?

550 What is their interpretation of the term 'where it is considered a better overall development can be achieved'? Once again, how will the layers of the amendment know that they agree with the interpretation of that term and how will they know that they are going to agree with the decisions that will be made by the Authority and the planners and, if they do not, will they be objecting every single time to those decisions if they do not agree with them, they are unsatisfied with them?

555 In other words, how will they know that they agree with the criteria employed by the planners and the Authority? It is a simple question and surely there is a simple answer to it?

Unless the layers have got a crystal ball, or they intend working with the planners and the Authority, I do not see how they can be satisfied or even know what the levels and degrees of flexibility will be.

560 Sir, I applaud the intention of the amendment and I resonate completely with Deputy Kuttelwascher when he said in his speech— he wants to remove obstacles and not create them — but surely this amendment is an absolute nonsense? Unless the layers of it know exactly what the outcome will be, what the procedure will be and whether or not they will be satisfied with the outcome.

565 Thank you, sir.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Sir, I will be brief.

570 We came in earlier today in order to crack on and I suggest we do that by dismissing this amendment straight away because it confuses two or three different things.

I really am worried when we get to a general debate about how much parking should be permitted on a new development. To be honest, it was an absolutely brilliant speech by my colleague to the left but I think it almost invited us to get into that debate now. I think future
575 amendments will allow that, but this debate is not about how much parking should be permitted, but how much should actually be insisted upon.

There is all the difference in the world between whether we should have parking maximums, what those maximums should be, and what Deputy Kuttelwascher is suggesting, is insisting on parking minimums. Far from encouraging inward investment, imagine sites right in the centre of
580 St Peter Port that need to be redeveloped, that are crying out for maybe for office space but maybe also residential in there as well. The developer can get pre-lets, no problem, cannot really afford to create the amount of parking that would be insisted upon in a minimum parking requirement, but that does not matter, they can find the tenants who are happy to live with that, be they people who rent offices or accommodation.

585 It is absolute nonsense for somebody from Economic Development to be insisting on parking minimums. Let us get on later on to discussing whether we should have parking maximums and what level they should be. An utterly different issue.

Let us dismiss this now.

Thank you.

590

The Deputy Bailiff: Alderney Representative McKinley, do you wish to be *relevé*?

Alderney Representative McKinley: Thank you very much, sir. I apologise for my delay, but the lights appear to have gone out in Alderney.

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The Deputy Bailiff: Oh, dear. Members of the States, I am going to call the seconder of this amendment, Deputy Mooney, to make his maiden speech.

Deputy Mooney: Thank you.

600 It is very basic what I have to say. It will not take long. All I have to say if this amendment is not passed, development will not take place. The owners and estate agents say they cannot get tenants if they do not have parking and the other thing I would like to do is compliment the Committee for Development & Planning on their fantastic understanding of this IDP. The reason I do that is a few weeks ago I was at an open planning meeting and two of the Members did not understand the difference between a set of traffic lights and a yellow box.

605 Thank you. (*Applause*)

The Deputy Bailiff: Deputy Paint, to be followed by Deputy Ferbrache.

Deputy Paint: Sir, I will equally be quite short. In more ways than one. (*Laughter*)

610 I think this is a very sensible amendment and I will be voting for it. Some of the very long speeches we have heard can only be seen by me as trying to support the failed Traffic Strategy. I say failed, because look at the seafront fiasco. Look at the bus station fiasco, where perfectly good trees were cut down and they found they could not do it.

I am sorry, but that is not the way.

615 This is not what the majority of people in Guernsey want. They want to use their cars. I cannot, just will not go against that.

This is not what people want. Most people want to use their cars and will continue driving them, so please do not be fooled by all the statistics and whatever it is put forward, that is nonsense.

620 Thank you, sir.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, just because I disagree with much of what Deputy de Sausmarez does not mean I do not recognise the high-quality content and intelligence and research that went into that speech. I congratulate her upon it, but we live in a democracy so I am entitled to disagree with her.

625 In relation to that, it is idealistic and we do not live in an idealistic world. For Deputy Lester Queripel to say, for the second time, if you bring an amendment which is against this it is disrespectful, it is disrespectful of him to not recognise that we are a democratic chamber and, simply because you bring amendments to polices –

Deputy Lester Queripel: Sir, point of correction if I may?

635 **Deputy Ferbrache:** Sir, I am not going to give way, unless you direct I have to.

The Deputy Bailiff: Point of correction, is what Deputy Queripel is trying to raise. Point of correction, Deputy Queripel.

640 **Deputy Lester Queripel:** Sir, I said I think it is disrespectful and irresponsible of the Members who should have gone down other channels, the channels that are in place. That is slightly different to what Deputy Ferbrache is inferring I said.

The Deputy Bailiff: Deputy Ferbrache to continue. I am not sure that was really a correction.

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Deputy Ferbrache: Thank you, sir.

I take it from where it comes. In relation to that, to say somebody is doing something disrespectful, nonsensical or stupid or whatever, does not help the debate. If you disagree with somebody, and I disagree with Deputy de Sausmarez on this point, you recognise the quality of

650 the person and the person's arguments and you address them. You do not try and disparage them by silly comments.

Let us turn to the substance of the issue. The issue is that we live in a society, as Deputy Paint very well said, where people drive their cars.

655 We have got a Traffic Strategy. I have read it and read it and read it and I still do not understand it. It is not really, to use a word, of any utility in this cause. It is not populated. It is going to be reviewed. It used that wonderful word 'vision'. Others in the States, perhaps even more senior than me in the States use the word vision, and I am not quite sure what they understand that means sometimes.

660 This word 'vision', I would much prefer the word 'practical', or another word, 'practicality', because we have to live in a practical and practicality type society.

We know that he is a regular contributor, is Deputy Roffey, to the *Guernsey Press*. He gets a facility that the rest of us do not always get, but he writes articles and then gets paid for doing it, quite properly, other of us do other things and get paid for what we do, which is extant from the States.

665 He wrote an article recently –

Deputy Roffey: Sir, point of correction. I may have just missed that. Did Deputy Ferbrache –

The Deputy Bailiff: Point of correction, Deputy Roffey.

670 **Deputy Roffey:** Deputy Ferbrache –

The Deputy Bailiff: Deputy Roffey, please do not speak until you have been invited to speak. That is what the rules say. Point of correction, Deputy Roffey.

675 **Deputy Roffey:** Sir, if I heard correctly, I was not sure if Deputy Ferbrache claimed that I was paid by the *Guernsey Press* for contributions. He is entirely incorrect.

680 **Deputy Ferbrache:** I completely accept that comment and that point of correction, because that is a valid point of correction. I apologise, sir, through you, to Deputy Roffey for saying otherwise.

The point is he is a regular contributor to the *Guernsey Press* in connection with such matters and he wrote an article recently which had me misty-eyed, because it was looking backwards about Guernsey as it used to be.

685 We are not Guernsey as it used to be, we are Guernsey as we are now because, again, in an excellent maiden speech made a States' Meeting or two ago by Deputy Hansmann Rouxel, I thought it was brilliantly done and I applaud her for it, referred back to my toilet scenario that I often begin.

690 When I went to Beaufort Infants as a five-year-old my mum walked me to school from Charrotterie for about the first three days. Then I walked back, unaccompanied. I went back for my dinner at 12 o'clock and came back after dinner at one o'clock, went to school until half past three and then walked back again. You could do that in those days, because there were very few cars on the road. There were very cars on the road because people were poor. Only the privileged could drive motor cars, now the ordinary person can drive motor cars. It gets me very angry indeed

695 when they say take the motor cars away from the ordinary people.

I had an uncle who fought at Dunkirk. His pride and privilege, and if you think this is the days of yesterday, well you will have to think the days of yesterday. He did not pass his driving test until he was 65. He was one of the most gentle men that I ever met. His pride and joy was his motor car. He died many years ago. The only bad thing about my uncle was he was the worst driver in

700 Guernsey, but he was a good man.

The ordinary Guernsey person wants a motor car. It is not for us to take that motor car away from them, it is for us to try and educate people. You educate people, you do not impose your will upon them in relation to matters of social choice.

705 I fully accept Deputy de Sausmarez is not only an intelligent, but good Member of this States, she is also a person of high integrity and, if she says she can make arrangements for her three kids to go in various places, I accept that. Not everybody, perhaps, is as organised as her and can do that because of their own personal circumstances.

710 One of my outside interests for which I do get paid, it is as a trustee. I was at a trustees' meeting recently at Admiral Park and I was told that before Christmas people, perhaps 100-150, were moving from an office at Admiral Park to an office in St Julian's Avenue. The person I was talking to, a very intelligent woman, a trust director, with a child she has to drop off at school, because there is nobody else that can drop off at school because her husband works as a gardener and he has got to be somewhere at 7.30 a.m. and the boy does not go to school at 7.30 a.m.

715 She is extremely valuable to our economy and there must be thousands like her who are extremely valuable to our economy and she needs a parking space. She will not have one when she moves to St Julian's Avenue and that is causing her a concern.

720 Now, those people are not irresponsible, they are not clogging up the environment, they are not making things even more unreasonable. They are living their own lives. If you recall, we all had, again from Mr Spicer, a letter. Mr Spicer wrote us a letter dealing with two things, one of which I dealt with yesterday and the other, he said about this, about car parking.

725 We talk about maximum car parking but I think the point still has some validity. Talking about maximum car parking and the IDP and he said whilst his board appreciated that was admirable, 'to be successful, this requires a change of behaviour over many years by all Islanders, plus a comprehensive public transport system'.

Where is our comprehensive public transport system? Where does that exist?

730 We actually have a bus system that is much better than the one we used to have years ago, but it has still got a very long way to go to meet the needs and aspirations of the ordinary person who has got to get to work, who has got to live a life, who has got to pay a mortgage, who has got to take their kids to school.

735 Mr Spicer goes on, whilst there is not a comprehensive public transport strategy, without this people will continue to own and drive the same number of cars, which means that without sufficient formal parking, they will park wherever they physically can, blocking roads, etc. The number of parking spaces allowed with new housing up to four rooms needs to be increased.

740 Then we had, from an ordinary member of the public, because we talked about not being engaged by ordinary members of the public. My able colleague from St Peter Port South, Deputy Tindall, organised a meeting just recently, of which seven deputies from St Peter Port attended at the Constable's Office. Deputy Lester Queripel was there, I was there, others were there, Deputy Brehaut was there, last Saturday morning.

745 Two people attended. We were there for two hours. We have not engaged the public. To pretend otherwise is a fallacy. But we had ordinary members of the public, and I mean no disrespect to him when I refer to Mr Le Bron as an ordinary member of the public, who sent us an email recently talking about the parking restrictions.

He says:

'I believe it to be quite an idealistic and not practical view. I live on the Clos des Isles at Les Banques, which is a first-time buyers' estate. What little garden the houses had when built 30 years ago, have now been constructed, paved, covered in tarmac. These are family houses in the daytime. The estate is clear of cars, despite Les Banques being probably the best served road by the bus service. By evening, there are cars parked on the front gardens, on the pavements and on the road which children end up playing in.

'I do not have children. I have permission for a detached house if I remove my garage and would still have parking for three cars for each unit, as I am on a corner plot.

'So, if this Plan is approved the saleability of my property would be increased, as I would have extra parking.

'However, I still think it is a poor idea and we are in danger of creating society issues for the future. People want to work, have flexibility, be mobile, so will not abandon the freedom of car ownership.'

This is an ordinary member of the public, not idealism.
He goes on:

'There is really only a traffic issue at peak times in certain areas and this will be made worse by concentrating so much extra housing in the north of the Island.'

He then goes on:

750

'Please think carefully about imposing extra costs...'

That is about social housing, so we will move on from that. We dealt with that yesterday.

In relation to all of this, the development as I understand it which has been approved, it is not yet built, at Admiral Park, at one to 18, I think Deputy de Sausmarez covered that in her speech. They are not going to ask, because she rightly says it costs a lot of money to provide a car parking space, I think she said £35,000. I accept that figure.

755

Developers are going to want to provide as few as they can, frankly, because it costs a lot of money. But, equally, they have to provide such that it is going to be attractive for the developer to build the building. He is only going to build the building if he can let it.

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A bank, a financial institution, a lawyer's office are only going to rent it if they can get employees to work. If those employees have got to have parking, because there is no parking of any great purport around Admiral Park, for example, they are going to have to do it.

We live in a world where you have got to pay the bills. Guernsey is struggling to pay the bills, and if we impose more hurdles and more obstacles, we will have all the theories, all the practices, all the policies in the world and people will be living in tents.

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This is a magnificent amendment. I did not propose it because I knew my colleague Deputy Kuttelwascher would propose it better than me. He has done so. Please support it.

The Deputy Bailiff: Deputy Fallaize.

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Deputy Fallaize: Thank you, sir.

The environmentalists, or eco-warriors as some people would call them, and the concrete junglers have turned this debate into a sort of pro-car or anti-car debate, but it really has nothing to do with that.

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Later on, there is Amendment 15, I know it is not in play yet and it is Deputy Brouard and Deputy Stephens who are trying to set down what would be the supplementary planning guidance which would set out exact parking provisions for new developments. Now that, surely, must be the time to get into the sort of debate about how many spaces we think new developments require?

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All we are dealing with here is whether there should be maximum standards of minimum standards. We could accept maximum standards and we could set the maximum standards as high as we want through the kind of amendment that Deputy Brouard is going to place before the States.

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All the evidence suggests that we should set maximum standards. Deputy Ferbrache would have a different view about what the maximum standard should be than Deputy de Sausmarez, but that is a completely different debate.

Why on earth would we want to set minimum standards? There are developments now, both office-based and residential, which would not comply with the kind of minimum standards which are set out in Deputy Kuttelwascher's amendment, but which are operating perfectly happily. Why would it be in our interest to stop that from happening in the future? I cannot understand that.

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To me, the evidence is in favour of setting maximum standards but then having a separate debate, either through Deputy Brouard's amendment, or other amendments, or at a later date,

which deals with exactly what those maximum standards should be and then the people who have a more favourable view of the provision of car parking can set out their case and those who have a less favourable view of the provision of car parking can set out their case.

795 If this amendment is passed and there are minimum rather than maximum standards set, not only will it inevitably – and it is not shroud waving this time – lead to a deferral of the Island Development Plan, I do not think Deputy Brouard could lay his amendment, because his amendment, which everybody appears to want to debate, because it is about the specifics, deals with the supplementary planning guidance for maximum provision of car parking space.

800 Deputy Kuttelwascher would have turned it into a policy on minimum provision of car parking spaces, so I think Deputy Brouard's amendment would automatically be ruled out and that, clearly, by the tenor of this debate, is what Members actually want to get into.

So, please reject this amendment.

805 **The Deputy Bailiff:** Deputy Brehaut, to be followed by Deputy Soulsby.

Deputy Brehaut: Thank you, sir.

Well, Christmas parties, Dunkirk, uncle's driving and outside toilets. Who could have thought when we sat to discuss the IDP? I have to say, I do have something in common, believe it or not, with Deputy Ferbrache, because we too had an outside toilet, I have to say. The point being that 810 that was in 1983, so social mobility was very slow on Guernsey if you happened to live in a States' house but, in an act of sheer epiphany, what the housing authority decided to do, was to put a door on the porch, which made it an inside toilet. I always have this debt of gratitude, particularly with regard to the draught.

815 Deputy Paint and also Deputy Kuttelwascher has done this before, by referring to playfully, but Deputy Kuttelwascher has the ear for a soundbite, as the disintegrated Transport Strategy, because that is what people want to believe.

I cannot believe that, because we have revenue coming in now from emissions charging, the bus usage is up, the highest in 20 years, 171,000 people, we have got a new bus way coming in. 820 So, the deaths of the transport strategy were greatly exaggerated.

Deputy Paint is a success of the Transport Strategy. Deputy Paint said you will never get a Guernseyman out of his car. When we introduced paid parking at the top of the hill, Deputy Paint went out and bought a motor scooter, so I congratulate him for fully embracing the Transport Strategy and living the dream that he believes others will never come around to. So, well done to 825 him.

Now, our friends at the GHA, god love them, the GHA who wrote to us and why they put the reference into parking at the bottom of the letter, because they felt they had to, is beyond me. What do they do? What does the GHA do? When you have a property, a home, with the GHA, you have one parking space. Because, to a housing association, land is valuable. You do not give car 830 parking spaces away when you are a housing association because you need to make money. So, what do they do? If you want another parking space, a maximum of one other, two parking spaces per property, you pay them.

You pay them £25 a month, you pay them £300 a year. The States cannot ever charge to park, because we do not like paid parking, but a housing association charges people. By the way, that 835 land was gifted to them, ceded. I know we have, if ever they failed it comes back. That land was given to them for social housing, they rent out parking spaces. They make money from cars. This Assembly is reluctant to.

Deputy Ferbrache is absolutely right with regard to the bus service and this is what is needed, not with the Traffic Strategy, with the Transport Strategy. It is time for the transformation to get 840 the shift and the bus service evidences that better than any other. When the former Environment Department inherited the bus service, I think a member of staff once said playfully that if the previous minister was hit by a bus he would not even know what it looked like, because that was

where the focus was with the bus service. And we stripped out, through the FTP, probably £300,000 or £400,000.

845 If you focus through the Transport Strategy on the bus service, if you get funding mechanisms, people get on them, usage goes up, people get out of their cars. This is not idealism. This is not dreaming. It is application of policy.

Also, Deputy Ferbrache said, and this is what people say a lot, when I could walk, although I am better on my feet these days, when I used to walk into the States and watched those cars all
850 driving down to the North Beach, all driving down to park at the Salerie, or plugging up pretty much every road in St Peter Port, they were not young mums or dads. The cars are not laden with car seats. These are people my age and older. Actually, it is the older person without the family commitments, that is not going to play tennis, that is not going to pick up children from nursery, that parks their car for eight or 10 hours and means that other people, who actually may need to
855 use a car, cannot do so.

We do this all the time, we fall on the young, busy, hard-working Guernsey family to evidence a lot. The young, Guernsey hard-working family would benefit from a Transport Strategy. That has clearly been evidences.

We are told to listen to the public. I went to the St Peter Port douzaine room, there was a
860 queue outside the door. However, when the door was opened, the deputies went in. (*Laughter*)

Two members of the public arrived. One of them a former deputy and, actually, a gentleman who called in just to get a piece of paperwork signed. By the time he had caught the attention of seven deputies, he started talking about the IDP.

The only person who came, he will not mind me saying so, was Deputy Roderick Matthews,
865 who of course was making the call as he always does, for what else, nothing other than paid parking.

Now, the outline planning brief. This is the fickle nature of viability in lobbying. I sat at an open planning meeting and we discussed the Admiral Park development. What did we ask of them? We asked for them to have due regard to the Transport Strategy which the States has approved. They
870 came back with a muddle. They requested a certain volume of parking. They spoke about accessibility, they spoke about cycle parking, they spoke about cycle lanes. They asked for a certain number of parking spaces and we gave them to them. We gave them the number of spaces that they wanted.

There is a political change. There is a change in mood and why not? The developer comes
875 back, disregards the strategy to a degree and says, 'Actually, this ain't gonna get off the ground unless we have 700 parking spaces.'

Have you been lobbied? Are you listening to members of the community or have you been nobbled? It is a fine distinction, sometimes, to be made.

I would ask that when Members consider the President of P&R is heading up a Policy &
880 Resource Plan, do not put the word environment in there. Strip it out. Do not have any reference to the environment. Do not have any reference to air quality. Strip that all out if you vote for this amendment, because you obviously do not believe any of it.

This is a short-sighted, silly, opportunistic amendment and, actually, Deputy Fallaize is right, it can be dealt with properly and thoroughly when we get around to the Brouard amendment.
885 Please, turn your back on this amendment and send it from whence it came.

Thank you.

The Deputy Bailiff: Deputy Soulsby, to be followed by Deputy Yerby.

890 **Deputy Soulsby:** Sir, I will be very brief.

I do not want this turning more into a debate on the Transport Strategy. I would just like to advise Members and certainly new Members who were not here in the previous States, Resolution 24, arising from the debate on what has become the Integrated Transport Strategy, and it states:

'To direct the Environment Department to consider the vision and recommendations in Paragraph 154 of that minority report in reviewing the Development Plan.'

895 Paragraph 154 includes maximum parking standards for new developments. Also, interestingly, minimum standards of cycle parking provision in new developments. It is something I look forward to seeing.

So, the Plan therefore supports a strategy endorsed by the States. The time to change it would have been during that debate.

900 Now, it was also resolved that a review of progress will be brought to the States by December next year and, if people are concerned and they would like to consider minimum parking standards, perhaps that is the opportunity to review, should they consider it, perhaps, lay an amendment.

But, for all these reasons, I cannot support the amendment in front of us now.

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The Deputy Bailiff: Deputy Yerby.

Deputy Yerby: Sir, I just want to respond quickly to anyone who believes sincerely that in voting for this amendment, they are voting for a social good or protecting the little guy.

910 The reality is that space is finite. Most office developments have fewer parking spaces than they have workers. So, what happens? A parking space becomes the reward you get when you have climbed far enough up the management structure. Current parking policy does not favour the little guy, because the whole way we structure our society does not favour the little guy.

This amendment, sir, does nothing to change that.

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The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

920 First of all, I owe the Assembly an apology. I was not able to make it for the 9 a.m. new start. My apologies to everyone.

Deputy Fallaize is absolutely right. I am not going to play political games this morning. If this amendment is successful, then it is pointless in me laying amendment number 15. However, I do fully support this amendment from Deputy Kuttelwascher.

925 I will take a little bit of time. It is important for me, but it is also important for Islanders who have cars.

I am going to tell you a little bit of a story of how we arrived here. Well back in the day, when the previous Assembly were debating the minority report on Guernsey's Integrated On-Island Transport Strategy, a six-word bullet point on page 768 gave rise to the concept of maximum parking standards. It was introduced in the paper with the following words:

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'The following principles should be considered.'

Not 'have to be' or 'are going to be', just 'should be considered'. Bullet point one on page 768 said:

'Maximum parking standards for new developments.'

935 Now that paragraph, as Deputy Heidi Soulsby reminded us, went on to become Proposition 24. Luckily, I have Proposition 24 with me, which I will read, again. It says:

'24. To direct the Environment Department to consider the vision and the recommendations in 154 of that minority report in reviewing the Development Plan.'

'Consider the vision.' Not 'have to be', just consider.

Now, we have had some words from Deputy Tindall, representing the Planning Authority, about the fact that this amendment goes against SLUP. I do not see how they get to that particular position when you read the paragraphs in the SLUP concerning parking. I am going to read those paragraphs and I make no apology for it, because I want it to be absolutely crystal clear that this amendment does not in any way interfere with the provisions of the SLUP.

I am going to read three paragraphs in particular and I will tell you why at the end. This is from the SLUP, I hope I have got the right version. Here we go.

'Guernsey has very high car ownership and there is a long-established expectation that individuals should have the personal choice to use cars rather than public transport. However, transport affects the quality of the urban environment by contributing to localised noise and air pollution and often setting aside considerable amounts of public space for the exclusive use of vehicles.

'Consideration needs to be given to ensuring the main centres are accessible for all, including families with young children, offering safe and convenient access.'

The next paragraph says:

'A fast, reliable and comfortable public transport system can provide viable alternative means of transport to reduce the needs to travel by private motor car. This can, in turn, lead to quieter, safer roads, more attractive centres and opportunities for new economic development, benefiting from a more attractive environment,

'The land planning system therefore has an important role to play in ensuring public transport facilities are appropriately designed and located in order to maximise their use. The Development Plan should therefore make provision for public transport facilities such as bus termini, that meet modern expectations for comfort and convenience.'

Now, there is nothing in that paragraph there that says anything about the provision of car parking, it is just making sure that we have a first-rate transport public system, which is fine.

The next paragraph says:

'The creation of compact, walkable communities centred on high quality public transport systems can make it possible to live a higher quality of life without complete dependence on a motor car.'

'Complete dependence on a motor car.'

'It is therefore beneficial to provide, improved and attractive infrastructure facilities of public transport, walking and cycling. It remains important for services to be well linked in relation to the main transport routes. These policy measures and others referenced below will ensure more effective utilisation of the road network.'

Again, nothing against this amendment in the paragraph.

I picked those three because those three paragraphs were actually itemised in the minority report as being some of the ideas to consider when you are looking at parking options.

When it comes to actual vehicle parking management, which is where obviously the Planning Authority today is getting its power from to say this is going to wreck the whole of the IDP, it says 'Parking Vehicle Management' – that is the heading.

'Convenient access to and from the main centres of St Peter Port, St Sampson's, Vale is important for those who need to get to work, to shop and to enjoy the facilities on offer. Local reliance on car use has, however, led to the creation of large car parks, especially within St Peter Port. A substantial area of the harbour is dedicated to surface parking which appears visually unattractive and does not represent an efficient use of land in a prime location.'

Again, nothing in there that I can see, and I would ask the Planning Authority when they reply to this amendment, exactly where do you get your power from that says that this amendment falls out of the SLUP? It absolutely does not.

I make another apology today. I think it is going to be a long day of apologies, so another one. I was so wrapped up in other aspects of the Transport Strategy back in 2014 that I missed this one line on page 768. So, my apologies, I should have made more of it then. If I had realised the significance of it then, I would have done.

The flip from requiring developers to ensure there was a minimum parking provision, a developer could provide more, but this change was basically launched in 2015 when the parking guidance was issued as a draft supplementary to the IDP.

I think maximum standards are not appropriate. Taking Deputy Fallaize's point, maximum standards are very high but allow sufficient for developers to make their properties viable and also sufficient – and this is the point I am going to try and make – to allow people to park their cars when they are not using them on their own property and not in the public realm. I think that features just as well with the SLUP.

We do not want to have our streets clogged up with people who have got accommodation in town or in flats, where they have got no provision on-site to park their cars. Those people need to park their cars on their own property, not on the street, that is when you get the streets clear of traffic. That is when you are able to have people to walk easily. That is when you stop having cars with two wheels on the pavement. That is when you can get prams to go down the street.

So, I fundamentally disagree with the arguments that are being put forward to say that this somehow is detrimental.

Now, there is nothing in the SLUP to prevent minimum standards and the Resolution on the transport only required consideration. There is no impediment to having minimum parking requirements on new developments. In fact, I like the idea of developers being forced to provide car parking accommodation on their site, rather than you and me as taxpayers having to pay for it for them to be on the street.

I think the problem is a fundamental one. I believe that when you have provision on-site, you have more options to use your car or not. Not everyone is able to live in the leafy suburbs with a garage and a private driveway and can take the bus at leisure and keep the large family car just down the lawn, to be able to take the kids for that break to France every few years.

The reality is people live busy lives and complex lives, more pressure for both to work, and not always in the same place. Where in these new standards do you expect our citizens to park their cars?

Would it not be better to park their cars on their own property? Or are we saying we, as a society, have now decided that if you have inadequate housing, shall we say, you cannot have a car park, only those people who can afford to live out in the sticks or can afford to have a larger house in Town, you can have cars, you can keep them? But if you happen to be an aspiring Guernseyman who is trying to get on in life, you cannot have a car, because you have got nowhere to park it and we are going to make damn sure you have nowhere to park it? I think that is unfair and that touches very much on Deputy Ferbrache's argument.

If we are going to do that, let us do that for everybody, but do not just pick on the ones who are just trying to pull themselves up, who are trying to add to the economy of the Island, when you leave those in the leafy suburbs well alone.

One reason there is so much movement every day is that those who have not got private parking are moving from one public space to another and that gives rise to the great Guernsey expression, I have heard it for 30-odd years, 'They have to move their car.' How many times have you heard that? 'I have to move my car.'

Well, the reason why they are having to move their car is because they have not got it parked on their own property, they have got it in public places and there are time limits.

If you have got a choice, if you live in Town and you cannot park your car somewhere and you have got it on one of the piers, you have to go down to the piers then to move the thing. If it was left there all day, you could walk into work. You could go and take the bus. I am all in favour of having a bus service, do not get me wrong, but it has to be practical. We cannot impose our ideology on our citizens without giving them tools to get out of it.

Planners need to separate in their minds, the need to park goes with having a car. If it is parked, it is not moving. That is the whole beauty of it. Deputy Tindall, I think, quite a good part of her speech was reflecting on the environmental impact of driving a car. When you have got a parking space, you are not using the car. It can be parked. I think that is the difficulty that the

1020 planners have come to. They somehow think by banning cars or car parking spaces, the person is not going to have a car and will rely on public transport. The reality is, the world that we live in, people will have a car which they will use occasionally, but they still need to park it 24/7, seven days a week.

1025 If your car is parked on your property, then you have the option to consider other transport methods. If your first thought of the day is 'I have to move my car' then it is more likely that the alternatives will not be taken.

Reducing the availability of off-street parking, i.e. the developer pays for car parking for their tenants, simply results in more on-street parking, makes our streets more difficult to navigate, whether a pedestrian or a driver. I have had some representations from some of the services, or
1030 ex-service people of the difficulties of driving down some of our roads and some of our estates because, of course, the cars are parked on some of the green verges, on the children's play areas. Why? Because inadequate provision was made for cars.

Social housing is a classic of what happens when adequate provision is not provided for cars. Estates roads are clogged and clear vistas and green spaces become an overnight car park.

1035 I think we need to recognise that we do not need to use our car every day for every journey, but I think we do owe it to our citizens that some of us would like to have a car, we would like to keep it. Not necessarily use it every day, but we still need to put it somewhere when we are not using it.

That is why we need to encourage developers to ensure that, when they build new residential accommodation or for office accommodation, that they make provision in their balance sheet for the car, not me, out of my taxpayer's balance sheet.

Deputy Lester Queripel, I think, mentioned that we cannot amend the SLUP. You are absolutely right. For this amendment, there is no need to. You do not need to amend the SLUP for this amendment, because this amendment goes through the SLUP like a hot knife through butter. It is
1045 part of what the SLUP is saying. It is saying that we need to provide places to park cars, so they are not moved unnecessarily every day.

Deputy Brehaut, I have some sympathy. Use the bus. People need to get out of their cars. That is fine. I agree with that. But if you have still got a car, you have still got to put it somewhere. If you are in the leafy suburbs you can put it in your garden. If you are in a second floor flat in St
1050 Peter Port, you have got to park in the street down below.

I would rather like to encourage the developer to make sure they put an underground car parking space in when they do their next development, rather than me having it in the public realm.

1055 I would also say excellent speech from Deputy de Sausmarez. I did not agree with the now of it but I do understand where she is coming from it and it was a very good speech. I say to you, Deputies – I will give way to Deputy Brehaut.

Deputy Brehaut: Thank you.

Bearing in mind the movement of cars from inner St Peter Port, would he not agree that the residents' parking scheme has been beneficial to that? Would he also remind us whether he has
1060 the P&R environmental brief and whether any element of what he said conflicts with the environment brief that he has with regard to his role in P&R?

Deputy Brouard: Thank you Deputy Brehaut for that interjection.

1065 It does not conflict at all. Environmentally for me, if you go to the concept that most families will have a car, we can have that debate, I think that is Deputy de Sausmarez's debate, whether we are as a society are at that point. I think most families will have the need for a car and I think most families will also need, perhaps, two cars, because you have got, perhaps the wife going one way, or the spouse going somewhere else, the elderly teenager living at home. There is a possibility
1070 that you might have two cars.

If we as a society are saying that at this point in time we expect our citizens to have a car, in fact it is one of our largest contributors to the Government funding through fuel duties, then should we not also in fairness to them allow them to have a place to put it? Or, at least give some encouragement to developers when they are doing new buildings to encourage it.

1075 From my environmental brief, I do not like the idea of people having to move cars because of the way they are parking in the public realm. I would rather they park in their private realm, so they do not have to move them.

1080 I think there would be more encouragement for people if their car is parked sensibly in their own property, there is more chance of them to use other alternatives, just as those from the leafy suburbs can do, because they have the chance they can leave their car, but they can go on their electric bike, or they can go on their bicycle, or they can use the bus service two or three times a week. No problem at all.

1085 The other part of Deputy Brehaut's was do I support the on-site residents' parking scheme? Yes, I think that is a good scheme. That does mean that people do not have to move as much. Absolutely.

I give way to Deputy Fallaize. I was almost finished.

Deputy Fallaize: I am grateful to Deputy Brouard for giving way.

1090 He says that the amendment does not conflict with the Strategic Land Use Plan, but the Strategic Land Use Plan says:

'Town and the Bridge should not be primarily moulded to meet the requirements of motorised traffic and it is important to reduce negative effects in order to improve both centres as attractive leisure areas and places to live and work.'

1095 It directs that the IDP should be developed in a way which enables the rationalisation of private vehicle parking. Now, there are no minimum parking standards now, so how can Deputy Brouard suggest that, in introducing minimum parking standards in the IDP, can fulfil those words which I just read out in the Strategic Land Use Plan?

Deputy Brouard: I thank Deputy Fallaize for that interjection.

1100 My understanding of it is the Plan is trying to stop the negative impact of the car. If you can adequately park your car on your own private accommodation, your own private place, then you do not need to take it down to the piers. Then you do not need to move it up and down from St Sampson's to the Bridge, because you have got it parked at home.

1105 You have then got an alternative to take public transport. You have then got an alternative to go by bus. You have also got a chance that, if that car is no longer parked on Street X, it is no longer blocking the pram, because the pavement will be clear.

The more we can encourage people to have cars on their own property and developers provide that, then there is less movement and that is how I interpret it.

1110 Of course, the Planning Authority is interpreting it in a different way. I give way to Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1115 I would like to ask Deputy Brouard a little bit more about this theory, because of course the basic assumption is that you need a car. We are assuming that, in order to live a full and productive life in Guernsey, we must have a car and I would like him to think through the implications of that, of what it means for the cost of living, because having a car is a very expensive thing. I think the last time I saw the things it was an average of £4,000 to individual household costs per car. Is it really right that we, as a society, should be compelling people to use one?

1120 I would also like to challenge his theory that if people have somewhere to park their car then they might not have to use it so often. This is a direct contradiction of all the evidence we know.

There is a basic tenet of economic theory about sunk costs and, once people have invested in something like a car, then they are far, far more likely to use it and, in fact, all the evidence I have seen suggests that having somewhere to park your car, directly, is the major influence in car ownership and that is the direct influence on car use, on car journeys.

1125 I would ask him to show me some evidence, not just some fairy tale theory, that what he is saying is correct.

Deputy Brouard: Thanks for that interjection, which I could do without, as well, absolutely. *(Laughter)*

1130 I do not think we are at that position. I do understand the aspiration of going to a society where we have no cars and we all go on a fantastic bus service or some other taxi bus service, which is something I have been asking Environment to look at in the last term. It would be great.

But I think the reality is that people do like to have a car. For some people who work very busy lives do not necessarily, because accommodation costs are so high, have the best house in the world that they would have achieved in another country where property prices are a lot lower, do enjoy having their car. They do enjoy taking it to the UK, they do in fact like going down to the coastal beaches when they want to go. I am not going to go through whole Transport Strategy again, but the argument of how long it takes to go from The Bridge to a south coast beach on the weekend, with three kids, you might as well set off on Friday, on the bus service. You will be lucky

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1140 to get back on Tuesday.

I understand the aspiration of where you want to get to; I just want to look in the here and now. Most people like to have the use of a car and I would prefer that car to be parked on their land rather than on public land.

Thank you very much, indeed, sir.

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The Deputy Bailiff: Deputy Oliver and then Deputy Hansmann Rouxel.

Deputy Oliver: I cannot believe I am actually speaking on this.

I am the first person to admit I love my car and, to be honest, I could not do what I do without my car. I am a long person in saying that we need to get more car parking spaces and it is true that, as a surveyor, if a development does not have enough spaces, then it simply will not develop.

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That is just fact. In reality, people need cars and want cars at the moment. This could change. However, this is what I cannot believe I am saying, our maximum car parking spaces is dealt with in the supplementary planning guidance, and the reason for this is to keep it flexible so that we can amend the amount of spaces per house, per office space, within what we are doing.

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I personally feel that the supplementary maximum car parking spaces is not high enough and this does need amending. We need to see higher figures and I would really like to see that maybe Deputy Gollop could confirm that the DPA would be prepared to have a look at these figures.

Thank you.

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The Deputy Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

I just wanted to say it is about minimums and maximums and not about the whole Transport Strategy. Deputy Brouard spoke about 768 and investigating possible maximums. There is overwhelming evidence that having minimum parking standards will increase car usage. There is nothing to say that we are banning cars by putting in maximums.

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By going with this amendment, we would also be completely changing the IDP, which is about future planning. Yes, we need to be realistic about what is now, but we are not changing anything that is now, we are changing the future and while we are getting to the future, we can get that public transport in place and we can allow people to go for it and really start to go to the future. But if we do not plan for the future, if we do not allow ourselves to grow into the future, then we

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cannot actually change the way that we are working now, which is not allowing our economy to grow.

1175 Thank you.

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: Thank you.

1180 Sir, I will be voting against this amendment because I believe the debate should be, exactly as Deputy Fallaize said, about maximum standards.

This amendment bakes inflexibility into the system. I think to compel developers to build a certain number of minimum spaces is inappropriate. I do not think it speaks to the rest of the Plan, which is about flexibility, so that is the first reason why I think it should be rejected. I think, 1185 the risk of deferral of the entire Plan is far greater with it, so I think it should be rejected and we should move on to debate the level of maximum standards.

The Deputy Bailiff: I turn to the President of the Development & Planning Authority, Deputy Gollop, to reply on the debate.

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Deputy Gollop: This has been a very long and interesting debate and, at times, it seemed like a re-opening of the transport strategic debates, which perhaps really means, in political terms, that we need actually to develop and reconsider aspects of the transport strategy. But that is not a DPA role, it is an Environment & Infrastructure role.

1195 We had a speech from Deputy Victoria Oliver, who spoke about the numbers. We will consider those in a later amendment and, in any case, my personal view as President is that we will, on occasions, have a flexible response, according to the nature of the development and the offer that is made.

1200 Therefore, we will be looking at the numbers in the supplementary guidance, but that of course is the subject of a later amendment.

The maximum standards do not provide for no parking, just a reasonable provision but with flexibility to negotiate on a case by case basis. Therefore, the minimum standards, as Deputy St Pier has just said, build inflexibility into the process.

1205 The Transport Strategy, not the traffic strategy but the Transport Strategy, although the title is perhaps confusing given the nature of transport on an air and sea level, required the Plan to consider maximums, taking into account the vision of the strategy. I know Deputy Ferbrache did not like the word 'vision' but it was a vision, and of SLUP, the requirement for maximums is reasonable and correct.

1210 In fact, I think you do have to take the two in parallel. Whereas Deputy Brouard was very much arguing the case from quoting bits of SLUP, Deputy Fallaize corrected him with other bits of SLUP. You have to consider it in the context of other policy plans we have had, included the Transport Plan and the States' Strategic Plan, too, and its predecessors.

1215 Deputy Tindall has pointed out consistently the advice we have had as a Committee. So, on the one hand of this seesaw, we have had the viewpoint of the previous Environment Department, of which I was a member, who compiled the Plan, the view, really, of the planning inspectors, the view of the current Planning & Development Authority, the view of our senior officers and our senior forward planning officers and legal advice. They all come down in one direction about the impact this has on SLUP.

1220 In the other corner, we have got Deputy Brouard, who is giving us counter-advice. Now, alright, Deputy Brouard is a member of Policy & Resources, but that, in itself, does not trump the advice that we have had and, as you know, the President has just given us a different perspective.

So, I would urge you to consider Deputy Brouard's perspective here with extreme caution.

Yes, we could consider revised standards in the standard planning guidance. It is flexible. That is the subject of Deputy Brouard's later amendment, as I have pointed out, if this one fails.

1225 As we probably want to get onto Deputy Brouard's later amendment, I urge you to reject this amendment.

1230 Clearly, the SLUP requires a balance between reducing the impact of vehicles and ensuring adequate parking. Minimum standards, and this is a crucial point that we discussed a lot at the Committee meetings, would mean unlimited parking. This is not a balance as per SLUP, because effectively we would therefore not allow the flexibility of developers being able to pick and choose. As Deputy Lindsay de Sausmarez said, the reality is that car parking costs. She gave a figure, I believe, £35,000 per park. I do not know, I would think that is a bit low for Guernsey.

1235 **Deputy Mooney:** Sorry, I would just like to give a correction in relation to the costing of the car parking.

The Deputy Bailiff: Point of correction, Deputy Mooney.

1240 **Deputy Mooney:** Sorry, I do apologise. £6,500 is the costing of providing car parking. That includes kerbing and landscaping. £35,000 is the minimum of which it will add to the value of the property.

The Deputy Bailiff: Deputy Gollop to continue.

1245 **Deputy Gollop:** I take the correction, but I do not know if Deputy Mooney is speaking on behalf of every possible site on the Island. Some sites would clearly be more expensive than others in terms of logistics, in terms of site value.

1250 **Deputy Mooney:** Point of correction.

The Deputy Bailiff: Point of correction, Deputy Mooney.

Deputy Mooney: I am not referring to the cost of the site; it is the actual carrying out of the work and preparing it for parking.

1255 **Deputy De Sausmarez:** Point of further correction.

The Deputy Bailiff: Point of correction, Deputy De Sausmarez.

1260 **Deputy De Sausmarez:** The costs I referred to was very specifically the cost of construction, per space, in the type of development for a larger office building, as confirmed by local architects here.

Thank you.

1265 **Deputy Mooney:** I would have heard the same from local architects.

The Deputy Bailiff: Deputy Gollop to continue.

1270 **Deputy Gollop:** I think we can probably park that particular point.

One more broad point relating to this and then I will get on to the specific points Members have made.

The DPA is asking the States to get behind this Plan because this is positive, pro-active, permissive and flexible.

1275 Yet again, today, we have seen today the attempt to introduce a policy on the hoof, without proper research and proper understanding of the consequences. That can be seen as irresponsible and can lead to delay.

There is a proper process existing to review and amend the Government's strategies and we must be consistent with SLUP.

1280 It is poor government to produce an inconsistent and confusing policy and results in an increased risk of legal challenge to the Plan.

We had a full-scale public inquiry with over 1,800 representations considered and many other major rounds of consultation. Deputy Fallaize, for example, mentioned the point about enhancing Town and the Bridge centres. Clearly, the wording of SLUP was very much that we had to minimise the impact of the motor car and maximise opportunities elsewhere.

1285 I am criticised sometimes for making anecdotes but I think Deputy Ferbrache had four or five anecdotes in his speech. He mentioned, for example, that the bus service has improved. Well it has improved. But he also mentioned that people want to use their cars, but the whole point of a policy direction is to move away from that.

1290 We have the point about nonsense, Deputy Lester Queripel made about some of these amendments, but I would say that it is a nonsense for this States to expect a planning authority to go through a process and then change their mind at the last minute because, clearly, the States for many, many years has wanted the penny and the bun.

1295 It has gone down an approach of saying they do not want untrammelled use of the car and, yet, many Members supporting the opposite. How can we have in SLUP to reduce to impact of the motor car and then introduce policies which say everyone wants a car and they want to use it all the time?

1300 It is an absurd contradiction and does not move us forward at all. I think, as a society, we need to very much look some of the points that were made. Deputy Brouard basically said families like to have two cars in Guernsey, one parked on their lawn. Well, not everyone can afford a lawn. Isn't that a nice-to-have? I do not think that reflects the social reality for people, especially the more urbanised parts of the Island.

To adopt this amendment now would be to run a coach and horses – or as somebody said, Henry Ford would have designed a better horse – this puts that horse and donkey right through our report.

1305 As Deputy Roffey says, the whole point of this is a lot of this relates to other amendments and should not be related to minimum standards.

If people want to discuss maximum standards on different sites, that is their prerogative.

We took a pragmatic view on Admiral Park, but we need to move forward to a clearer policy outcome and this amendment deserves to fail.

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The Deputy Bailiff: Deputy Kuttelwascher, the proposer of this amendment, is to reply to the debate.

Deputy Kuttelwascher: Thank you, sir.

1315 Interesting. The first thing I would like to do is thank Deputy Brouard for essentially replying to the debate on my behalf, but I do have some added points.

1320 However, at this stage, because there seems to be some confusion as to whether or not this amendment does, as it were, contradict SLUP, I am still going to ask Her Majesty's Comptroller whether he could give it some thought, because at the time this amendment was drafted, the information I had and the advice I had was that it did not. But, there we go.

I will start with Deputy Tindall. Is there going to be a deferral? I am not sure if it is passed if it is or is not. It may depend on the advice that is given and how they consider it afterwards at the DPA.

1325 Carbon footprint? Dearie me, that has been addressed by Deputy Brouard. There are so many occasions where people drive around in circles all the time, clogging up the roads in St Peter Port, quite often to turn around and go home. That does nothing for the carbon footprint, does it?

Appropriate level of private parking. What is appropriate? This is what the discussion is about.

Does it mean unlimited parking? No. A few people have mentioned this as unlimited parking, but if you look up Amendment 15, Deputy Brouard's amendment, because it has the table in there on supplementary planning guidance, what I am proposing is equating the minimum parking to what is the maximum.

So, if you take other offices where they are suggesting one space per 100 square metres, I am saying that should be a minimum and you should not be allowed to build offices with less. That is all.

Now, if you want more, it will go through the planning process and you would have to justify it, because you would have to consider other things like traffic management, the rest. This is what happened at Admiral Park and they got more.

Now, I have been told, from the architectural community and, indeed, from agents, that if you have less than one in 20 square metres as a minimum parking standard, it will not be commercially viable. So, to me, if you had a parking standard of one in 100, or even one in 70, it is not going to get built.

So, that is the end of new office development in these areas. Is that desirable? I do not think so.

Deputy De Sausmarez, I agree with her. I am not an expert on transport, do not claim to be. I do not think one has to be, regarding this particular issue. There is no justification in the amount. Of course not, that is what the debate is for. We do not write telephone books full of justifications and submit all sorts of evidence. We would all be submitting telephone books full of amendment. No, it is the debate that decides whether or not the amendment is justified.

Parking costs, that makes me laugh. She corrected herself in the end, Deputy de Sausmarez said she was talking about the cost of providing parking in office developments and she is quite right. If you look at the development at Admiral Park, the extra parking was going to cost the developer, I am told, £10 million, because they would have to provide it underground, which brings me to another point about the use of land.

What is the problem with providing this parking if you are going down underground? You are not using any more land, yet parking on private property can be nothing more than having a space on a driveway, which would be a minimal cost.

The issue of not providing adequate parking on developments is manifested by all these problems you have in all these areas, the estates, everywhere, where people are parked all over the place, because there is nowhere else.

As for residents' parking permits, yes they are a great idea but I think, if I remember rightly, they only provide about one in seven of the number of cars that want to park there. So, six out of seven will not be able to park there. So, it is only a partial solution.

Maybe we should go the way of Narita in Japan, where you are not allowed to buy a car unless you have a parking space? Think about that.

A Member: Is that an amendment?

Deputy Kuttelwascher: I do not remember you getting permission to speak.

Another Member: It's Tourette's! *(Laughter)*

Deputy Kuttelwascher: Now on the issue of demographics, about people have to have cars. There is an increasing number of people who will have to have cars and that is the ageing population. You will not find 85-year-olds, generally, with mobility problems, cycling or walking. Cars are it unless they can find alternative transport. Mobility scooters, I thought of buying one. You can belt around at eight miles an hour on a road, park it anywhere and you will not a ticket. Now I can just imagine if everybody bought a mobility scooter for their transport. For a grand, you can buy a quite nice second-hand one. I might yet do it.

Incidentally, I walk here. So, I am top of the triangle as regards being environmentally, shall we say, considerate.

Lots of comments were made by Deputy de Sausmarez, comparing us with places like San Francisco and New York. I know them both well. Guernsey has a problem. It is small. The roads are narrow and it is intrinsically limited by what it can provide.

If you wanted safe cycle lanes all over the Island, you would have to turn the whole Island into a one-way system where you would have one bit for a car and one bit for a bicycle. I think you are intrinsically limited by what you can provide in Guernsey, period.

In the transport debate, Deputy Gollop mentioned how many buses we had a long time ago. It was over 100, if I remember, and that is another problem. Our current bus service is not even remotely adequate to transfer everybody who wants to come into Town or into work or anywhere else, could not transport them. You would need to multiply it by 20 and then where would you put the buses? You would have to park them somewhere. *(Laughter)*

I am serious. In fact, if you had 200, 300 buses and a vast number of mobility scooters and bicycles, there would be no point having a car because you would not get anywhere. In fact, nobody would.

The point is you must accept that what Guernsey can provide regarding public transport is limited. You will never have a subway system. You will not get trams going over the Island. It will be strictly limited and I use it sometimes, only when I take my car for a service, I always get a bus back. But that is it.

Deputy Queripel: well, he does not like delays and cost but, to me, doing the right thing is more important than worrying about the consequences. We do not know yet if this will be deferred or delayed if this amendment is passed. I have yet to get some sort of definitive legal opinion as to will or will not. I honestly, at this present time, do not know the answer to that.

He also earlier came up to me and said, 'I am going to ask questions but you will not be able to answer them.' So, I will oblige him and I will not.

Oh, I could, but I will not. I choose not to, because questions which ask me 'what do I understand by flexible?' or 'what does the DPA understand?', I have no idea. Flexibility means different things for different people. I would consider something flexible if, in its flexibility it agreed with me. But if, in its flexibility, it did not, then I would not think it was flexible, would I? *(Laughter)*

You get into this situation of silly arguments. I want to admonish Deputy Brehaut for suggesting this was silly. He should have listened to the gentleman sitting to his left and you should not use terms like that. There is nothing silly about this, it is quite serious.

I got a feeling that Deputy Roffey and others have confused minimums and maximums. I also look to Deputy Oliver and Deputy St Pier. He seems to think having these minimums is inflexible. It is the maximums that are inflexible because, if a maximum is a maximum, you cannot have any more.

I will give you an example, because this can confuse people. In laying amendments and I remember talking to Deputy Brouard, there was some issue about what is meant by maximum and minimum.

If you take other offices in the supplementary planning guide, it says a maximum of one space per 100 square metres of office space. That is 10 spaces if you have 1,000 square metres of office space. It means the maximum you can have is 10.

Now, if you want 20, tough luck, so you cannot have more. So, where is the flexibility? You can less. That is not a problem, so that means you could have one for every 200 square metres, so you can have five. But the maximums are maximums. You cannot have more.

Deputy Fallaize: Point of correction.

The Deputy Bailiff: Point of correction, Deputy Fallaize.

Deputy Fallaize: Surely, Deputy Kuttelwascher is misleading the States and is incorrect? If you have maximum parking standards, you cannot have any more. If you have minimum parking standards, you cannot have fewer.

1435 **Deputy Kuttelwascher:** Correct.

Deputy Fallaize: So, surely, they are equally inflexible?

Deputy Kuttelwascher: No.

1440

The Deputy Bailiff: Deputy Kuttelwascher to continue.

Deputy Kuttelwascher: He's confused. What is interesting is with my amendment I am using the same figures in this table. So, what I am saying in the case I gave, one space per 100 is the minimum you have got to provide at least 10.

1445

No, you cannot have fewer. The whole point is that you can have more, as a gateway. You can have more spaces. You could provide one in 50, one in 20, one in 10, that is more spaces, isn't it?

What is inflexible about that?

Isn't the flexibility in having more spaces and not less?

1450

Deputy Gollop: I wish to make a point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Gollop.

1455 **Deputy Gollop:** The policy does allow in many diverse circumstances more to be considered in the DPA.

The Deputy Bailiff: Deputy Kuttelwascher.

1460 **Deputy Kuttelwascher:** And that is the problem. Back to flexibility and considered.

Who is going to consider it? Oh, yes.

Anyhow, this amendment suggests you can have more spaces, and this is why Admiral Park development went ahead. I think they got one space per 18 square metres and it is costing them an extra £10 million.

1465

If they had not had that, that development would never have gone ahead – £70 million of external investment would have gone out of the window and a lot of that was related to the possibility of having a cinema and, indeed a hotel, and the cinema would most probably attract the cars in the evening when it would not have such a big impact anyhow on traffic.

1470 I thank those who supported the amendment. I will not go through all the names. Deputy Gollop said there was inflexibility. I just do not see it.

Unlimited. Not true, you still have to get planning permission. You have to justify the extra spaces you want and, as for all the pricing and parking spaces, well, a parking space can be no more than a drive in front of the house, which is a minimal cost. It takes some land, but people do like a bit of land, if only for a garden or to park the pram.

1475

Sir, I ask Members to support the amendment and I ask for a recorded vote, please.

The Deputy Bailiff: We move to a recorded vote. Deputy Greffier.

1480 **Deputy Oliver:** Sir, before we go on, could we actually find out whether this does affect SLUP or not, from the Law Officers?

The Deputy Bailiff: Let us just turn to Deputy Merrett first.

Deputy Merrett: Thank you, sir.

1485 Unfortunately, I also need to declare an interest. As previously advised, my partner has been member of a panel that has publicly discussed these amendments. I feel I should also add, he is also the architect engaged in the recently approved Admiral Park project which has been discussed today.

1490 Would it be helpful, sir, if I also declared an interest on Amendment 15, maximum parking? Or do I need to do that at the same time? I will also declare an interest on maximum parking, Amendment 15.

Thank you.

The Deputy Bailiff: So, if that amendment is laid, we note your declaration of interest. Now, Mr Comptroller or Madam Procureur, are you able to assist Members of the States on the issue that has been raised most recently by Deputy Oliver?

The Comptroller: Sir, I am not sure I can give a definitive view.

1500 Can I preface, after expressing that opinion, just say a couple of things. Ultimately, whether or not the amendment is consistent with the SLUP is a matter, I would imagine, for a court, ultimately. Only a court can make a definitive determination. I think what is important in this, as well, is what is the opinion of the Authority.

1505 It is entitled to take a view and that view is a matter for the Authority. In relation to this issue, I am not an expert in environmental affairs. It is very difficult. We have heard a lot of debate about the impact on the environment, if this particular planning policy was approved as amended. I would not like to express a view on that.

What I would say is this and what we are certain about, I will just ask Members to look at the actual Policy Letter, Paragraph 3.1 on page four. What we do know is this:

'In accordance with Section 5 of the Land Planning and Development Plans Ordinance 2007, on 5th February 2015 the former Strategic Land Planning Group issued a Certificate of Consistency confirming the proposals set out in the draft Island Development Plan were consistent with the guidance and direction given in the Strategic Land Use Plan, which was approved by the States in November 2011.'

1510 Now that means that the proposal as put in the draft Plan is consistent. There is a Certificate of Consistency under Section 5 for that. There is not a Certificate of Consistency for the amendment. It is a matter of fact.

1515 But, beyond that, I do not wish to express a view, because I think we are going into realms of fact and degree, as well as Law. What is said as a matter of Law is that I think that the Plan should be consistent with the Strategic Land Use Plan. Whether or not this amendment is, is a matter of fact and degree of judgement.

I do not know if that assists the Assembly or not.

1520 **The Deputy Bailiff:** Members we will now move to the vote on the amendment marked Amendment 12, proposed by Deputy Kuttelwascher, seconded by Deputy Mooney, and there will be a recorded vote.

There was a recorded vote.

Not carried – Pour 13, Contre 24, Ne vote pas 1, Absent 1

POUR

Deputy Lowe
Deputy Laurie Queripel
Deputy Paint
Deputy Brouard
Alderney Rep. Jean

CONTRE

Deputy Fallaize
Deputy Smithies
Deputy Hansmann
Rouxel
Deputy Graham

NE VOTE PAS

Deputy Prow

ABSENT

Deputy Le Tocq

Alderney Rep. McKinley	Deputy Green
Deputy Ferbrache	Deputy Dorey
Deputy Kuttelwascher	Deputy Dudley Owen
Deputy Mooney	Deputy Yerby
Deputy Trott	Deputy De Lisle
Deputy Le Pelley	Deputy Langlois
Deputy Merrett	Deputy Soulsby
Deputy Stephens	Deputy de Sausmarez
	Deputy Roffey
	Deputy Oliver
	Deputy Tindall
	Deputy Brehaut
	Deputy Tooley
	Deputy Gollop
	Deputy Parkinson
	Deputy Lester Queripel
	Deputy Le Clerc
	Deputy Leadbeater
	Deputy St Pier
	Deputy Meerveld

The Deputy Bailiff: Members voted Pour 13, Contre 24, there was one abstention and the amendment is declared lost.

1525 Now, Members of the States, the next amendment if the Member wishes to move it, will be Amendment 17 which is where we were meant to be at 9 a.m.

I want to move on straight away if we can, so Deputy Brouard, do you wish to read the amendment?

Amendment 17

The States are asked:

To insert at the end of the words in Proposition 1: ‘; subject to the modifications that in the Draft Island Development Plan at Appendix 1:

‘In Policy MC8, Policy LC6(B) and Policy OC8(C), (see pages 72, 101-102 and 134-135 respectively) in the final paragraph the phrases: "less than 3" and "of less than 6 bedspaces" shall be deleted.”’

1530 **Deputy Brouard:** Thank you, sir,
Probably not, sir, I will probably just go straight into it.

Deputy Brouard: Thank you, sir.

As I said, it will be a day of apologies and my apologies once again that I was not able to make the earlier start.

1535 This is quite a niche amendment and, really, I should be wearing an anorak to do this one. I have been trying to get my jacket off, but the Bailiff will not let me do that. Anyway, it is a very technical and small amendment.

1540 In basic terms, the amendment will allow the Development & Planning Authority more flexibility in regard to the smaller end of the tourist market. We are talking, basically, about single dwelling houses where these are used as tourist accommodation.

1545 The amendment removes a numerical restriction, but keeps the principle in play. This Plan has been advertised from the get-go as being more flexible. We have in three locations in the Plan, when we deal with both main centres, local centres and outside centres. We have this one particular paragraph and it allows flexibility for the smaller end of the tourist industry to ebb and flow in and out of the industry.

It basically says that the change of use or redevelopment of existing visitor accommodation to a non-visitor accommodation use, outside of the centre, will be supported where the establishment comprises a single dwelling house with less than three self-catering units attached

to it, or located within its domestic curtilage. Or, a guest accommodation establishment of less than six bed spaces that also comprised a single dwelling house where this will revert to a single dwelling house and can be achieved with only minor alterations.

So, basically, I like the principle. The principle has been there a long time. It allows people to join the market and it allows people to exit the market. What I object to is the restriction of saying less than three self-catering units or six bed spaces. I will go into that detail a little bit further.

This obviously should not contradict with any of the SLUP or other parts of the Plan because we have, on good fortune, already passed Amendment 24, which was placed by Deputy Gollop and Deputy Tindall, which basically removed the restriction on these single dwelling houses when they revert to being a single dwelling house. They have taken away the fact only minor alterations could be made. Now they are like any other house, they are like major alterations or minor alterations.

The principle, we have already just had an amendment on this particular item from the proposers of the Island Development Plan.

Having this flexibility is great. Small businesses, whether self-catering or guest accommodation, who wish to have a change of use to leave the industry will be supported on the present Plan, when they can revert, and this is important, to a single dwelling.

This is key to our amendment. The change of use would be supported for self-catering, whether it is attached to the dwelling house or part of the domestic curtilage or, in the case of a small guest house or guest accommodation, can revert to a single dwelling. We are not talking about hotels, we are not talking about massive, purpose-built self-catering units. We are just talking about those at the very small end of the market, where it is basically a family home or a family home enclave.

So, what is the problem with the figures that we have, by having these figures in place? Well, it describes a scenario of small units reverting to a single dwelling, but by giving actual numbers of less than three in effect of self-catering, less than three means two. The policy will only work back to a single dwelling house if you only had two self-catering units in the first place.

Likewise, the guest accommodation. It stipulates 'less than six bedspaces'. I do not why they just did not say five. Less than six bedspaces, in my maths, is five. So, that could be in a family home or one single dwelling, that could be one double room and a family room as a triple, so only two bedrooms would be given over to guest accommodation, but if they go over the five bedspaces, they will then be trapped. They cannot reverse back out of the industry.

What my seconder and myself, and I would like to thank Deputy Mooney for his support in this, what we are saying is great concept and that concept has been going on for a long time, because a lot of industry starts off small in Guernsey and it builds and then it reverts to something else, so we do like the flexibility that has always been play. What we are saying is, by having a particular numerical number does not take into account the condition of the actual place. The policy says where it can revert to a single dwelling, so it is only those places that can revert to a single dwelling.

There may be guest accommodation with less than seven bedspaces, i.e. six, we say three double rooms, which is basically a private house, it looks like a private house, could revert with minimal alterations back to a private house, but will now be trapped.

It is the same with self-catering. Have three self-catering units and, no matter how suitable with the thrust of the rest of the policy being able to revert to a private dwelling, you will not be able to because of the numerical tie.

For those of you who are still with me and those who may be re-evaluating why you are listening to this at all, why be concerned about this, I hear you say. Do we not want to keep up the tourist bed stock?

You are absolutely right, but it is a double-edged sword. If you have two self-catering units now, would you expand to three knowing you can never leave the industry or sell the house and its curtilage as a private dwelling ever again?

1600 If you provide or let out guest accommodation in two of your bedrooms, would you now expand your guest accommodation to three rooms, knowing that when you cross the threshold at six bedspaces you will be trapped until the policy we will pass today is changed.

To allow new entrants in is why this flexibility needs to be built in at the small end of the market. To allow churn. Make it easy for people to set up self-catering, easy to offer guest accommodation in your house, but when you apply a number, it will be the number where the focus will be and not on the main part of the policy, which is offering us flexibility.

1610 It is only where the property can revert to a single dwelling. We are not talking about large hotels or large places. This is basically family homes that have gone into the self-catering market, or into the guest accommodation market, who want to come back out and, also, this is the main thing, the owner may want to retire, they may want to sell. It is a more attractive position to sell a going business with self-catering units if the purchaser knows they have got another alternative that they can sell again back as a private dwelling.

It is allowing that churn at the smaller end of the market.

1615 If you want to offer your house as tourist accommodation for a few years, because you need that extra money coming in, or as a part time business job, will you expand past two self-catering units or five bedspaces knowing that you will be unable to revert again to a single dwelling house?

Very similar to Deputy Soulsby's amendment yesterday, this allows that flexibility at the smaller end of the market for local people to enter and for local people to be able to leave.

1620 I can see no material reason for re-opening inquiry, as the principle is exactly the same as being proposed by the DPA. The only difference is I am taking away the unnecessary restriction of particular bedspaces. Some places may very easily revert to a private dwelling where they have maybe six or seven bedspaces. Others will not and this policy will not work for them. It is only where the property can easily revert to a private dwelling house.

1625 There is nothing in the SLUP I can see where a fixed number of bed stock is required and we want people to invest in the tourism industry. They are going to invest when there is more flexibility, not when there is a restriction. I would urge you all to vote for the amendment.

Thank you very much.

1630 **The Deputy Bailiff:** Deputy Mooney, do you formally second the amendment?

Deputy Mooney: I do.

The Deputy Bailiff: Deputy Tindall.

1635 **Deputy Tindall:** Sir, thank you.

With my speech in hand regarding Amendment 17, I will start, as always, with explaining the effect of this amendment as we see it. The effect of it, if passed, is the same as Amendment 20, which was passed last night.

1640 As I said yesterday, and I quote, 'As a result, if this amendment is passed we would need to defer the plan to consider the implications with the Committee for Economic Development. The inquiry would need to be re-opened if they agree.'

The amendment seeks a significantly more flexible policy allowing for a change of use.

1645 Whilst I believe such considerations of the implications may take slightly longer than a nanosecond, we request the Committee for Economic Development to assist the Members by indicating if they can the length of time they think such a deferral may take.

The reason why this amendment is considered inconsistent with the Strategic Land Use Plan is because it will result in a large number of additional establishments that are considered important to the stock of accommodation being able to change use. Not a small number as Deputy Brouard has indicated. Therefore, it is a necessary restriction.

The SLUP allows, in exceptional circumstances, the release of properties and sights that are no longer suitable for tourism purposes. This amendment, by removing the limitation of the size of existing visitor accommodation that can change its use or be redeveloped, albeit provided it can revert to a single dwelling house, allows an unacceptable level of stock to leave the sector.

1655 This amendment affects both guest accommodation and self-catering units. Unfortunately, despite Deputy Brouard's assertion, guest accommodation does include hotels because, in planning terms, these two sorts of establishments are effectively the same use and it is purely an operational decision to move a hotel across to the guest accommodation sector or vice versa.

1660 As many of you might know, a significant proportion of the overall guest accommodation, including hotels, have been created from individual dwellings. The Old Government House being one such example.

So, to the numbers. Firstly, those which would be allowed to leave the sector under the Plan. This would be 15 sites of guest accommodation out of a total of 27 which could take advantage of this change. That is actually 55% already of all guest accommodation sites.

1665 With regard to self-catering, up to 27 sites out of a total of 71 sites could be released under the current Plan.

If this amendment is passed, a significant proportion of the overall guest accommodation stock would be at risk, as well as many hotels, as most of these have been created from individual dwellings and still provide a dwelling for the owner-operator. The only properties that would be excluded by the amended policy would be those that are clearly not being formed from a single private dwelling, i.e. purpose-built or those formed around inns, pubs and restaurants.

As previously mentioned, we would need to defer to consider these implications with the Committee for Economic Development as to whether the amendment seeks a significantly more flexible policy, allowing for change of use.

1675 Personally, this information provided by our marketing and tourism team would indicate to me that it is a significantly more flexible policy. The policy approach was developed in consultation with that team to avoid the need for operators of small businesses not to have to leave their home when the business ceases.

1680 It was therefore agreed that larger guest houses and self-catering establishments should not be included in the exception, as they have required more investment and are not so easily replaced and make a more significant contribution to the stock of accommodation.

Although the inspectors did not make any specific comment on this aspect of the visitor accommodation policies, they did urge the States to keep the matter under review.

1685 The proposed amendment seeks to provide greater flexibility for the purposes of change of use and redevelopment of existing visitor accommodation, which, in essence, consists simply of a single dwelling house.

Whilst this amendment will certainly do this, would it allow too many to leave the sector?

1690 Sir, we consider this amendment to be inconsistent with the SLUP by allowing too many establishments to be able to change use and, also, inconsistent with the intentions of the tourism strategy, as it would impact on the range of accommodation on offer. I therefore ask my colleagues, sir to reject this amendment.

The Deputy Bailiff: Deputy Ferbrache.

1695 **Deputy Ferbrache:** Sir, could I just say, to answer the question by Deputy Tindall.

1700 It is very difficult, and I am not prepared to give an answer on the hoof as to whether it is going to be [*Inaudible*] and a second, or 12 minutes and 15 seconds. If there are those kind of considerations, on the basis of good government, knowing that this amendment has been around for a long time, or at least sufficient time, would it not have been easier at officer level, for an officer to contact an officer of ours and say, 'This is the question we want answered, how long will it take?'

So, I cannot answer that question. I am not prepared to gamble.

What I can say in relation to the general amendment is the figures that Deputy Tindall gave may well be accurate. This may be a well-meaning and well-intentioned amendment and I sincerely believe that it is well-meaning and well-intentioned, but could have unintended consequences.

Hopefully it is well known both inside and outside of the Assembly that I support the tourist industry and the hostelry sector 100%. It is not an amendment I would like to vote on on the hoof without knowing the full intended consequences.

I believe Deputy Soulsby is going to be laying another amendment in due course which I will and the Committee for Economic Development will support, saying there is going to be a review due back in October, we will be directed to come back by October 2018. Clearly that does mean about the maximum minimum argument. If we are directed to come back by October 2018 and, for some miraculous reason we can come back before, we will do that. Albeit, that would defeat what I said yesterday about the purpose of having another year's statistics.

Although I very much empathise with the sentiment of the amendment, I cannot support it because I am not fully clear of the unintended consequences and, equally, can I say in future, it does not just resonate or apply to the Development & Planning Authority, if we have this kind of discourse and if committee presidents or committee representatives are asked to give statistics and answers on matters of this significance, when there is an amendment that has not been filed on the day – and I appreciate here we filed lots of amendments at the last minute and I am very grateful of the Law Officers for their commendable work – that is done on a timely basis so that a proper answer can be given to the States, rather than expecting a president or another member of that committee to be able to say 'it is going to be this'.

I am not prepared to do that on the hoof on a matter of this significance.

The Deputy Bailiff: As nobody else is rising to speak, I turn to the President of the Development & Planning Authority to reply to what has been said.

Deputy Gollop: I have a number of observations to make.

The official view, really, is that the new policy proposed in the Island Development Plan represents no big change from the current situation and I note, I think I am right in saying, that the seconder of this amendment is Deputy Mooney. We know that Deputy Mooney is a very hard-working Member of the States, especially of Economic Development, but there are implications from a tourism industry point of view and a strategic point view, I think Deputy Ferbrache has alluded to.

Maybe, we could have done more consultation with the committees. We certainly worked closely with Economic Development on one or two of the other amendments, such as the one we saw earlier today where we very much appreciated that support because it prevented an unnecessarily long debate. We did, after all, end up with nearly 20 of these amendments, but I undertake that we will continue that work and strengthen it.

The number of six bedspaces was chosen as it was very much a key part of the current quality standard definitions. Those definitions are not planning definitions, or environment definitions, they actually come, historically, from the Commerce & Employment Department, relating to the regulation of the visitor sector. So, in a way, I expected Economic Development to be wary of this amendment because of that. It may have unintended consequences, as the President has outlined. There is not a shift from how this is operated at the moment.

Going to the specific speeches. Deputy Brouard made a passionate plea for flexibility in changes of use and so on, but he said something that worried me a little bit. He said there could be a deterrent to future investment in the sector because a person who had two self-catering units would be very reluctant to go for a third, on the understanding that they could not release the capital or the assets as a property, permanent residence.

Isn't that the point? We as a responsible planning authority know there is a material difference between a holiday self-catering establishment and a permanent residence. We also know that the property values could be different.

If somebody is putting an application to us, on the basis of a benefit to our economy and tourism of an extra unit of self-catering accommodation, but we know, as an authority, that is understood tacitly that it is also an extra pepper pot development, that completely changes the context of the planning application.

That is why one has to be very careful of this kind of amendment. As has been mentioned, there are many hotels that were once private houses. Somebody mentioned the OGH, one could probably think of more. There is the Hotel de Havelet and many others as well. When I quoted, I cannot find them now under my sea of papers, but I quoted yesterday to Deputy Ferbrache the changing face of the visitor industry, I noticed there was a rapid decline of hotels in 2000 and 2001. The number of beds declined at a smaller rate. A lot of the hotels that disappeared in 2000 did not disappear off the planet, they became guest houses, so there is a flexibility of hotels becoming guest houses and vice versa.

I discovered recently that a leading figure, who received Hotelier of the Year, was actually involved in an establishment that traditionally we would not even see as a hotel. So, it is complicated.

I do not want to see consequences that we cannot foresee.

There has not been a lot of debate on this amendment. I suspect that, although we would agree it is well-meaning, and I will personally say not only should we work closely with Economic Development – sadly the constitution does not allow members in common, but we can still work together – I think we have discovered a message this week that certain aspect of tourism policy and visitor development need to be reviewed and maybe have a debate within a couple of years of the way forward for the visitor sector. (**Several Members:** Hear, hear.)

I urge you to reject this amendment for the reasons myself and Deputy Tindall have given.

The Deputy Bailiff: We turn to the proposer of the amendment, Deputy Brouard, to reply to the debate.

Deputy Brouard: Thank you, sir.

I did say to the Assembly it was a very niche issue and it is quite small.

Deputy Tindall mentioned about private houses that have become hotels. I do not think she was meaning that the OGH would be able to claim to be a private residence, or easily revert to a private residence. I do not think that is what she was saying and that certainly was not the intention from the amendment, as proposed.

I am happy for the review by Economic Development and I think part of the thing that Deputy Tindall was saying was that it would allow too many to leave. I think we as an Assembly and we as a Government, we need to look at that reason. Why do people want to leave? We need to fix that problem. That is the bigger one that we need and that is the prize that we need to look at.

Why do people want to leave the industry? Is it because tourists are not able to get here? Is it the transport links? Is it the price of the accommodation etc?

Making the tourism industry much more viable will solve the problem for these people at the smaller end of the market, who perhaps may want to get out because they are just not getting the guests.

It would also be a lot better if there is a very strong demand for people wanting to enter into the industry. It would also be good for tourism as well.

The one from Deputy Soulsby, anyway, is requiring a deferral, this one could be added into the pile. I am happy if you pass it today and consider the risks more widely before it bites, but I think it should be passed now and then consider the risk before it actually comes in.

If the Plan is meant to be more flexible, and that is what is being sold as, there are other problems in the tourist industry but we should allow those people who have got small tourist

1805 accommodation to be able have some churn and move back in and out of the market as conditions allow.

Please vote for the amendment.

Thank you, sir.

1810 **The Deputy Bailiff:** This is Amendment 17, Members of the States, proposed by Deputy Brouard, seconded by Deputy Mooney.

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

1815 **The Deputy Bailiff:** A recorded vote.

There was a recorded vote.

Not carried – Pour 11, Contre 26, Ne vote pas 1, Absent 1

POUR

Deputy Lowe
Deputy Laurie Queripel
Deputy Paint
Deputy Brouard
Deputy De Lisle
Deputy Prow
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Mooney
Deputy Le Pelley

CONTRE

Deputy Fallaize
Deputy Smithies
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Green
Deputy Dorey
Deputy Dudley Owen
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy De Sausmarez
Deputy Roffey
Deputy Oliver
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Meerveld

NE VOTE PAS

Deputy Merrett

ABSENT

Deputy Le Tocq

The Deputy Bailiff: Members of the States, the voting on Amendment 17, which was proposed by Deputy Brouard, seconded by Deputy Mooney, was Pour 11, Contre 26, one abstention. Therefore, the amendment is lost.

1820 Can I just check that everyone has in front of them a copy of amendment marked number 26 and to inquire of Deputy Trott whether it is his wish to move that amendment rather than amendment 16.

Deputy Trott: Yes, sir, I would like to move Amendment 26, please.

1825

The Deputy Bailiff: On that basis, that is the next amendment, marked 26, which has only been placed on your desks this morning, Members.
Deputy Tindall.

1830 **Deputy Tindall:** I apologise, sir, but I would like to ask for a further recess of five minutes, as we have not had a chance to discuss this amendment and it does immediately affect the Development Plan, whereas the previous one was the Committee for Environment & Infrastructure.

1835 **Deputy Ferbrache:** Can I suggest sir, as well, if Deputy Trott's amendment is successful I will be seeking to lay a similar amendment. So, if the adjournment that Deputy Tindall asks for, which seems to be sensible, they consider those together, so we do not get another adjournment later.
That is not meant as a criticism, because the principles are the same.

1840 **Deputy Trott:** Sir, may I just ask through you whether it is the DPA's intention for the proper and seconder of the amendment, i.e. myself and Deputy Fallaize, to attend their deliberations? It was not clear.
Happy to do so.

1845 **The Deputy Bailiff:** I am not going to allow that to be answered at the moment. I am minded, therefore, to move to Amendment 7, which is the amendment to be proposed by Deputy Dorey.
That way the Development & Planning Authority can have the luncheon adjournment to consider all the amendments that have come into play during the course of the morning.
Deputy Dorey, are you in a position to move your amendment?

Amendment 7

The States are asked:

To insert at the end of the words in Proposition 1:

*‘; subject to the modification that in Policy OC7: Redundant Glasshouse Sites Outside of the Centres (see pages 127 – 129 of the Draft Island Development Plan at Appendix 1, and recommended changes at pages 36 - 38 of Appendix 7) shall be amended by inserting between provisos iii and iv: “iiiA. the proposal includes the clearance of all redundant glasshouses together with ancillary structures from the site; and”
and in consequence of the above modification to insert at the end of the words in the first sentence of paragraph 17.5.9 (see page 126) “if all the redundant glasshouses together with ancillary structures are cleared”.’*

1850 **Deputy Dorey:** Thank you, Mr Deputy Bailiff, and I would ask the Deputy Greffier if he could read out the amendment.

The Deputy Greffier read out the amendment.

The Deputy Bailiff: Deputy Dorey.

1855 **Deputy Dorey:** This amendment, which is seconded by Deputy Green, the purpose is to ensure that we make the best use of our scarce resource land. Derelict glasshouse sites are a blight in Guernsey and removal of these eyesores must be encouraged.

This amendment should result in that encouragement.

1860 If a redundant glasshouse site is outside the main and local centres and is generally not next to an agricultural priority area and would not contribute positively to a wide area of open land, the proposed policy OC7 in the draft IDP, would allow an owner to get permission for small scale industrial storage and distribution on just part of a site that does not have the derelict glasshouses on, without having to clear the derelict glasshouses on the remainder of the site.

So, they would be able to have this small scale industrial storage and leave all the glasshouses there. That is what the draft IDP allows.

1865 This amendment is to change that policy so that, in order for the owner to get permission, all the redundant glasshouses have to be cleared and then the whole site can be used for small scale industrial storage and distribution.

I am sure you agree that is a far better use of our valuable resource land.

1870 Currently, and I am going on the 2015 Census, there are 258 acres of glass, of which 76 acres is derelict and 77 acres of glass is used for commercial production. If Members prefer, I can give those measurements in vergées, but I will not confuse you by giving two lots of measurements.

I spoke to a contractor who has cleared glasshouse sites. He said, not surprisingly, the cost of demolishing glasshouses will vary, according to their condition. From one extreme of a modern glasshouse in good condition, it can be taken down and re-used and actually has a value, to a more likely derelict wooden glasshouse site, that can cost up to £30,000 per acre to clear.

1875 I also spoke to an estate agent in the commercial sector. He estimated that an open ground site to a builder's yard would be worth between £65,000 and £87,000 per acre, compared with the open land that is worth around £28,000 to £36,000. I am taking that from the planning inspector's report.

1880 There is an uplift in land value for somebody who gets permission to use this site, for example, as a builder's yard.

This amendment is consistent with the Strategic Land Use Plan. One policy is to tackle the adverse impact of glasshouse sites. It also consistent with also another, which is to allow small scale business development outside the main and local centres that respect the scale and character of the surroundings.

1885 This amendment should result in some sites being cleared, but there will be many sites outside the centres for which, as the Strategic Land Use Plan identifies, it will be necessary for a number of committees to work together to resolve this issue, because they could not be used for these small scale industrial uses.

1890 The Strategic Land Use Plan also states, and I quote:

'There are only a limited number of realistic options for glasshouse clearance, which would include the planning system offering some uplift in land value (for enabling some form of development) that could assist in financing complete removal.'

This amended policy, proposed by this amendment, will be one of those realistic options for glasshouse clearance, which include the planning system offering some uplift in land value in comparison with the proposed policy that will result in possibly no sites being cleared.

1895 It could be said, actually, that this amendment is more consistent with the Strategic Land Use Plan than actually the proposed policy in OC7 in the IDP, because it does not make the owner clear the glasshouses.

1900 In 2013, the Environment Department, as then, wrote a consultation report on the approach to agriculture and redundant vineries and in that report, they identified 30 sites which were outside the main and local centres that could be used for this purpose as they are not next to an agricultural priority area and do not contribute positively to a wide area of open land.

It specifically said that the use of these sites for small scale businesses 'is likely to result in an uplift in the value of the land'.

It makes sense, because the increase in the value of the land will more than finance the clearance of the glasshouses and better use will be made of such sites.

1905 More importantly, there is a far greater chance of derelict glasshouses, eyesores being cleared, rather than the owner choosing to have something like a small builder's yard on part of the site, surrounded by derelict glasshouses, as could happen in the policy in the proposed Island Development Plan.

1910 If not amended, we could have a situation where owners would be able to get something for nothing. They would get uplift in value for part of their site, without having to clear the rest. I do not think that is right. Something must be given by them in return, i.e. the clearance of glasshouse sites.

Of course, they win by being able to make use of that area of land that has been cleared for small scale industrial.

1915 I believe that this amendment makes complete sense and I urge Members to support it.

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

Deputy Green: I do, sir, and I reserve the right to speak.

1920

Deputy Brouard: Sir, may I declare an interest?

The Deputy Bailiff: Deputy Brouard wishes to declare an interest. Yes?

1925 **Deputy Brouard:** I have a commercial vinery site, sir, I will not be taking part in the debate. Thank you, sir.

The Deputy Bailiff: Are there any other declarations of interest, first?

1930 **Deputy Ferbrache:** Yes, sir, I think I own a vinery site, so I had better declare. *(Laughter)*

The Deputy Bailiff: It must be nice to be in the position of not being quite sure. Deputy Tindall to be followed by Deputy Paint.

1935 **Deputy Tindall:** Thank you, sir.

We consider that this amendment, if passed, will not require a deferral. We do, however, not approve this as it is considered the amendment will affect the affordability of developing parts of glasshouses.

1940 The draft IDP policies provide an incentive, through the range of possible new uses for such sites, to redevelop and clear redundant glasshouses. The amendment could be a disincentive to clearance of glass, particularly on larger sites, where partial clearance may be sufficient to allow for a new use.

1945 The high cost, £10,000 per vergée, of clearing glass, was referred to by a large number of representatives during the inquiry, relative to the value of possible new uses and this has proved a barrier to their removal and sites are, in many instances, left to deteriorate.

It is not clear whether more or less glass will be cleared through a less onerous policy as the one in the draft IDP, where potentially more sites might come forward, but not include the complete clearance of the site.

1950 The IDP does not include the option of higher value uses such as residential as a potential new use, as this would be inconsistent with the spatial strategy for the outside of the centres, particularly given there are around 250 sites in the Island.

The IDP takes a long-term position that eventually glasshouse sites will be cleared and the spatial strategy takes precedence over the objective to clear redundant glasshouses. Of note is the extensive area of glass that has been cleared over the past 40 years, without land use incentives.

1955 Policy OC7 and OC3 is the mechanism to make provision for small scale industry, storage or distribution uses that cannot find suitable space in the centres, by allowing such development on brownfield land and redundant glasshouse sites outside of the centres. This is an issue of note, given the need for businesses to relocate from Fontaine Vinery. The amendment could impinge on this process, by making some sites more expensive to clear and re-use.

1960 The SLUP seeks limited provision to be made within the Development Plan for small scale business development outside the main and local centres, where such development respects the scale and character of the surroundings and does not undermine the spatial strategy.

1965 Despite the concerns above, the amendment would not make the IDP inconsistent with the SLUP, does not conflict with any findings of the Island Development Plan evidence base and we admit could have a positive environmental impact.

The impact of the change to the policy can be monitored by the IDP annual monitoring reports.

We therefore request Members to reject this proposal.

1970 **The Deputy Bailiff:** Deputy Paint, to be followed by Deputy Laurie Queripel.

Deputy Paint: Sir, I really stand as a matter of principle.

I am surprised at the increase of the word 'acre' in this Island. Can I ask what any legal matter this word 'acre' has in the management or purchase or sale of our lands?

1975 Surely, when any Proposition is made in this Assembly, we should be use the proper measurement of land that we use here, not some foreign measurement like acres of hectares? Or, we take a risk of losing part of our heritage. (**Several Members:** Hear, hear.)

Thank you, sir.

1980 **The Deputy Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

1985 I am quite attracted to this amendment and I really do believe that we should be making better use of disused vinery sites, not only in the main centres, but outside of the main centres. I think it is a precious land resource and we really are missing a trick if we do not make better use of them.

1990 So, I am attracted to the amendment, but my concern is the requirement to take down all the structures that are on the site, whether it be the greenhouses or the ancillary buildings because, actually, some of the redundant vinery sites that I have visited, some of those structures are in quite good condition and they could be utilised, not pulled down. They could be utilised to accommodate industrial use, whether it be a greenhouse that could be used, or it could be a packing shed of something like that, that could be actually used. It would be a waste to tear them down when, actually, with just a little bit of work, they could be perhaps upgraded or different covering put on them, something done inside them. They could be actually used rather than going to the expense of tearing them down and then creating new structures.

1995 I wonder if Deputy Dorey could perhaps address that point. Perhaps it cannot be included in the amendment now, but if this amendment is passed the Development & Planning Authority could give that some consideration. There could be some sort of provisional caveat where if a site is going to be allowed to be used for development for industrial use, if the building is in good enough condition, the structures that exist on that site, they could actually be utilised and used, rather than torn down.

2000 Thank you, sir.

2005 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, it is following on from the points just succinctly and ably made by Deputy Laurie Queripel.

2010 This is a well-intentioned amendment, but could have unintended consequences. The idea is that we want to clear wherever possible the unsightly glass so that, in appropriate circumstances, those sites could be used in accordance with the relevant policy of the draft Plan and I support that relevant policy of the draft Plan.

But it is as Deputy Queripel has just said, there are some ancillary buildings that are in perfectly good condition that could be used if the site is appropriate, as a carpenter's workshop, or

whatever it may be. This is mandatory, this is not permissive, the wording of this particular amendment, so you would have to knock it down to put it up again.

I do not understand the logic of that. It is very expensive, so it is an amendment that will preclude the purpose of the actual policy and the Plan.

If it had been caveated, if there had been other reservations, as Deputy Laurie Queripel has said, it would have been workable. If you pass this in the interest of the environment, you will be doing exactly the opposite, so therefore please do not pass it.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Following on from the previous comments of Deputy Laurie Queripel and Deputy Ferbrache, I wonder whether there is any room for hope in the 'redundant'?

Surely, if there is a use for an existing structure, it would not be redundant?

The Deputy Bailiff: Deputy Green.

Deputy Green: Sir, the point has just been made by Deputy De Sausmarez.

That is the point that people are missing. I was grateful for the comments that Deputy Tindall made, because she made it clear that the DPA does not believe that this would cause a deferral and it could well have environmental impact and could, in any event, be monitored.

Of course, there may well be financial issues in terms of claiming the land, but it really is a bit of a nonsense to say permission will be given in appropriate cases, but then redundant greenhouse sites and ancillary stuff that is no longer used in any material way will just be allowed to remain on site.

That is the point, these are redundant sites. Deputy Dorey made most of the right points. Land is an incredibly scarce capital resource in our Island. We live in a very small Island of 25 square miles. We have to make the absolute maximum out of every single vergée, and I agree with Deputy Paint it is vergées, we should not be talking about acres, a complete nonsense. We should be making absolute maximum use of every square inch, every square vergée. *(Laughter)*

We have to make the absolute maximum out of that capital resource if we are going to get our economy going and if we are going to provide the housing for the people of this Island.

This is an opportunity, sir, clearly, to remove what is considered by most people, if not all people in this Island, a complete blot or eyesore on our landscape, and I think this is an opportunity that the States should not pass up.

I think Deputy Dorey made the right points. There is an irresistible logic about this and we are talking about redundant greenhouse sites. We are not talking about sites where there is a possibility for these things to be revived. The economy of this Island has changed and the planning rules need to catch up with that.

Deputy Ferbrache: Sir, could I ask a point of advice from the Law Officers, or correction? I do not know what it is called nowadays?

The Deputy Bailiff: We will have just a question to the Law Officers, shall we?

Deputy Ferbrache: Sir, the wording of the amendment, at the moment, says 'the proposal includes the clearance of all redundant glasshouses together with ancillary structures'. Now, and this is meant to be a question not a statement, if the word 'redundant' appeared before the word 'ancillary', then would that cover the issues dealt with by, for example, Deputy Queripel and the concern expressed by Deputy De Sausmarez.

2065 Otherwise, reading it literally, I cannot ignore my own experience as a lawyer, you would be able to say 'yes, you have got redundant glasshouses but the actual requirement is to demolish all the ancillary structures' and that is the way the Planning Authority would have to interpret it?

The Deputy Bailiff: Madam Procureur and Mr Comptroller, who is going to leap up first?

2070 **The Comptroller:** Sorry, could I have that again? If the proposal could just be explained again, sir?

2075 **The Deputy Bailiff:** Deputy Ferbrache is asking a question about the wording. Of course, the wording is the wording. This is the amendment that is in play at the moment. If I have understood Deputy Ferbrache correctly, he is saying that the way that the Authority would be obliged to construe this is you have got to clear everything, including the ancillary structures, but if the amendment had been differently worded, so it that it was just to clear the glasshouse, for example ...

2080 **Deputy Soulsby:** Sir?

The Deputy Bailiff: Deputy Soulsby.

2085 **Deputy Soulsby:** Can I just reference people to page 125, 17.5.3 where it actually gives the description of a redundant glasshouse site, which includes ancillary structures.

The Deputy Bailiff: Deputy Ferbrache, I doubt that any advice that the Law Officers give is going to affect how this particular amendment, if carried, would have to be construed.

2090 **Deputy Ferbrache:** Well, sir, again I have had my opportunity to speak.

I was trying to deal with a point very sensibly raised by Deputy de Sausmarez. I can only say the way I would interpret it is the two are disjunctive, not conjunctive and therefore you would have to demolish all the ancillary structures and it does not matter if the wording, that helpfully was brought to our attention by Deputy Soulsby, and that is going to be not really what this amendment intended.

2095 I do not know if it is possible, and I ask, sir, your guidance, and I ask the guidance of the Law Officers, if anybody wants to even amend it? If they just put the word 'redundant' before 'ancillary' none of us would have any difficulty with that.

2100 I do not know if that is achievable or possible. That removes any doubt, at all, and it may be that I think is what Deputies Dorey and Green are seeking to achieve.

Then I would have no problem with this amendment.

The Deputy Bailiff: Madam Procureur.

2105 **The Procureur:** I am just checking that this microphone works. I have had some reports back that yesterday not everybody could hear me. So, hopefully, everyone can hear me today. Apologies if they could not yesterday.

2110 Sir, I agree absolutely with the comment that you have just made and also with that of Deputy Ferbrache. I think if the wording was amended, if that is what the proposer wants to do, then it may afford clarity. But we have to be absolutely clear that that is what the proposer wants to do.

Deputy Soulsby has just helpfully drawn attention to the wording that is understood in relation to the Plan itself, but what you have before me, as un-amended, is the wording which is what you will be asked to vote upon.

2115 **The Deputy Bailiff:** Deputy Dorey, would it help to have some clarification?

Deputy Dorey: As I understood, there is a separate policy about conversion of redundant buildings and I thought that would apply for those buildings, that you could apply under that policy.

I am happy to have it corrected. If it helps, I can re-write it over lunch time?

2120

The Deputy Bailiff: Do you wish the States to continue debating this amendment as it stands?

Deputy Dorey: Perhaps the best thing to be would be to just discuss it and make sure, as I understood, that redundant policy was applicable.

2125

Let me withdraw it and discuss it and come back with the clarification.

The Deputy Bailiff: Let us just pause at this stage.

Members of the States, it is unlikely that we would be able to conclude any other amendment between now and 12.30 p.m.

2130

What I am minded to do, therefore, is adjourn for lunch now. The adjournment is normally to 2.30 p.m. Deputy Trott has already indicated that, just as he did late yesterday, he wished to have a shortened lunch hour.

I am going to put to you that the adjournment be to 2.00 p. m. rather than 2.30 p.m. because we are breaking a little bit early.

2135

Any debate, or can I just put that to the vote?

Deputy Graham.

Deputy Graham: Could I just make the point, sir, I am under the impression that some of us are meeting with a representative from the Brussels office from 1.30 p.m. to 2.15 p.m.? If that was still the case, then we would need to revise that.

2140

Perhaps it does not stand any more. I do not know.

Deputy Roffey: Sir, if that is the case ...

Sorry, I have not been invited to speak.

2145

The Deputy Bailiff: And you might put your microphone on as well, Deputy Roffey, so that I can hear you.

Deputy Roffey: I was going to say is it not a bit of lateral thinking, if that is the case. Could we not have a shorter lunch hour by continuing to 1 p.m. and then breaking to 2.30 p.m.?

2150

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: As previously requested, we ask for time to consider two amendments and, obviously, it would be much appreciated to have that time to continue until 2.30 p.m.

2155

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir,

2160

I think that point is relevant. Earlier, amendments were deferred, in effect, so that the Authority could spend some of the lunchtime considering the issue. I would remind Members that we came in at 9 a. m. this morning and, if we had come in at 9.30 a.m., we may not have had to have some of the problems that we had at 9 a.m.

So, I think it would be preferable to come it at 2.30 p.m. with the Authority actually ready to go to advise the States, than come in at 2 p.m. and end up having to adjourn again a few minutes later.

2165

The Deputy Bailiff: Deputy Lowe.

2170 **Deputy Lowe:** I was going to add to that, sir, inasmuch as if Deputy Dorey is going to re-do an amendment, that he is involved with that at lunchtime with the departments, so we will not have another pause to say that they need to get a speech together.

I am very keen to have an hour and a half, maybe even to 2.15 p.m., that at least everybody has got that time to deal with these amendments in a structured manner.

2175

The Deputy Bailiff: Well, Members of the States you have had your debate on the motion to vote to adjourn to 2 p.m. So, that is the motion I am putting to you. Those in favour; those against.

Members voted Contre.

2180 **The Deputy Bailiff:** I declare that not carried. The adjournment will therefore be until 2.30 p.m.

Before you go, let me just do some housekeeping, because it might be helpful. That way you will know what I have in mind.

2185 Now, at 2.30 p.m. we continue debate on Amendment 7, unless the proposer of the amendment seeks leave to withdraw it and possibly to replace it with something else. If it is to be replaced with something else, then it might take its place in the queue again. It might be that, because we have just started debate on it, we just continue, but that those who have already spoken on it might be able to resist the temptation to speak again on Amendment 433, or whatever it will be by then. *(Laughter)*

2190 When we finish Amendment 7, as I have indicated, it is Deputy Trott's wish to substitute for what was going to be Amendment 16, Amendment 26. Amendment 26 supersedes Amendment 25, which you can now, if Deputy Trott indicates so, recycle during the course of the luncheon adjournment, because that will not be moved, come what may.

If Amendment 26 is not carried, then Deputy Trott would still potentially be able to move Amendment 16.

2195 After that, we would be moving to Amendment 11, but as I understand it, Deputy Ferbrache wants to replace Amendment 11 with Amendment 27.

Deputy Ferbrache: Yes, sir, which would be in the same form as Deputy Trott's, 26.

2200 **The Deputy Bailiff:** So, if 26 gets debated, then we go to 27.

The Procureur: Sir, I am so sorry to interrupt you ...

2205 **The Deputy Bailiff:** Madam Procureur.

The Procureur: I believe Amendment 27 was superseded by Amendment 28, it should be. I am so sorry, that is just to clarify.

2210 **Deputy Ferbrache:** Whatever the number is, we are approaching near to the Deputy Bailiff's 433, so I accept that.

The Procureur: Absolutely, 27, sir, I believe could be binned or recycled.

2215 **The Deputy Bailiff:** Have Members got a copy of Amendment 28? At the moment, I do not have a copy of Amendment 28. Can that bit circulated now, then, please, Deputy Greffier, so that Members have?

Members of the States, can I have your attention please?

You are now getting Amendment 28, which means that you can also recycle Amendment 27, which is no longer to be relied upon.

Deputy Dudley-Owen: Sir, sorry to interrupt. Could you just go back and clarify Amendment 11? You mentioned Amendment 26, then Amendment 11 and then Amendment 28?

The Deputy Bailiff: Let me start again.

We get through redundant glasshouses in some shape or form. We then move to Amendment 26 and I was trying to explain this so that everyone knows the running order and, more particularly, the Development & Planning Authority know what is going to be in play and potentially the order in which it is going to be in play.

So, Amendment 26 will be moved. If that is carried, Amendment 16 disappears. Potentially, Amendment 13 also disappears. That is the reason for bringing Deputy Trott's Amendment 26 into play now, rather than later.

We then would move to Amendment 28. That is the one that you have just got. Amendment 28 is a direct substitute, superseding Amendment 11. If Amendment 28 carries, then Amendment 11 would not be moved. If it does not carry, then it might be moved, because that could come back into play.

We will then go to the replacement of Amendment 4, which we have not yet seen. That was the one that was deferred this morning, and that needs to be a motion to suspend pursuant to Article 7.1, followed by the replacement deleting c) in the form that Deputy Ferbrache handed around. Members have got sight of that, so you will see the wording, members of the Development & Planning Authority. It is the one that does not have a number on it, but has, in what I recognise to be Deputy Ferbrache's handwriting, 'new amendment' in a circle at the top. That will be numbered 29, presumably.

That will conclude the amendments, for now, in respect of the written statement.

What I will say, however, and Members, I know have been circulated by an email from Deputy St Pier last night, there is absenteeism tomorrow for good reason and Deputy Trott and Deputy St Pier are the proposer and seconder of Amendment 6.

I will take Amendment 6 by no later than 4.30 p.m. today, if we have not got to that naturally.

Just to forewarn you all that I will, potentially, suddenly jump into Amendment 6 if I need to, by 4.30 p.m.

It will not be interposed; it will be a natural break between amendments.

We will now adjourn until 2.30 p. m. with that running order.

*The Assembly adjourned at 12.31 a.m.
and resumed at 2.30 p.m.*

The Island Development Plan – Debate continued

The Deputy Greffier: Island Development Plan – Development & Planning Authority recommendations – continuation of debate.

The Deputy Bailiff: Are we continuing with the debate on Amendment 7, Deputy Dorey?

Deputy Dorey: Sir, an amended amendment has been produced.

I do not think it is quite done. It is being printed now. It should be with us any minute.

The Procureur: Sir, just to clarify, that is absolutely correct.

There is an Amendment 30, it has already been lodged electronically with the Greffe and they are just trying to print it, I believe, as soon as they can.

2265

The Deputy Bailiff: In these circumstances, Madam Procureur, I am minded to push Amendment 30 down the list again to where it was. Clearly, there is no need for anyone to say what has already been said in debate on Amendment 7. Do you see the need to withdraw Amendment 7, Deputy Dorey ... ?

2270

Deputy Dorey: Yes, please, sir.

The Deputy Bailiff: So I put the motion that we will withdraw Amendment 7, on which debate has been started. We will restart but without the repetition ... Those in favour; those against.

Members voted Pour.

2275

The Deputy Bailiff: I declare that motion to withdraw Amendment 7 carried.

So, we will go back to the order that I was describing earlier, which is to invite Deputy Trott to place Amendment 26. All Members should have a copy of Amendment 26.

Deputy Trott.

Amendment 26

The States are asked:

To insert a new Proposition 3;

'3. To direct the Development & Planning Authority, after consultation with other relevant committees of the States, to determine which changes would need to be made to legislation or policy in order to establish a gateway for the development of a café on the current site of the Stan Brouard Group Garden, Leisure and Furniture Store; and if, during the course of the work and consultation described above, it becomes clear that such a gateway could not be established without first altering the Strategic Land Use Plan also to direct the Committee for the Environment & Infrastructure to consider whether it should exercise its powers under Section 5(2) of the Land Planning and Development (Guernsey) Law, 2005 to propose such alteration to the Plan; and also to direct that the Authority, and the Committee if appropriate, shall report its or their conclusions to the States in propositions and a policy letter or policy letters to be submitted to Her Majesty's Greffier by no later than the 30th of April, 2017.'

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Deputy Trott: Thank you very much, indeed, sir.

I shall read it out, for good order. Proposed by myself, seconded by Deputy Fallaize:

Deputy Trott read out the amendment.

Deputy Trott: Deputy Fallaize and I, sir, would like to place on record our sincere thanks to Her Majesty's Comptroller for his efforts on our behalf in the construction of this, I am sure Members will agree, sound amendment,

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The truth is that this has been a challenging debate so far, even for Members like myself, who are now enjoying their fifth consecutive term. It is challenging because it is rare to debate an Island Development Plan and it is even rarer to debate and attempt to amend a States' Report that is so awkward to amend, without causing significant delay or a number of unintended consequences.

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With that in mind, much time and effort has been expended in order to tick all the boxes. So, I would say, sir, to our community, those who are still with us: if it sounds like a shambles, actually it is not. It is an extremely difficult thing to navigate through.

2295 With regards this amendment, this is a common-sense amendment. The amendment is not complicated; it seeks to ensure that there is a gateway, which would allow a long-established business the opportunity to make a planning application to have a café facility at their premises.

We know that business is Stan Brouard and I have no connection with this business in any way, other than the fact that my family are regular visitors. That is because my wife enjoys spending money. (*Laughter*) She enjoys that habit a great deal more than I and garden centres are often high on her list for this retail therapy

2300 When we go to Earlswood, we stop for a coffee and a bun and when we go to Le Friquet Centre, we stop for a coffee and a bun. But, when we go to Brouard's, sir, it is good for my diet, because there is no such opportunity. We cannot sit in a café and have a cup of coffee because they have not got one and they would like one.

2305 I think, sir, we ought to talk a little bit about this thoroughly local business. It has been in operation for a mere 66 years. Retail has been undertaken on the site for more than a quarter of a century. There is ample parking and they have planted over 1,000 trees on the site. It has a main road entrance and all the amenities are in place. They employ more than 40 staff, of which nearly all are local and the business pays a considerable sum in TRP alone, sir, some £85,000 per annum.

2310 It is probably worth reminding Members that any café would be within the existing premises.

So, I take the view, and I have throughout my political career, that if our policies fail a common sense or fairness test, then we are obliged, surely, to correct that accordingly. That is the purpose of this amendment.

2315 I say to you, sir, I say to Members, if you think it is fair that a gateway exists in order to allow this business to make an application to have a café, vote for this amendment. If you do not, do not.

Thank you, sir.

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

2320 **Deputy Fallaize:** I do, sir.

The Deputy Bailiff: Thank you.
Deputy Tindall.

2325 **Deputy Tindall:** Sir, I am pleased to confirm that the Development & Planning Authority has no objections to the proposal. (*Cheers and laughter*)

Deputy Brehaut: Sir, can I be pantomime villain for moment?

2330 **The Deputy Bailiff:** Deputy Brehaut.

Deputy Brehaut: The advice from HM Comptroller or Procureur, whichever, sir, please?

2335 The amendment says Amendment 26, and I am assuming I have got the right one, because there have been a number of them, it directs the Environment & Infrastructure Committee to consider whether it should exercise its power under section 5(2). When this goes to the vote, if members of the Environment & Infrastructure Committee, for example, voted against this amendment, does it risk what might be described as pre-determination if they were then, at a later stage, asked to consider the gateway provision in 5(2).

2340 If I vote against this today, yet at another time in another place around the committee table, I do not allow this, is that pre-determination? Is there a potential for a judicial review?

The Deputy Bailiff: Madam Procureur, are you going in to bat first?

2345 **The Procureur:** I think it really depends on the circumstances at the relevant time. If you are voting today, any Member is free to vote regardless of which committee they are on at the end of the day and you can make that vote.

 If at a subsequent time, there are different circumstances which arise and something comes before you in your capacity as a committee, you are then acting in committee. But, at the
2350 moment, as a Member of the States, you are being asked to vote on this as a Member of the States.

 So, it very much depends on the different circumstances which may arise at that time.
I hope that assists.

2355 **The Deputy Bailiff:** Deputy Langlois.

Deputy Langlois: Just briefly, sir.

 I just wondered whether Deputy Trott could clarify quite what he is after here? I might have misread some of the earlier amendments, but I got the impression that at least one of them would
2360 have enabled the planning situation of this complex to be regularised and, therefore, then planning permission for the café granted.

 In his speech, he only mentioned the café, as if it was just a fairly simple matter of finding a way to establish or give permission for a café there.

 What I am wondering is does he envisage that process, i.e. whatever changes have to be made
2365 to the SLUP and, possibly, the IDP to regularise the situation on the Planning Law of the complex, which would then enable it to apply for a café to be established? Does he envisage it being a two-stage process, not such a simple question of finding some way of granting somebody approval for a café?

 Thank you.

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The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

 I do not see any way in which the Committee for the Environment & Infrastructure could be
2375 conflicted because, if there is an application made subsequently, it would not be to them, it would be to the Development & Planning Authority.

 I will go into this in detail, but the reason that strategic land planning was separated from the consideration of development applications as part of the machinery of government reforms was to avoid the situation where the committee which gave strategic land planning advice to the
2380 States was conflicted from giving that advice or voting in that sort of debate because of future applications which it may have to consider.

 I think Deputy Langlois is right and I am pleased that the Development & Planning Authority is not contesting this amendment, because one of the big hurdles, as I understand it and Deputy Trott probably knows more about the history of this site than I do, is that the current activity is
2385 not, to use Deputy Langlois' term, regularised in planning terms.

 So, the States have sort of carried on this charade for a while that, although everybody knows that there are retail activities going on at the site, there are not, really. We are meant to believe that the mowers are not for sale and the fertiliser is not really for sale. We are being told that the retail use of it is not regularised.

2390 Well this, clearly, is a nonsense. We cannot carry on with that sort of pretence. I do not think this is the only site in the Island, in fact I know it is not, which is clearly being used for retail purposes but which, in planning terms, is not permitted to be used for retail purposes.

 Now that is a nonsense. It is not simply a matter of saying, 'well, the site should not have evolved in that way and therefore we are going to put our heads in the sand and pretend it did
2395 not'. For two reasons. First of all, the correct way to deal with sites which are not being used

appropriately is enforcement. It is not to bury our heads in the sand years after the States decided not to enforce planning laws and planning policies and pretend it is not happening.

Secondly, it is self-defeating not to regularise these activities because, let us say, for example, not necessarily in the context of this particular site, that the States adopt a policy which imposes certain obligations on sites which are permitted for retail use. Whether it is health and safety or the interest of the consumer, or something like that.

Now, there could be sites, there could actually be retail businesses which are, in effect, exempt from those obligations because, in planning terms, the States are not prepared to recognise them as retail units, even though plainly they are being used for retail purposes and have been for many years.

So, these historical problems need to be regularised and this amendment, although it is only implicit in the amendment, it seems to me inevitable that if the Development & Planning Authority and, possibly the Committee for the Environment & Infrastructure is asked to go away and do this work, they are going to have to apply their thoughts to how businesses in these sorts of circumstances could be regularised.

The other thing is that, if this amendment were to lose, I do not suppose it is going to, now that the Authority is not opposing it, there would then be a whole series of other amendments which Deputy Trott would lay which, if approved, would conflict with the Strategic Land Use Plan and my understanding is that Deputy Trott would not lay them if this amendment is successful.

The final point I want to make is that this is not the States saying here and now, in the absence of the necessary information and facts, we wish to give permission for a café to be erected at this particular site. We are not turning ourselves, as an Assembly, into a glorified planning authority this afternoon. It is requiring the necessary work to be done so that the Authority can lay before the States the changes which would need to be made to legislation or policy if a gateway was to be established to allow a café to be developed.

What the States decide to do when the Authority returns to the States is going to be a matter for the States. But it is right that the Development & Planning Authority should consider this soberly and should be able to reflect on it and consider which changes they could sensibly make to Law or to policy to allow the activity that is now carrying on in this site to be regularised, in order that an application for a café can be made and can be judged on its merits, rather than on the basis of this historical anomaly which has been applied to it in recent years.

So, for these reasons, sir, I would ask the States to support this amendment and I thank the Authority, again, for not opposing it.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, can I just soften, a bit, the language of *[Inaudible]* the language of Deputy Fallaize when he says that, if this amendment was not approved, Deputy Trott would undoubtedly bring the other two amendments that he seeks and there is at least a possibility, rather than a certainty, and it might be a good possibility, it might even be a probability, that there would be a delay because there would be a deferral, there would be a planning inquiry and that would take a lot longer than the period of time specified in this amendment.

But, let me also say two other things, because Guernsey is a small community. Mr Brouard and I have been friends for very, very many years. We have known each other since we were about 11 years of age. Well, I think he was 12 and I was 11, but we have known each other a long time.

Also, I was his planning lawyer and his lawyer for many, many years. I have dealt with many, many of these parts of concerns in relation to the development of his business. I am speaking, I regard myself, as President of the Economic Development Committee. As President of the Economic Development Committee, I have got to do all that reasonably can to support local businesses.

You have not got a more local business than Brouard, 66 years it has been in operation. It has developed, it has evolved and it is an employer of lots of local labour and I know the trials and tribulations the family have gone through over the last 20 years or so.

2450 So, even if I had never met Mr Brouard, if I had never had one of the lengthy conversations, many lengthy conversations I have had with Mr Brouard on all topics, over many years, I would still support this.

2455 We have got to have regard to the fact that there are anomalies and Deputy Fallaize referred to that. If we look at the inspector's comments when he dealt with the Brouard application at the planning inquiry, he said this. It is paragraph 130 on page 53 of the inspector's report. He said:

'The situation at this site is most unusual. Effectively a legacy of the legal framework prior to the enactment of the current Planning Law and, so, unlikely to re-occur. It seems to us that it would be very much in the public interest for it and any similar cases to be remedied so that development can be brought under proper planning control.'

2460 So, there we are. The planning inspector is saying we do it. This is the mechanism to do it and Deputy Trott will of course answer Deputy Langlois' point, but wording is quite specific. What it says is make such changes which would need to be made to legislation and policy in order to establish a gateway for the development of a café. That is all it is talking about. It is no broader than that and, again, as Deputy Fallaize said, when the report comes back at the end of April 2017, which is only about six months away, which is far quicker than if we had to go down a planning inquiry, the matter can be dealt with then.

2465 **The Deputy Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: One minute, sir.

2470 I support this completely, because it provides a gateway for common sense. Yesterday, I said it was very difficult to establish any gateways for common sense, because of the complexity of this Plan and Deputy Trott has found that out by the fact that it has taken some time to produce this amendment.

2475 The other thing I want to say is, in conversations I have had with some Members and elsewhere, there seems to be an issue regarding whether or not Deputy Brouard ought to be punished for not correctly proceeding in the first place, be it, I do not know, how many decades ago.

He has effectively got what in England would be described as squatter's rights. He established a retail business without the appropriate permissions being in place. Well, I think that is water under the bridge. He has got away with it. Fine. He has been there a long time –

2480 **Deputy Fallaize:** Point of correction.

The Deputy Bailiff: Point of correction, is it Deputy Fallaize?

Deputy Fallaize: Yes.

2485 Actually, Deputy Brouard has done no such thing. *(Laughter)*
A Mr Brouard has, but Deputy Brouard is innocent in this matter only.

The Deputy Bailiff: Deputy Kuttelwascher.

2490 **Deputy Kuttelwascher:** It was not a slip of the tongue; it was a slip of the brain. Mr Brouard. That happens, doesn't it?

That is another issue. To me, what has happened in the past, within the timeframes allowed, what was going on was not challenged, that is water under the bridge. He has to be treated as if he had permission, as far as I am concerned.

So, I hope Members will support this amendment.

2495 **The Deputy Bailiff:** We turn to the President of the Development & Planning Authority, Deputy Gollop, to reply on the amendment.

Deputy Gollop: Well, we have collectively agreed to accept, or concede, or not contest this amendment.

2500 I think it is on the outer limits of acceptability, personally. I think had Deputy Trott put, for example, I call it the garden centre amendment, that would have been extremely difficult; and the other one too. Because it would have been a whole new set of policies that we would have had to consider carefully Island-wide.

2505 This one, I think, through pretty shrewd and clever wording, just about is within the box, you could say, on the tennis court and not outside.

To read it carefully, it directs us, after consultation with other relevant committees, which may be Environment & Infrastructure, would certainly be Economic Development, to determine which changes would need to be made through legislation or policy in order to establish a gateway for the development of a café on the current site of the Stan Brouard Group Garden, Leisure and Furniture Store.

2510 Now, the clue is in the title, as the late, great Deputy Dave Jones used to say. It is what it says on the tin. It is defined as a garden centre, but whether it is strictly speaking legally a garden centre would be another question and I am not prepared to answer. Not that I could answer.

2515 It becomes clear that such a gateway could not be established without first altering the SLUP. Now, I would suspect, without pre-considering this, that it probably would require some work in that respect and therefore there is a lot for us to do.

2520 If I voted for this today, or abstained from voting on it, I am not in any way implying support for the application or opposition to any possible adjudication or application, because I think on the one hand we have heard rightly from Deputy Ferbrache and others about the economic importance of the Stan Brouard Group to Guernsey's economy, along with many other businesses and their contribution, not just in retail but in horticulture and other services to the Island and local and even export economy. But we have also heard from Deputy Fallaize, particularly, the seconder of this amendment, that perhaps in the past irregularities, anomalies occurred. Deputy Kuttelwascher says somebody got away with it. I do not think we should use that language, but the Law perhaps was less enforceable as it was.

2525 We are in the situation, here, in which almost all the parties are potentially present in this room and we are aware that the Deputy Greffier, amongst others, likes us to take note of *The Parliamentarian*, the Commonwealth Parliamentary Association magazine and you can read articles, very interesting, about Guernsey in it this month and Canada.

2530 Although we meet on a level playing field with MPs, there must be few parliaments or assemblies in the world where we would actually have specific amendments on a particular site a mile away from where we are.

2535 That is my reservation about this and, potentially, the Oatlands one to come. Bearing in mind there could be an application on this site, I do not want to pre-judge the merits of the case, but we are not going to contest the amendment. I think work has been done sufficient to allow us to look at the process in a more measured way than is possible in the scenario of a debate like this on a particular site. This is not an open planning meeting, it is not a planning hearing, it is not a planning tribunal and, in this context, it is not a court room.

So, we should not get onto the question of arguing the merits of the site.

2540 I will not contest the amendment.

The Deputy Bailiff: I invite the proposer of the amendment, Deputy Trott, to reply to the debate.

2545 **Deputy Trott:** Thank you, sir.

There was only one question from Deputy Langlois, which Deputy Ferbrache answered quite clearly.

2550 There was a moment, there, where I have to say I thought my friend Deputy Gollop was going to take a virtuous position, one where we can all agree and move forward and the States could express its wish, its desire that this matter be dealt with fairly and justly.

He very nearly snatched defeat from the jaws of victory, sir, by telling us on one hand he and his Committee were happy with this and then giving us a number of reasons why there were uneasy.

2555 The reality is we have reached a compromise position. That reflects, in my view, positively on the States. Let us just approve this amendment and move on.

I do confirm, sir, that the other amendments associated with this matter do fall away, they will not be placed should the States be so minded to support this amendment, which I very much hope they will.

Thank you, sir.

2560 **The Deputy Bailiff:** Members of the States, we come to the vote on Amendment 26, proposed by Deputy Trott and seconded by Deputy Fallaize.

A Member: Sir, could we have a recorded vote, please?

The Deputy Bailiff: We will have a recorded vote. Deputy Greffier.

There was a recorded vote.

Carried – Pour 33, Contre 2, Ne vote pas 3, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Fallaize	Deputy Roffey	Deputy Hansmann	Deputy Le Tocq
Deputy Lowe	Deputy Brehaut	Rouxel	
Deputy Laurie Queripel		Deputy Gollop	
Deputy Smithies		Deputy Parkinson	
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Brouard			
Deputy Dudley Owen			
Deputy Yerby			
Deputy De Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Prow			
Deputy Oliver			
Alderney Rep. Jean			
Alderney Rep. McKinley			
Deputy Ferbrache			
Deputy Kuttelwascher			
Deputy Tindall			
Deputy Tooley			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			

2565 **The Deputy Bailiff:** Members of the States, the result of the vote on Amendment 26: Pour 33, Contre two, three abstentions and that is why the amendment is carried.

The consequences are that amendments 25, 16, 22 and 13 – sounds a bit like my lottery numbers – will all disappear.

2570 So, the next amendment that you need, Members of the States, will be Amendment 28, to be placed by Deputy Ferbrache.

If you just wait a brief moment while we make sure that everybody has got it in front of them, more particularly me.

Deputy Ferbrache to move Amendment 28. Do you wish to read it or have it read?

Amendment 28

The States are asked:

To insert a new Proposition 3;

'3. To direct the Development & Planning Authority, after consultation with other relevant committees of the States, to determine which changes would need to be made to legislation or policy in order to establish a gateway for the provision of comparison and convenience retail development on the current site of Oatlands Village that supports the continued viability of this site as a valuable tourist attraction for the Island; and if, during the course of the work and consultation described above, it becomes clear that such a gateway could not be established without first altering the Strategic Land Use Plan also to direct the Committee for the Environment & Infrastructure to consider whether it should exercise its powers under Section 5(2) of the Land Planning and Development (Guernsey) Law, 2005 to propose such alteration to the Plan; and also to direct that the Authority, and the Committee if appropriate, shall report its or their conclusions to the States in propositions and a policy letter or policy letters to be submitted to Her Majesty's Greffier by no later than the 30th of April, 2017.'

2575 **Deputy Ferbrache:** Thank you, very much, sir.

I will read it, if I may say. It has been seconded by my colleague Deputy Merrett.

Deputy Ferbrache read out the amendment.

Deputy Ferbrache: If I could, then, just briefly outline this matter?

2580 It is very similar to the amendment the States have just passed by a considerable majority and, if passed, it would replace around the table, I would withdraw, whatever the formalities require, Amendment 11, because it is clear that if we go down the route of Amendment 11, we are going to get a lot of argument as to whether it needs to be deferred and/or a planning inquiry needs to be considered, whether there is another environmental impact assessment that needs to be looked at.

2585 Whether that is right, or whether that is wrong, if this amendment is passed, it will be unnecessary.

2590 Here there can be no allusion, inference, concern that the proprietors of Oatlands Village have done anything unlawful at all. They have acted entirely lawfully at all times. Now, if you go down to Oatlands Village now, it is tired. It reminds me of Skegness. You go down and those English seaside resorts that were once so prominent and provided people with such good services are in decline, which, sadly, is likely to be terminal.

We have got new blood. If you remember Oatlands went bust 18 months, two years ago, and a locally based investment group stepped in and they have got proposals which, if they are in due course approved by the Planning Committee, and it is appreciated this is not a planning application today, would re-envision and reinvigorate that particular site.

2595 Now, as much as we may not like it, I know money to some people is a terrible thing, not to me, in connection with that, people need to make money. They need to, before they invest

hundreds of thousands, probably millions of pounds into that site, know they are going to get a return.

For example, you can go down there, some of you have no doubt been there and had a look. There are shops there that have been vacant, some of them for five years, because they cannot be re-let, at the moment, in accordance with the various planning covenants and there was a very helpful letter written by a planning officer in 2015 to one of the principals behind the current owners of the site pointing out that there are planning restrictions which date back many years, which effectively mean you have got to use some of the shops for artefacts etc. Let us be honest, these people want to do it, they want to make it as Guernsey as they can. They want to put a Joey which can no longer fly to Alderney, but which will be available to be seen by the public at large. No doubt Members of our Alderney contingent will look at those through misty eyes and fond memories. But they will do that and lots of other things, but they need to be able to make this site viable.

All this does, it does not pre-determine the application, it says whatever needs to be done to make sure there is a policy gateway to make it work has to be looked at and a report or reports have to come back, if necessary, no later than six months.

That is a lot quicker than if we had to go down the battle route, where we have to a Battle of the Somme and fight over every inch going forward, which undoubtedly we will do if this amendment is not successful.

So, I ask you please to support it.

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

Deputy Merrett: I do.

The Deputy Bailiff: Thank you.
Deputy Tindall.

Deputy Tindall: Sir, I am very pleased to confirm that the Development & Planning Authority have no objections to the proposal.

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, sir.

Until fairly recently, I was a director of Bailiwick Investments Limited, which owns part of Oatlands. Although I am no longer a director of that company, I think it would be inappropriate for me to vote on this.

The Deputy Bailiff: Thank you. Deputy Merrett – are you making your maiden speech?

Deputy Merrett: I am, sir.

Very pleased to do so, sir. Thank you for your patience.

Mr Deputy Bailiff, fellow Assembly Members, it is an idiosyncrasy of the IDP that retail has been omitted, presumably because a usage class has been removed for visitor attractions. Therefore, as there is no usage class for visitor attractions, this leads to an anomaly that visitor attractions cannot have any retail on their site, other than ancillary.

In this anomaly falls Oatlands. Under the proposed IDP, comparison and convenience retail can only be within the main centres and local centres, but many of our visitor attractions are not located within these areas. We want people, tourists and Islanders alike, to visit many of our wonderful heritage sites. We value our tourist industry to such an extent that the previous C&E board discussed many aspirational strategies.

Islanders, as well as visitors, benefit from the varied heritage sites and other visitor attractions, including our glorious coastal locations. Our heritage is protected by the generosity of Islanders and visitors by the income generated and donations given.

Sir, in a recent study by Anna Leask entitled *The Role and Nature of Visitor Attractions* she established that it is the core product of the visitor attraction that attracts the visitors to visit. However, she also identified that there was an increasing need to generate alternative revenue streams and very few such attractions were now opening without some element of retail or catering.

Another report, by Buxton Consultants in the USA, in a report entitled *Retail and Tourism: A Match Made in Community Development Heaven*, found that one critical factor in attracting visitors is retail.

Retail and restaurants played an immensely important role in local tourism economies and among top leisure travel activities for US domestic travellers, ranking second and fourth, respectively.

In 2012, travellers spent US\$201.4 billion on dining out and US\$88.2 billion on retail. Furthermore, in 2012, the restaurants and drinking places were ranked first in terms of tourism industry employment, while shopping destinations ranked third.

Since retail plays such an important role in attracting visitors, retail and tourism development initiatives could not, they said, operate in isolation. This insight prompts three very important questions for us, as community leaders. One, what percentage of our community's total retail sales are driven by tourism? Two, if a significant percentage of our retail sales are driven by tourists, how are residents differing from our tourists in terms of shopping habits? Three, how do these differences in shopping behaviour impact our strategy?

Of these three questions, the third is the most critical. We politicians absolutely must understand how differences in shopping preferences impact retail development and, consequently, tourism development strategies.

If a large portion of retail spending in our community is driven by visitors whose shopping preferences are mildly different from those other consumers, it must make sense to recruit retail and restaurants that specifically cater to two different groups, allow them to flourish at or near to our main visitor destinations. It is a class domino effect. Increase the number of retail offerings, because of visitors, in turn, putting on more visitors of similar lifestyles we see in both retail and tourism in our local economy.

Little Chapel is a prime example of this. So, visitors and locals treat themselves to a day out at one of our many amazing places to visit, discover something different, to have fun, relax spend time with friends and family. Many of these places have high maintenance costs, many have varying profit motives. We may choose one. But are we supporting them? Are we encouraging existing and new attractions to be the very best they can to offer their visitors and Islanders a great experience?

Why are we saying no to retail outlets and cafés on these sites? It is often the retail shops and cafés that make these attractions commercially viable. So, why? To protect retailers in St Peter Port? To ensure that we have vivid, exciting shops in Town? Does that mean that we all have to go to Town? What if we want to visit Oatlands?

The infrastructure is there. There is parking. It is not as congested as St Peter Port. Things for children to do. A café. It is a local business. Yes, yes and yes. But a retail shop? No. Go to St Peter Port or go to the Bridge. A multi-national like Boots or Marks & Spencer will not want to be there, but it could give a shop selling local products, selling Guernsey mementoes, maybe? A shop to explore, to enjoy and to spend money in. A locally run shop which would benefit from lower rents in this area.

This could help the larger site to be more commercially viable, by having additional income stream. It is a business, plying services and goods for the benefit of Islanders and visitors. So, let us support this amendment.

2700 Let us show the States support local businesses, supports our tourist industry. Let us take away some of the barriers, the red tape.

I do not think that St Peter Port will mind a few shops at Oatlands. I do not think that people will leave St Peter Port to go to Oatlands just to visit a few shops. The shops will simply be part of the Oatlands experience. A part that could help business be more economically viable.

2705 The States should get off the back of small businesses, particularly in the current economic climate. We need our community to generate as many business opportunities as they can and, indeed, we can. Government needs to remove these barriers to small businesses. What does this measure say about our Government? It is stifling entrepreneurship. Stifling business creativity. Stifling opportunity. Let small businesses develop and grow by supporting them, not by putting barriers in their way.

2710 The global economic landscape is difficult enough. We can only thrive as an Island community through the hard work of our people. Guernsey has grown, evolved, through the natural innovation and determination of our Islanders.

2715 The single reason this Island has thrived in the past through innovation and entrepreneurship by individual members of this community. We could support them. We could allow local businesses to develop and thrive. Please support this amendment and let Islanders and visitors know we are open for business, that we value local business and promote and appreciate a diverse economy.

Thank you. (*Applause*)

2720 **The Deputy Bailiff:** Do you wish to speak, Deputy Roffey?

Deputy Roffey: Thank you, sir.

At the risk of being accused of pedantry, I think this amendment should be changed, just read 'to insert a new Proposition 4'.

2725

The Deputy Bailiff: Can I just say that that there are a number of amendments that propose inserting Proposition 3 and sometimes Propositions 3 and 4. They will be picked up and re-numbered before the end, so you do not need to worry about the numbering going forwards.

2730 **Deputy Ferbrache:** I am very grateful, though, to Deputy Roffey.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, just to declare an interest.

2735 I have a café and retail premises in a visitor attraction.

The Deputy Bailiff: Deputy De Lisle.

Deputy De Lisle: I have to say the same, sir, thank you.

2740

Deputy Ferbrache: Perhaps I should declare, because I am sure I have got an interest somewhere. (*Laughter*)

Well, I have. Hospitality, whatever it may be. I declare that interest.

2745 **The Deputy Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Before I speak, sir, can I point out I do not think I have got a vinery anywhere. It even might not belong to Deputy Ferbrache.

2750 Doing my daughter's homework with her the other evening, we were going over the difference between erosion and attrition, and these are what these amendments and proposals are. This is attrition. This is undermining. This is chipping away.

A fantastic speech, by the way, from Deputy Merrett. But, again, if we go back to the body of work done in the Island Development Plan and, referring back to the other amendment, we have drifted from what was effectively illegal and not allowed under the provisions of the Law, we are now kicking the can down the road, just a little bit further in front of us, to hopefully formalise something which was operating outside the Law.

I appreciate Oatlands is different, I understand that. But Deputy Merrett majored in her speech on viability and what the main centres are aimed to do is to give that structure, give that framework support to the viability of centres. Really, on what it is a continuation of one piece of road, we will have retail outlets, we will have just a little bit further down the road, potentially, a café, and then a little bit further up the road we will have another café and retail area and then, what that does, actually, is start to undermine the fundamentals of the Plan and move away.

The Bridge, frankly, could be described as a regeneration area and why would you want something in close proximity to the Bridge, even potentially taking trade from the Bridge?

These amendments are absolutely well-intentioned. I understand what people are trying to do and part of me, funnily enough, is a little bit sympathetic.

But, my concern, particularly with regard to Oatlands, is that we cannot have a situation where the tail starts to wag the dog. We know, in speeches that were made yesterday, that we are struggling with tourist numbers. We are improving the infrastructure, so hopefully when those numbers pick up we have got infrastructure, tourist-wise, that serves these visitors.

But, what if there is a modest downturn over the years ahead, and a venture does not go so well and the retail element expands? Then what? These are well-intentioned enough and I appreciate that my voice, again, in this Assembly, is the minority, but I think we do chip away once again at the integrity of the Plan, when we seek to amend or, actually, in the case of this amendment and the one we considered just before, we are just kicking the can down the road just a little bit longer because, hopefully, sooner or later, we will all be content.

Thank you, sir.

The Deputy Bailiff: We turn to the President of the Development & Planning Authority, Deputy Gollop, to reply on the amendment.

Deputy Gollop: Sir, I think Deputy Brehaut has in his parallel complementary role of being the President of Environment & Infrastructure Committee given a very good, statesman-like approach to this, because I do have a certain degree of sympathy with the view that the Assembly could unwittingly be involved with the erosion, undermining of principles and policies and fair treatment for all.

At the same time, I personally, to name the area, have always been a fan of the Oatlands Centre. I salute the fact that it has got a plan – I have not seen it in detail – for regeneration and improvement.

I am desperately keen that it remains a visitor attraction that is worth going to, because we have seen other places that have disappeared. Remember the Tomato Museum and the Strawberry Farm?

We have to look, obviously, with an open mind, on this amendment. We are not going to contest the amendment. There would, perhaps, be implications, because if you are, to quote the amendment, looking to establish a gateway – a nice, neutral word – for the provision of comparison and convenience retail development on the current site, that supports the continued viability of the site as a valuable tourist attraction for the Island. Well, I know that they already sell some things there. I think somebody I know bought a political jumper from there, with a slogan on it – there is cheese you can buy – 'blessed are the cheesemakers', so there is local produce you can buy there.

It is already, in a way, a retail complex. We on the DPA have seen very complicated legal arguments given out about cases in the UK, 40 years ago, relating to material change of use in the New Forest and so on. These questions are complicated and, of course, they are different in Guernsey anyway.

Oatlands, I know, has been a popular destination on buses as well, as a place to go, as a kind of a village and, perhaps, my personal solution to the dilemma, outside the Committee majority, would have been to have maybe extended the social centre boundary, further southwards.

But that is not the way we went. I think this is a useful and pragmatic way forward, but I am not going to vote for the Proposition, I will abstain, because I would not want to pre-judge any application. One would have to look carefully at the impact this might make, as Deputy Brehaut has implied, and Deputy Merrett, it was an excellent speech, but of course Deputy Merrett pointed out the nature of the other retailing parts of our Island and, increasingly off-Island. So, one has to bear that in mind.

I would also point out that this kind of approach has to be done carefully, especially with areas of land that are currently un-built on, would be presumed to be built on. I hope that in the meantime, the people who are involved with Oatlands will continue to consult with the planning department's team to find workable solutions to ensure that this important area, which is beloved by families, as well as visitors, and provides a useful niche, I believe, for young families, continues to be a worthwhile piece of our landscape.

We actually did meet in the lunch hour and we could confirm, with officer support, that we are likely to meet the deadline, we are optimistic, at least, for 30th April, 2017. So, we will come back with a measured approach to tick this particular box.

The Deputy Bailiff: Deputy Ferbrache, then, the proposer of the amendment, to reply on the debate.

Deputy Ferbrache: Sir, two introductory points.

Firstly, and this is a point of general application, we are up to 29 amendments, by the way. The work of the Law Officers both inside and outside of this Assembly, over the preceding weeks and the last two days has been absolutely magnificent and I applaud them.

Secondly, Deputy Merrett's speech, it just shows, as the Economic Development Committee President, how lucky I am to have her and the other three members as part of our Committee.

But, in relation to the materiality of what we are talking about. It reminded me, I know I give these little anecdotes, I am sorry I have got to because it makes me feel I am saying something interesting, to myself if not to anybody else. It reminds me of Rumpole and Rumpole used to appear before this northern judge – he did not think much of this northern judge, who used to say, 'Common sense, Rumpole. Common sense is what we need.'

That is what I say, with considerable respect, to Deputy Brehaut. If you look at the structure of this amendment, what it says, it is not going to open any floodgates. It is not going to kick the can down the road. The better way of saying it, it is going to grasp the nettle of solving the problem.

What the amendment actually says is make changes etc. so that it gives a gateway for a provision of comparison and convenience retail on the current site of Oatlands Village that supports the current viability of this site as a valuable tourist attraction.

Therefore, anything in relation to that has got to support the site as a tourist attraction. Should it fail to support the site as a tourist attraction, or should the tourist attraction fall, then it is a different issue.

So, it is not difficult. But, equally, as Deputy Fallaize said in relation to the previous amendment, we are not determining the application today. There would have to be a Policy Letter or Policy Letters. The deadline is about six months' time and then that is when we should. I can assure you, knowing the good will, the good sense and the basic decency of the people who are behind this particular project that they will continue to discuss fully and liaise fully with the Planning Authority.

2855 **The Deputy Bailiff:** Members of the States, in order to accommodate Deputy Gollop's wish to abstain, there will have to be a recorded vote. So, we will move to a recorded vote.

There was a recorded vote.

Carried – Pour 32, Contre 4, Ne vote pas 2, Absent 1

POUR

Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Brouard
Deputy Dudley Owen
Deputy Yerby
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Tooley
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld

CONTRE

Deputy Smithies
Deputy Dorey
Deputy Roffey
Deputy Brehaut

NE VOTE PAS

Deputy Gollop
Deputy Parkinson

ABSENT

Deputy Le Tocq

The Deputy Bailiff: Members of the States, the result of the vote on Amendment 28, proposed by Deputy Ferbrache and seconded by Deputy Merrett: Pour 32, Contre four, two abstentions and that is why the amendment was carried.

2860 As a consequence, I understand that Amendment 27 and Amendment 11 will no longer be placed, Deputy Ferbrache? Thank you.

Members of the States, it strikes me that it makes sense to return to redundant glasshouses. You should all now have Amendment 30 in front of you.

2865 This is a resumption of what was previously withdrawn by Deputy Dorey and I invite Deputy Dorey to place Amendment 30 now.

Deputy Dorey: Thank you, Mr Bailiff.
I first propose the amendment to suspend the Rules.

2870 **The Deputy Bailiff:** Yes, that is needed.

Deputy Dorey: Do you think we need to vote on that, first, or do you want me to continue?

2875 **The Deputy Bailiff:** I do not think you have to expand on that, particularly, Deputy Dorey. Is that seconded, Deputy Green?

Deputy Green: Indeed, sir, yes.

2880 **The Deputy Bailiff:** Members of the States, this is similar to yesterday, in order to facilitate a slight re-wording, the Rules have to be suspended, in particular Rule 24(2), and that is the motion proposed by Deputy Dorey and seconded by Deputy Green.
Those in favour; those against.

Members voted Pour.

2885 **The Deputy Bailiff:** I declare that carried.
Now, please, place the amendment, Deputy Dorey.

Amendment 30

The States are asked:

To insert at the end of the words in Proposition 1:

‘; subject to the modification that in Policy OC7: Redundant Glasshouse Sites Outside of the Centres (see pages 127 – 129 of the Draft Island Development Plan at Appendix 1, and recommended changes at pages 36 - 38 of Appendix 7) shall be amended by inserting between provisos iii and iv: “iiiA. the proposal includes the clearance of all redundant glasshouses from the site but for these purposes “redundant glasshouses” does not include any ancillary structures; and”

and in consequence of the above modification to insert at the end of the words in the first sentence of paragraph 17.5.9 (see page 126) “if all the redundant glasshouses (but for these purposes not any ancillary structures) are cleared from the site”.

Deputy Dorey: Thank you, Deputy Bailiff.

Thank you for the help I have had in making these amendments, from the various officers and Crown officers.

2890 This is a minor amendment. It just clarifies that ‘redundant glasshouses’ does not include ancillary structures, and providing in all cases in the new iiiA.

Just for Members’ information, in the OC7, it includes a policy in relation to the proposal for conversion of redundant ancillary structures, in accordance with policies GP16A and GP16B, conversion of redundant buildings.

2895 So, there is a gateway for conversion of ancillary buildings and this amended amendment will mean that those ancillary buildings do not have to be removed. They can be left on the site and converted if it is going to be used for small-scale industrial storage and distribution, which I think was the point that Members were in disagreement with in the previous version.

So, I propose this amended amendment.

2900 **The Deputy Bailiff:** Deputy Green, do you formally second Amendment 30?

Deputy Green: I do, sir, yes.

2905 **Deputy Brouard:** Sir, may I declare that I still have a commercial greenhouse and will not be voting. *(Laughter)*

Deputy Ferbrache: I vouch that I definitely have one.

The Deputy Bailiff: Deputy Fallaize.

2910 **Deputy Fallaize:** Thank you, sir.

I just have a quick question, because we appear to have gone, in the original amendment, from the necessity to pull down all ancillary structures to no need, even, to pull down redundant ancillary structures.

I think what we anticipated when we rose at lunch time was that it would be made clear that the removal would need to be of redundant glasshouses and redundant ancillary structures, but now it is only redundant glasshouses and even redundant ancillary structures can still be retained.

Perhaps Deputy Dorey could expand on that, because he has sort of taken the new amendment further away from the previous amendment than I was expecting.

It may be that he says ... I do not want to pre-empt – actually I do! – what he is going to say in reply. He might say, 'Well, it's because if I had included redundant ancillary structures it would have conflicted with the Strategic Land Use Plan', which only goes to prove the point that several of us have been making in this debate about the problem of the Strategic Land Use Plan being treated with Biblical proportions.

Maybe that is not the reason. I do not know. If that is not the reason, then perhaps he could advise why he does not think it should be necessary for redundant ancillary structures to be pulled down before any such change of use is granted.

Thank you, sir.

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I will not be voting on this, but just to help Deputy Fallaize, as I understand it, the idea is that if you call on a vinery site who have some ancillary buildings like packing sheds etc., because the vinery is no longer used, those buildings are therefore redundant, although it may be a perfectly good, well-built structure.

However, that structure is, by definition, redundant from a vinery point of view, but not necessarily redundant to be a storage facility or whatever and I think that is the dilemma that we are facing with this amendment.

I think the thrust of what Deputy Dorey is saying is, if the structure is of no use whatsoever, then, obviously, it can go. But, if it is still a solid structure and can be used for a new use, it cannot have the permission yet, because it is still a redundant vinery site. I think that is the conundrum he is trying to solve, if that helps.

The Deputy Bailiff: Deputy Laurie Queripel, to be followed by Deputy Yerby.

Deputy Laurie Queripel: Thank you, sir.

Besides the points that Deputy Fallaize has made and Deputy Brouard has sought to bring some clarity to that, I am still struggling with this, because it does not include what, in some cases, would be perfectly sound and good greenhouse structures.

Now, I remember going back a number of years and I am sure it still happens now, but surreptitiously under the radar as it were, I know people have utilised steel-framed greenhouses to use them for workshops.

One business used to do spray painting and panel beating in a converted greenhouse structure and all they do is, if it is a solid structure, a metal-form structure, they just take the glass out and recover it with, say, something like Perspex or something along those lines, and it then creates a perfectly good and usable storage or workshop area.

I manage the Vale Douzaine Parish Allotment Scheme and the same thing happened there, we used an old vinery site for that purpose and we pulled down all the wooden greenhouses. They were clearly dilapidated; they were clearly derelict. But we kept up the metal-frame greenhouse, because it was perfectly serviceable. It could be used for indoor allotment purposes.

I do appreciate what Deputy Dorey has done here. He has certainly improved it, it will certainly mean that some of the structures on some of these sites could be utilised and re-used, as it were, but it still means that perhaps perfectly good, perfectly sound steel-frame greenhouses will be pulled down when, with just a bit of work, they could be utilised and used for industrial purposes, whether it is a workshop or a storage area, or something like that.

I am still struggling with it and I still do not understand why, with a bit more effort and a bit more thought, that another amendment could not reflect that and capture that, so that all structures at a vinery site could be used for new development purposes if they are sound structures and could be utilised for whatever use would take place on those sites afterwards.

It is still difficult for me, sir.

Thank you.

The Deputy Bailiff: Deputy Yerby.

Deputy Yerby: Sir, surely the gain is not worth the candle?

The main aim of this is to get the glasshouses off the site. Despite Deputy Fallaize's point, it still accomplishes that and I think it is worthy of support in that respect.

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, the first line of a song written by Dobie Gray, entitled *Drift Away*, has this line:

'Day after day, I get more confused.'

Sir, picking up on the points made by my brother Deputy Laurie Queripel, Deputy Fallaize, Deputy Brouard and others, I am in need of clarification on this, because, say for example a vinery has been redundant for, perhaps, only a year and has got maybe half a dozen glasshouses on it, perfectly good condition, is Deputy Dorey saying that all those glasshouses have to be removed, even though they are in perfectly good condition?

I think that is a point that really does need to be made clear. Say, for example, the vinery owner applied for a change of use, wanted it for light industrial or let us progress the application process to where he has got permission or she has got permission for one of those glasshouses to be used, is Deputy Dorey saying that five perfectly good glasshouses then have to come down?

I am in desperate need of clarification on that point, sir.

If he is, I cannot support this amendment.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Sir, thank you.

Very briefly, it is a slightly tangential point, but in the distant depths of my memory I recall, about a decade or so ago, debating the Land Planning Law and, when we did that, there was a section with regards enforcement and, if my memory serves me correctly, the Planning Authority of the day and its successors had within the law the ability to issue enforcement orders for derelict greenhouses that were becoming an environmental hazard. The opportunity to force the landowners to make the site good. To my knowledge, those enforcement orders have never been given and I notice that people who know more than me about this are shaking their heads, so maybe I have this completely wrong.

I do recall, during that debate, Deputy Roffey saying what environmental beautification areas these were, because they were a haven for wildlife. I do not see it that way. When I see brambles growing out of the lights of an old greenhouse, I think rip it down and make the land more useful.

Like I said, it is tangential, but an update on that, if possible, would be of value. Thank you.

The Deputy Bailiff: If nobody else wishes to speak and debate on this amendment, I turn to the President of the Development & Planning Authority, Deputy Gollop, to reply to debate on Amendment 30.

3015 **Deputy Gollop:** It is complicated, as Deputy Trott reminded us earlier.
I have not got a big enough desk for all these bits and pieces.
Going through the Billet, which actually has since been updated – I will read the new, updated version. It is confusing that the Billet, in fact, is not the latest version.
Redundant glasshouse site means, on page 114:

3020 'A glasshouse or glasshouses, together with ancillary structures and land where the glass and ancillary structures are no longer required as capable of being used for their authorised purpose. Often the condition of such structures will deteriorate over time through lack of use and management, to leave only partial remnants of structure.'

Well, it is poor, because it covers the glasshouses, but just because they are redundant, they are only redundant in the sense that they are not being used to grow tomatoes or freesias or – what was it? – babacos at one time, or kiwi fruits.

They still could be, especially if they are in good condition, used for other purposes.

3025 To tell a brief anecdote, I had a friend a few years ago who went into the turkey farming business and put lots of turkeys into the glasshouses. I am not sure whether that is lawful under animal welfare, but leaving that point aside, turkeys do not vote for Christmas. She could not actually bring herself to kill the turkeys when November came, so it was not a very viable business. The point I make is that within these places I have seen all kinds of things, from hamburger stalls
3030 to small cars, probably some of them are not strictly legal, but what we are trying to do is to regularise these matters and produce a gateway.

We have discussed at length, and again today, the reasons to support this policy, or rather to vote against this amendment. It comes back to a point I believe Deputy Mooney has certainly made in the past to people who have been listening, to Deputy Laurie Queripel, to Deputy Ferbrache, about the affordability of sites for so-called Freds in the Shed or people who want light industrial activity that is not necessarily viable on big-zoned sites.

These guys, maybe ladies as well these days, want to get in to sites that are affordable and are readily available. Only this morning, coming into the Assembly, I was lobbied by somebody concerned about the future, or perhaps lack of it, of La Fontaine Vinery. They want action.

3040 Some of these people, without pre-judging individual applications, might fit into this scenario. Others might not for other reasons, because of scale or mass or logistics. But we have to give this policy a chance in the less crucial agricultural and environmentally sensitive areas.

I actually entirely agree with what Deputy Roffey said that you can see within redundant glasshouse sites, as I said in the report, degrees of ecology, natural habitats, biodiversity, wildlife. I
3045 am certainly not in the Tidy Guernsey group, I am not particularly tidy anyway, in terms of this making bowling greens everywhere and smartening it all up and making it look like a boutique. In some areas, the glasshouses can add a certain rustic charm, within reason from a health and safety and whatever point of view.

3050 The point is, we want to simplify matters. Over the years, planning is generally accused of being too interfering, too micro-managing, too doctrinaire, too bureaucratic. Here are two Members of the States wanting us to become more bureaucratic, to actually have new enforcement powers, to ensure glass is taken away, to stop things happening, to delay implementation of this policy. To add a barrier to success. Demanding that maybe people spend thousands, it could be tens of thousands of pounds, removing this existing edifice.

3055 We cannot see that is sensible. It adds to bureaucracy. It adds to costs. It acts as a barrier for quick implementation and it does not do any favours for local industry, either. (**A Member:** Hear, hear.) So, although this a very well-intentioned amendment, and I would be the first to ideally require glass to be removed, especially if it is in a poor stage, I do not think this is the mechanism we should be doing it.

3060 As we have already seen one, or two, or three versions of this amendment, with different permutations, it only goes to show the folly of drafting planning policies at short notice.

Let us stick with the text and throw out this amendment.

The Deputy Bailiff: Deputy Dorey, the proposer of the amendment, to reply to the debate please.

Deputy Dorey: Thank you, Mr Bailiff.

Deputy Tindall spoke about affordability and partial clearance. The whole point of this amendment is to stop partial or no clearance of a site. It is to ensure that we get the clearance of the site.

The whole point of the Strategic Land Use Plan was to enable sites to be cleared by an uplift in value by a planning decisions. This is absolutely in line with that policy and, in fact, what Deputy Gollop was saying was not in line with the policy, because if you do not clear the site, it is not trying to stop business, it is actually trying to encourage business by allowing the whole site to be available and it is totally in line and more in line with the Strategic Land Use Plan by saying that this site will be cleared and they will get the uplift in value by the planning decision.

It is an opportunity to make some progress on the problem that we have, which is the number of sites with eyesores of derelict glasshouses and the Strategic Land Use Plan specifically says that, if we do not start putting these policies in, then committees of the States will have to work together to clear it and those outstanding, based on the instructions of the Strategic Land Use Plan, which will cost the States money.

This is an opportunity for the States to get something back and improve the Island and save having the cost of trying to clear these sites at some point in the future.

Deputy Tindall specifically said it has positive environmental consequences. I totally agree with her. This amendment is what the DPA should have put forward and they should be supporting. I did go to the planning inquiry to speak about glasshouse clearance.

Deputy Paint mentioned I should have said vergées, not acres. Well, my father was a tomato and flower grower and I was brought up ... actually in terms of measuring glasshouses, you talk about feet, because you talk about width by 30 and that was fine, when all glasshouses were 30 feet wide, but of course different models came in and some were wider than 30, some were narrower than 30.

I just took the numbers that are used by Economic Development in terms of their centres when they talk about acres. I do not think vergées is actually the right measurement in terms of glasshouses. You either talk about feet or you talk about acres. Those are the two units that I was brought up on when you talked about glasshouses.

Deputy Fallaize talked about –

Deputy Kuttelwascher: I thank Deputy Dorey for giving way. I will just give a little lesson in Guernsey French.

A foot in Guernsey French is a *pid* and an inch is a *pouce*. So, although one may not use vergées, one could use the Guernsey French words, instead, of feet and inches.

Thank you, sir.

Deputy Dorey: Thank you. I will carry on.

Deputy Fallaize talks about redundant ancillary buildings but the policies which are in OC7 specifically talk about the proposals for conversions of redundant ancillary structures, in accordance with policies GP16A and GP16B, conversion of redundant buildings.

So, the whole point of the policy was that redundant ancillary structures are not knocked down, they are able to be converted. So, I think the wording I said is right. Otherwise, if I said that, then you knock out that policy, which is one of the proposals in OC7.

Thank you, Deputy Yerby for your support.

Deputy Queripel, this policy is not about the conversion of glasshouses into other uses. We are talking about allowing some development outside the main and local centres. This is a very specific case and, I think, if we are going to start allowing mass industrial buildings, because there are glasshouses there, that is outside the SLUP and what we are trying to create in Guernsey.

This is to allow some very low impact industrial usage of glasshouse sites, which will give them the ability to convert and I think the best use is open storage of a builders' yard etc. and if they have got the old packing shed from the glasshouse site for some locked-up storage or cupboard storage, that is all it is, it is not meant to be industrial usage.

I give way –

Deputy Laurie Queripel: Thank you, sir, and I thank Deputy Dorey for giving way.

Does not Deputy Dorey agree then, if that is going to happen, you are going to have a disproportionate cost and action to create something quite minor.

Surely, as I say, if these structures are worthy and sensible, they should be utilised?

I cannot see how a landowner might be attracted to perhaps paying £20,000 or £30,000 to take down all the perfectly sound structured greenhouses, just to make use of a couple of ancillary buildings. I just do not see how that is proportionate. I do not see how the cost of doing that will be matched by the cost of what will be gained.

Deputy Dorey: It is not to use the ancillary buildings; it is to use the land. It is basically to have like La Fontaine Vinery site, where you have got Granite Man, you have got scaffolders, you have got building storage, and it is to have that on an old glasshouse site and you keep the shape and they can use the shape. That is the sort of usage as I understand the policy is for.

There are various other things about if it is very near a house they can add it to the curtilage, but this is not for industrialisation of the countryside. It is important to note that they identify 30 sites which are outside the main centres or local centres and they are not next to agricultural priority areas and they are not open land. These are very, very specific sites where we are stepping back from saying this is a rural area. We are allowing some very basic usage of that site on the condition that the glasshouses are knocked down.

Surely, that is what we all want? We want, from a tourist point of view, having these eyesores of these glasshouse sites, whether you drive around or you fly over, they do not benefit Guernsey. They are not good use of land and I say that this is a win-win-win situation. One, the owner gets the increase in value of the land. Two, we get the removal of those glasshouses. Three, we bring that land into economic use for those small businesses that want those types of sites and it can be financed by this uplift in value.

So, I think it is an excellent way forward.

Deputy Trott asked about enforcement notices. I was not aware of that and, having been on the Strategic Land Planning Group, when we discussed the Strategic Land Use Plan, I cannot recall anybody bringing that situation up, of enforcement notices, on clearing glasshouse sites. But, if one of the Law Officers wants to correct me and say that there is something in Law, I was not aware of that. We were never told about that.

So, I urge Members to support this amendment. It is considerably better than what is proposed here. We will get some opportunity to make economic use. We will remove some glasshouse sites, but it does not solve the full problem. It is a step down the road of trying these eyesores around this Island.

So, please support this amendment, thank you.

The Deputy Bailiff: Members of the States, we move to the vote on Amendment 30, which is proposed – Deputy Lester Queripel.

Deputy Lester Queripel: Recorded vote, please, sir.

3165 **The Deputy Bailiff:** – that is proposed by Deputy Dorey and seconded by Deputy Green. We will have a recorded vote, Deputy Greffier.

There was a recorded vote.

Carried – Pour 22, Contre 15, Ne vote pas 1, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Fallaize	Deputy Dudley Owen	Deputy Brouard	Deputy Le Tocq
Deputy Lowe	Deputy Langlois		
Deputy Laurie Queripel	Deputy Oliver		
Deputy Smithies	Alderney Rep. Jean		
Deputy Hansmann	Deputy Ferbrache		
Rouxel	Deputy Kuttelwascher		
Deputy Graham	Deputy Tindall		
Deputy Green	Deputy Brehaut		
Deputy Paint	Deputy Gollop		
Deputy Dorey	Deputy Lester Queripel		
Deputy Yerby	Deputy Mooney		
Deputy De Lisle	Deputy Merrett		
Deputy Soulsby	Deputy St Pier		
Deputy de Sausmarez	Deputy Stephens		
Deputy Roffey	Deputy Meerveld		
Deputy Prow			
Alderney Rep. McKinley			
Deputy Tooley			
Deputy Parkinson			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Trott			
Deputy Le Pelley			

3170 **The Deputy Bailiff:** Members of the States, the voting on Amendment 30, which was proposed by Deputy Dorey, seconded by Deputy Green, was as follows: Pour 22, Contre 15, one abstention. That is why the amendment has been carried.

I did say, just before lunchtime, that I would consider putting Amendment 6 in before 4.30 p.m. The only amendment that is left on the written statement, as matters currently stand, is Amendment 29, which is the replacement for Amendment 4, but I am minded just to invert the two of them for the time being, just in case this one runs for a while.

3175 So, I am going to invite Deputy Trott to move Amendment 6.

Amendment 6

The States are asked:

To insert at the end of the words in Proposition 1:

"subject to the modification that an additional conservation area shall be designated at Delancey, the boundary of which shall be as shown on the map appended to this Proposition and labelled Delancey Conservation Area."

and in consequence of the above modification:

- In the box on page 14 of the Draft Island Development Plan at Appendix 1, to delete "25" and insert "26"*
- In Para 19.5.2 on page 151 of the Draft Island Development Plan at Appendix 1, to delete "twenty-five" and insert "twenty-six"*
- In Para VII.1 of the Annex VII Conservation Areas, at page 282 of the Draft Island Development Plan at Appendix 1, to add Delancey, St Sampson, to the list of conservation areas*

- Below Para VII.163 of the Annex VII Conservation Areas, at page 313 of the Draft Island Development Plan at Appendix 1, to add a summary of the special architectural and historic interest of Delancey conservation as follows:

"This is a special historic area, representing every period and aspect of the Island's history, from Neolithic, spiritual, military, maritime, economic, agricultural and horticultural. Delancey Hill, in particular, has played a significant part in our history. Whether Druids, Saints, pirates, refugee French Catholic priests, Irish immigrants, stonemasons, special envoys and missionaries from Rome, the Grand Old Duke of York, Russian infantry in the Napoleonic Wars, famous Admirals, Nazi Commanders, the International Slave Force, Organisation Todt, and maverick late Victorian entrepreneurs, all have played their part in determining the special historic significance of this area."

Deputy Trott: Thank you, sir.

I know I speak for Deputy St Pier, when I thank you and the Assembly for the –

3180 **The Deputy Bailiff:** Do you want to read it yourself, given that the Deputy Greffier is busy, or not?

Deputy Trott: I can do that, sir.

Deputy Trott read out the amendment.

Deputy Trott: There is an explanatory note:

3185

'In paragraph 189 of the Planning Inspector's Report we are advised that Delancey was formerly a grade A and B Conservation Area Status, until 2002. (There is a paucity of available information explaining this decision and the reasons for the declassification remain unclear).'

Now, sir, this is not a last-minute amendment. I attended the planning inquiry on behalf of a very significant number of St Sampson's residents and others. I have to give, at this stage, my grateful thanks to the Delancey Conservation Committee, who have provided us with a huge amount of evidence in support of this amendment.

3190 Quite simply, far, far more than could be reasonably used in his debating chamber, such is the quality and extent of this work.

In my time in this Assembly I can say I have never encountered or worked with such a pleasant and intelligent, well-reasoned and meticulously researched set of views from a genuinely and sincerely concerned group.

3195 This is not your average lobby group, sir, these are people who really do know their subject and know it well.

Between 1995 and 2012 the Delancey area enjoyed three Grade A conservation areas and one Grade B. In 2012, these areas were removed and it is unclear as to why that happened.

3200 Effectively, areas that were previously conservation areas became housing allocation areas in 2015. In the 2005 Land Law, we find the words 'special attention shall be paid to the desirability of preserving and enhancing the character and appearance of these conservation areas'. So, my first question to the DPA is this: why does the Law not mention de-conservation, because a very significant number of Delancey residents and those further afield, sir, believe it is because once a conservation area always a conservation area and it may well be that there was an inconvenient truth in there that was difficult to reconcile.

3205

I know not, because as I said at the start, there is a paucity of information where this is concerned.

Now, sir, the Law on conservation areas is contained in the Land Planning and Development Plans Ordinance 2007 and Part One, Section One states:

3210

'Where proposals make provision for the designation of a conservation area, they must specify (a) the special architectural or historic interest of the area; and (b) the character or appearance of the area which it is desirable to preserve or enhance by application of the provisions.'

That is key for what follows. It goes on to say:

'Buildings and structures which are not of special architectural historic interest, but are sited within an area which is genuinely of such interest.'

The Law makes it quite clear that both distinctive architecture and history are ranked as being of equally high importance. So, both distinctive architecture and history are ranked as being of equally high importance in the designation of a conservation area.

Further, the Law specifically acknowledges the important contributions made to the distinctive character and aesthetic appearance of an area by open spaces and buildings or structures which are not of special architectural or historic interest but which may be included in the conservation areas nonetheless.

That is also, I think, crucial.

Now, sir, a present day walk around the immediate vicinity of Delancey and St Clair Hill and Robergerie shows some notable remaining dwellings from earlier centuries, along with the survival of an historic, 1787 network of narrow, unsuitable for heavy traffic flows, winding pastoral lanes.

The Delancey Conservation Committee, which is a residents' association primarily but not exclusively, has taken advice from a number of experts, all of whom fully support the proposal that Delancey, Robergerie and St Clair Hill should be conservation areas.

These experts include three archaeologists, from the States Dr Phil de Jersey and Dr Tanya Walls and, from Bristol, Dr George Nash who, with these two, led the recent excavation of the Delancey Neolithic Passage Grave monument.

Two esteemed architectural historians, heritage expert Mr Malcolm Heath and John McCormack, the author of *The Guernsey House* and *Channel Island Houses*. And two respected architects, Mr Andrew Dyke and Esther Male of CCD, the latter who is a resident in the area, know it particularly well.

Also, a number of local historians, the most notable being Dr Gregory Stevens Cox.

So, as you can see, these are very sensible, extremely well qualified, learned people who have a number of, I think, very valid points to make.

With regards the critique of the methodology of the scoring system of how the planning inspectors reached the conclusions they did, I think my good friend and colleague Deputy St Pier intends to address some of those matters when he speaks later.

So, I shall move, if I may, to the SLUP policies. Now, the SLUP has policies that demand that development be in balance and proportionate with conservation, yet in 1995 there were 92 conservation areas and there was then an attempt by the IDC to reduce the total from 92 conservation areas to seven.

The States threw that whole plan out, lock, stock and barrel.

Now, the Delancey Residents Committee believe that a second repeated attempt is being made. They ask why. We still have 90-plus conservation areas, but the draft IDP wants to reduce that down to nine.

So, straight way, for people who are of a conservation focus, the alarm bells start ringing.

Planners, for fairness, and may I say they were extremely attentive when this matter was being discussed at the planning inquiry, and it was discussed at length, argue that they are joining up some conservation areas and in-filling the joins with open land, so that the total conservation area is not so much reduced.

But the fact is that we will lose the majority of conservation areas Island-wide, in addition to those lost at Delancey already.

They also argue that they are raising the bar for conservation. If that were the case then, logically, they should immediately restore the former three Grade A areas in Delancey. That would be raising the bar to previous levels, sir.

3260 Now, here is an overview of what the restored and expanded Delancey Conservation Area would look like if you agree to this amendment.

It would contain all four prior conservation areas and it would capture the Grand Old Duke of York's historic Delancey Park. Its 6,000-year-old Neolithic Passage Grave, one of only four in the Channel Islands. The remains of the Admiral de Saumarez Monument. Gun emplacements from the Napoleonic Wars and World War Two. The Edwardian school's buildings, with their quirky copper and lead-roofed couplers. Double cyclopean boulder boundary walls, dating back to the Bronze Age, or Neolithic era, unique in the British Isles and extremely rare worldwide. Robergerie Farm, which is an area of landscape value, with its two wildflower meadows.

3265

I really could go on and on and on and on. It is an absolute nirvana of historical beauty and interest.

3270 I know, sir, some people in the Assembly have not heard me speak quite like this before. *(Laughter)*

A Member: That is because you did not write it!

3275 **Deputy Trott:** I care passionately about these things, sir.

Even the maze of Nazi bunkers and tunnels and the Victorian pillar box and two water pumps, six wells and so much more that should be and could be excavated.

Let us concentrate on what the experts say, because what do I know?

3280 **A Member:** After all, they wrote his speech.

Deputy Trott: They did not write my speech, sir. These are quite big letters, because my eyesight is not quite as good as it once was, but they did provide me, as I said at the start, with an absolute mountain of information.

3285 I have to say I look upon the Delancey area slightly differently than I once did, as well. It is a staggeringly rich part of Guernsey.

Now Dr Gregory Stevens Cox writes:

'It is an area of considerable architectural and historical interest. It is the location of several archaeological sites that have not yet all been fully explored.

'To proceed with development in this area at a time when the area has not yet been fully explored and understood is clearly ill-advised.'

3290 He goes on to make clear, sir, that Delancey is not in his backyard. So, there is no NIMBYism from him.

John McCormack, the architectural historian, writes:

'I am indeed pleased to support any effort to restore and keep this area of St Sampson's as a conservation area.'

Dr George Nash, the archaeologist at the Bristol University, who led the excavations at Delancey that I referred to earlier in my speech, says:

3295 'I want to express my deepest concerns at the potential harm to the status of the Delancey and St Clair Hill conservation areas. Delancey Park and the cultural heritage that stands within its immediate hinterlands, is considered a significant archaeological and historic cultural heritage resource.'

That is easy for some people to say, sir, but not necessarily for me.

'Incorporated into the landscape are a number of monuments and buildings that represent a human presence that spans at least six millennia.'

Malcolm Heath, sir, the former architectural heritage adviser to the States, a man known to many of us, says:

'In my opinion, the Delancey Conservation Committee report has established sufficient information to meet the criteria for the reinstatement of the conservation area according to the 2005 Guernsey Planning Law.'

3300 Now, sir, as an aside, the Grand Old Duke of York was mentioned earlier and Members will be familiar with the nursery rhyme 'The Grand Old Duke of York, he had ten thousand men, he marched them up to the top of the hill ...' and so on.

It has felt, for those of us in St Sampson's, at times, as if we had an army of ten thousand men and women helping us put this together. But the import of the reference to the nursery rhyme is that it is strongly believed that the nursery rhyme 'The Grand Old Duke of York, he had ten thousand men, marched them up to the top of Delancey Hill and marched them down again.'

That is what the experts believe, sir. Who is to say otherwise?

In conclusion, this is a special historic area, representing every period and aspect of the Island's history. Ancient Neolithic, spiritual, military, maritime, economic, agricultural.

3310 Delancey Hill has been a world historic stage for druids, saints, pirates and so on and so on. They have all been there, sir, including the Kray Twins, apparently. As odd as it may sound, even the Kray Twins once stayed in a hotel overlooking the beautiful Delancey Park. It has had it all, sir. In fact, I believe even you visited on one occasion, if my memory serves me correctly.

3315 All of these people have left their own indelible mark. It is a wonderful story of the Island's spiritual, ethnic, economic, natural aesthetic and architectural history, as well as its varied financial fortunes.

Sir, who could deny that this area should be a conservation area? Surely none of you after all that evidence.

I look forward to the debate.

3320

The Deputy Bailiff: Deputy St Pier, do you formally second the amendment?

Deputy St Pier: I do and wish to reserve my remarks, sir.

3325

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

It is always difficult to come second after Deputy Trott. Not because I have had the pleasure of it, but because I have heard before.

3330 We have been trying, whilst we have been speaking, sir, to answer Deputy Trott's queries and I hope I coherently explain them. I will be going into more detail, as well, but as usual I start this speech in the now familiar manner. This amendment, sir, we consider will not require a deferral if accepted, as we are pleased to say that the map of the area has been agreed, although there are some issues.

3335 However, we do object to the amendment for a number of reasons. Basically, it has not got it all and this is the problem.

Firstly, to answer Deputy Trott's query, I am advised that previous conservation areas were removed a long time ago through a previous local plan process. This was a democratic process, the same as we are experiencing, which is culminating in this debate and that was because they were no longer considered of sufficient interest.

3340 This change was all approved by the States.

I am also advised, and I do stand for the experts, I do not know this, we have not had Grade A or B conservation areas in the past.

3345 The area covered by the conservation areas in the Plan in fact covers 53% more land than currently. Not a reduction.

So, the draft IDP policy G4, conservation areas, supports proposals for development within a conservation area where the development conserves and where possible enhances the special character, architectural or historic interest and appearance of the particular conservation area. The IDP contains summaries of the special architectural and historic interest of each area in Annex 7. It is the intention to produce conservation area character appraisals for each area, which will be taken into account when assessing a proposal.

The designation of conservation areas on the IDP was based on a report *Designating Conservation Areas*, March 2015, as it says on the tin. This consisted of a review of the over-90 conservation areas, in the current Plan, including considering consultation responses to earlier stages of the Plan review, a debt stock review and site surveys.

Delancey does not have a conservation area at present. The conservation areas were assessed against a standard methodology and this discounted some areas and rationalised more, most others. Twenty-five, and not nine as I believe Deputy Trott said, conservation areas are proposed in the IDP, which covers 53% more land.

The inspectors considered a report proposing a conservation area for Delancey, from Delancey's Communities Conservation Committee, a group of residents, and the response to this from the Environment Department. This took place after the hearings, so both were subject to an additional public consultation and the responses were also provided to the planning inspectors.

The consultation received 18 responses, with 17 in favour of the conservation area. A number of these were primarily objecting to the housing allocations at Pointues Rocques and others in the St Sampson Vale main centre. The Environment Department report, *Conservation Areas in the Vicinity of Delancey Park, St Sampson's: An assessment of proposed Delancey Conservation Area*, December 2015, utilised the same methodology as the report, *Designating Conservation Areas*, March 2015, to assess the suitability of areas for the conservation area designation.

The report recommended that the area is not suitable to be designated as a conservation area.

The inspectors agreed that the issue of designation should be properly considered from first principles and consistently, in accordance with the standard methodology set out in the 2015 report, referred to, and applied to all conservation areas in the draft IDP.

The inspectors considered that the methodology was correctly applied in this case. The inspectors recognise that, in parts, there are concentrations of features that make a positive contribution to the area, but for conservation areas, the key consideration is the character of the area as a whole.

The inspectors shared the view of the Environment Department that having regard to the methodology, the area as a whole falls short, by a significant margin, of the threshold for designation.

The inspectors commented on the clear link between the campaign for the conservation area and an objection to the housing allocation at Pointues Rocques. They note that it is a common misconception that in conservation areas there is an embargo on development, rather their role is to manage development, to ensure the conservation or enhancement of the special character, interest and appearance of the area as a whole.

They note that the proposed housing allocation and the suggested conservation area are not necessarily mutually exclusive.

However, when collecting a petition from the Delancey Conservation Committee, which Deputy Gollop and myself had the pleasure of doing, which was in favour of this amendment, I was advised that this misconception has been disabused.

I also take this opportunity to agree with Deputy Trott, on the knowledge of the Delancey Conservation Committee, but also say that if they can produce the evidence which fits the methodology, we are able to re-assess and we are able to look at it again, throughout the life of the Plan.

The Environment Department report on Delancey considers architectural, historic and townscape interest and gives the proposed conservation area a score for each. An indicative score

of six to nine is required to designate a conservation area. The proposed area at Delancey was only given a score of 4.5.

The report concluded:

'The area is not considered to be of particular special architectural or historic interest and does not have a cohesive and recognisable sense of place where buildings and space between them interact to form a notable, distinctive character and appearance.'

3400 Designating a conservation area for Delancey would be inconsistent with the approach of the IDP in assessing potential conservation areas and there is likely to be a number of other areas of similar architectural, historic interest that have not been assessed and designated.

There are important buildings and features within the proposed area, but this is insufficient to justify a conservation area and any special buildings or features can be, and, in many cases, already are, protected specifically through designations such as protected buildings, protected
3405 monuments and archaeological remains, for which there is both statutory and policy protection.

In some cases, the process for such designations is outside the scope of the IDP, but the prospect of further designations as new information comes to light cannot be discounted.

A range of other policies seeks to conserve wider characteristics, including important open
3410 land, including Delancey Park and Robergerie Farm, areas of biodiversity importance, including those two places two, landscape character and local distinctiveness, otherwise known as policy GP1.

Designation of the area would not make the IDP inconsistent with the SLUP in any significant way and would not inhibit development within the area, including the Pointues Rocques site,
3415 which is important to the housing land supply.

The amendment would not cause unreasonable prejudice, as the issue was subject to its own public consultation during the inquiry, so it has been in the public domain for a considerable time.

I should add that, if this is passed, we will need to expand the description of the area to be included in the annex, as the proposed paragraph, interesting though it is, only deals with only a
3420 part of the special interest. It would, however, create an inconsistency in the approach to conservation areas in the IDP and that is the main reason, sir, that I request my colleagues to reject this proposal.

Thank you.

3425 **Deputy Trott:** Can I ask, on a point of law?

The Deputy Bailiff: Yes, Deputy Trott, point of law?

Deputy Trott: Only trying to do my bit.

3430 On a point of law, if I understood Deputy Tindall correctly, she said that the DPA could, if new evidence emerged, create a new conservation area. They could do it. Is that the case, because if it is, I only gave a fraction of the evidence that we have and maybe they would like to receive the tomes and consider accordingly.

3435 That seems to me to be odd, if that is the case. I would be delighted if it is, but I would like legal confirmation that that is, in fact possible.

The Deputy Bailiff: Deputy Tindall, in the first instance.

Deputy Tindall: Point of correction.

3440

The Deputy Bailiff: Point of correction.

Deputy Tindall: I did not actually say that we could make it into a conservation area. That would be for the States.

3445

The Deputy Bailiff: Deputy Trott, just a minute.

Can we return to that, Mr Comptroller, in due course, once you have had chance to consider it?

The Comptroller: Sir, yes.

3450

I do not know off the top of my head, but we can return to it. I will find out.

The Deputy Bailiff: Deputy De Lisle.

3455

Deputy De Lisle: Yes, sir, I would just like to stand up and be counted in this debate and support Delancey as a conservation area for the future and ask that, in fact, the Development & Planning Authority re-evaluate.

Certainly Delancey is an area of considerable conservation value; an area of considerable merit, quality and geographical and historical interest. In fact, Delancey Hill, itself, is a prominent feature in the landscape in the north of the Island and something to be treasured and valued.

3460

Delancey, too, I must say, is a phenomenal resource to teaching geography and history, as I did at the school for a number of years. It was, in fact, my backyard, if you like, and my workplace.

Just to look at a few of the features that were briefly outlined by Deputy Trott as a special historical area, representing so many periods, right from the prehistoric, right through to current day, is very, very valuable. The fact that at the school the Russian Infantry were billeted there during the Napoleonic Wars.

3465

In terms of reinstatement of the conservation, there is a tremendous amount of work to be done. One of which, of course, is the plinth of de Saumarez, which lies without the monument at the current time and I know many attempts have been made to collect money. I think a programme is still ongoing in terms of resurrecting the monument and, in fact, adding to it the plaques that are currently in the museum, at Castle Corner.

3470

So, as a resource, we should be really proud of that particular area and the resource that it provides our community and, certainly, I hope that the Development & Planning Authority will re-evaluate this area for special consideration as a very important conservation area and certainly more important than many of the other areas of conservation that I have seen them outline in Guernsey.

3475

Thank you, sir.

The Deputy Bailiff: Deputy Langlois, to be followed by Deputy Dorey.

3480

Deputy Langlois: Thank you, sir.

I think the very fact that Deputy Trott, with his mountains of evidence, obviously, he cannot bring it along here, today, is just proof that this Assembly is not the forum for deciding what areas should be conservation areas or not. It is, I think, frankly ridiculous.

3485

If any of the 40 of us were handed part of our Committee papers on any day, these two bits of paper, and we turned up at our Committee meeting and the five sat around a table and the Chief Secretary said, 'Are you going to agree to make Delancey a conservation area on the basis of this and maybe some verbal information you might have got,' every single one of us would say 'we cannot possibly make a decision on such flimsy evidence, you will have to come back with a lot more than that, maybe you could put together something more convincing'.

3490

Nobody would make a decision on these two papers at a committee and yet, somehow, we are expected to make a decision here, in this Assembly, for some reason. Maybe because it is slightly more anonymous. Our heads are not on the chopping block, as they would be if we were one of a five-man committee making a major decision on the basis of the flimsiest of evidence, despite Deputy Trott's long exposition on the wonders of Delancey.

3495 I have got nothing against Delancey. I used to play tennis there, about 30 or 40 years ago. It is quite a nice area. But conservation area, I do not see why we are trying to decide that here in this Assembly. It seems totally inappropriate to me.
Thank you.

3500 **The Deputy Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

I do not have very strong views on this, apart from part of the site. Firstly, when I look at the boundary, it seems to be quite haphazard, going in various ins and outs of various buildings
3505 around the edges.

It includes a housing allocation area, Pointues Rocques, and if you look at the map, the block which is on the left-hand side, that is Pointues Rocques Vinery, which is one of the housing allocation areas. I really struggle to think of the conflict between saying we are putting a housing allocation area in a conservation zone. It does not seem to make sense.

3510 I would ask Deputy Trott, in summing up, to explain why a large glasshouse site was included in the conservation area, and I would ask Deputy Gollop, when he sums up, to explain the significance of housing allocation areas in the conservation zone and the effects it will have on the development of that site.

Also, I wonder, having been, through companies I have got shares in, we are trying to
3515 redevelop a property which had reached the end of its useful life. Anything which is involved in a conservation area, there are considerable hurdles to get through in order to redevelop. My concern is that we are, within this Assembly, as Deputy Langlois said, going to make a decision and it will affect people and their ability to do changes to their property. Just from the point of view of fairness, they have not had the opportunity to put their views to the planning inquiry.

3520 I do fully understand, I was there when the very good case was made to have a conservation area and, of course, because the case was made, people had the opportunity to object to it and put their case.

On balance, I probably would support it, as long as Pointues Rocques can be explained to me.

3525 **The Deputy Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I am rising to support this amendment. I am also rising to advise I believe that all Deputies
3530 were invited to go and look at this site last Saturday. So, I am not making that decision off the back of a bit of paper I have been given today. I am making that decision because I made the effort to go along and look at this site. I made the effort to see the evidence, as well as read the evidence.

We knew this amendment was on today's itinerary, so therefore had the opportunity to do the relevant research ourselves, if we felt the need to do so. I have met the people concerned. They
3535 are passionate. They are committed. I have seen the site myself. It is a conservation site in my definition.

If that is not the same methodology dictated by somebody else, then I apologise.

I will definitely support this amendment.

Thank you.

3540

The Deputy Bailiff: Deputy Fallaize to be followed by Deputy Yerby.

Deputy Fallaize: Thank you, sir.

We are getting into the debate which Deputy Trott, clever chap that he is, wanted us to get
3545 into, which is a debate about how fabulous Delancey is. It is. That is fine.

But this should not be a debate about how fabulous Delancey is. The debate is meant to be about whether it should have conservation area status and the fact that it is fabulous does not, of itself, mean that it should be a conservation area.

3550 It seems to me that the right way of determining conservation areas is to set some sort of policy framework and then, once you have done that, to go around the Island, finding which areas match with the policy framework.

Now, if you think that produces, in practical terms, very unfortunate or incorrect results then perhaps that is an indication that the policy is wrong and you go back to the policy framework and look at where you can adjust it.

3555 I respect Deputy Merrett's integrity and I accept what she says, that in her judgement this is a conservation area, but I am not sure that is enough for us to start determining what should be a conservation area or should not be. I might wander around Guernsey into various areas – I do not, actually, I am just talking theoretically – into various places of natural beauty and say this is a jolly nice place, this should be a conservation area.

3560 That is not the way it works. You need to determine a policy framework first, criteria in essence, against which each place can be judged and what Deputy Trott has not really done ...

I will give way; he is going to do what I wanted him to do without me having to ask the question. I will give way to him.

3565 **Deputy Trott:** I am very grateful to you, because Deputy Fallaize normally, sir, his attention to detail is exemplary, but, on this occasion it has let him down.

I made clear in my opening remarks that it used to be, almost all of this area was a conservation area. This is not a group of people coming along and saying 'we think it should be ...', it is people regurgitating the evidence that enabled it to be a conservation area in the past.

3570 The evidence is overwhelming, as I am sure he will agree, sir.

Deputy Fallaize: That is a bit like Deputy Ferbrache the other day trying to zone housing on former housing target areas.

3575 The fact that it was a conservation area some years in the past does not automatically mean that it meets the criteria to be a conservation area now.

I have no strong view about whether it should be a conservation area or it should not be. All I am saying is the correct approach must be to determine conservation areas with reference to a set of policies or some sort of framework.

3580 If Deputy Trott can explain, because it would be amusing to see in the Island Development Plan all these words, it is almost worth voting for it so that we can have in the Island Development Plan things about refugee French Catholic priests and the Grand Old Duke of York. Just reading out this list of interesting things which have happened at Delancey does not of itself demonstrate that it should be, particularly, a conservation area.

It makes it a very interesting place, but it does not necessarily make it a conservation area.

3585 Perhaps, when he sums up, Deputy Trott could explain how he thinks the Development & Planning Authority has failed to apply the policies in respect of conservation areas. How they have failed to apply them properly in the case of Delancey.

3590 If he can do that, then I have no particular reason to want to see Delancey excluded but, at the moment, all he has really done is read out a list of very interesting events that have happened at Delancey.

3595 A lot of interesting things have happened in lots of places in Guernsey, but that does not automatically mean they should be conservation areas. I think, although I have some sympathy with the amendment and I agree with him about the way he described Delancey, using particularly colourful Trott-esque language, but nevertheless he was accurate in describing Delancey as a very important place, but I want him to tell us why it should be a conservation area, in particular.

The Deputy Bailiff: Deputy Yerby.

Deputy Yerby: Sir, like Deputies Dorey and Merrett, I have no great expertise in this area and stand to be persuaded by the debate, but at face value I thought that the argument was strong.

3600 I am standing simply because we have been, all of us I think, approached by a very passionate group of people who want to see this area made into a conservation area.

They are very sincere in their beliefs and, although Deputy Fallaize has made it a little bit harder for me to say what I am about to say, I want to make it clear, on the record and say for all of you listening at home, that the guffaws in Deputy Trott's opening speech were not a mockery of their case, but at surprise at the sudden depth of his character that he revealed.

3605

The Deputy Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

3610 At the present time, I am Constable of St Sampson's and Delancey Park comes under my care, so I would like to declare an interest that I am one of two Constables who look after it.

I have taught at St Sampson's secondary school for approximately 33 years. It is a long time and perhaps I should be considered one of the artefacts that belong to it. For years, I used to do various local study teaching up there and I have used all of the facilities, all the features up at Delancey Park in many, many lessons.

3615

It is a superb area. As Deputy Trott has so eloquently expressed, it has a history expanding for some 6,000 or so years. Marvellous things up there. Things that really, really do need to be conserved and looked after.

The Douzaine have given their support to this conservation area. They value it as an area which should be retained and looked after. It is an area which was ceded to the Constables and the parish of St Sampson's by HM Government and it was given to the parish so that it could be looked after for the best interest of the whole people of Guernsey.

3620

We may look after it, but it is actually there for the whole of Guernsey and the surrounding area is a place of great natural beauty and I am going to fully support this particular application, providing I am not in fact doing anything I should not do, having declared that interest.

3625

Thank you.

The Deputy Bailiff: Deputy Parkinson.

3630 **Deputy Parkinson:** Thank you, sir.

I am not an expert on St Sampson's geography, particularly, having always lived in the southern parishes, or St Peter Port, but I would ask, perhaps, Deputy Gollop when he replies, or perhaps Deputy Trott when he sums up, if I am correct in my understanding that there is a proposed conservation area which already takes in the whole of the St Sampson's Harbour area, round through and including the south side, and, south from there, past is it the London pub, I cannot remember?

3635

In fact, if my understanding of where that conservation area lies is correct, I believe there are only about five houses between the limit of that conservation area and the proposed conservation area set out in this amendment.

3640 In that case, I cannot help wondering why the proposers of this amendment do not simply include the five houses and make it all part of one larger conservation area, which would stretch from St Clair Hill, right the way around to the north side and so on.

Basically, what they are proposing is to make nearly the whole of the St Sampson's area into a conservation area and I am just puzzled as to whether that is their intention.

3645

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

Deputy Trott, when he spoke, said that he viewed this area rather differently having become involved in this particular issue. I very much echo that experience.

I think I, perhaps, approached this rather sceptically as a group of individuals who were looking to protect their back yard. NIMBYs, not in my back yard.

Actually, again, like Deputy Merrett, having taken a tour of the area and got to understand the issues a little better, my view on this has changed somewhat.

What I intend to do is just briefly outline what ranks as a conservation area, talk a little bit about the process, which I think are some of the issues that Deputy Langlois and Deputy Fallaize raised, and then talk about the consequences.

First of all, to address what is a conservation area. That is set out on page 151, paragraph 19.5.2 and Deputy Tindall did address this in her speech, but I think it bears repetition. There are 25 of them that have been designated on the basis of the outstanding qualities of special architectural and historic interest. Now they have a cohesive, recognisable sense of place where buildings and spaces between them interact to form a notable distinctive character and appearance worthy of special consideration and respect when considering proposals for development.

Now, Deputy Brehaut, had he spoken, may well have said that this amendment was an erosion or an attrition of the Plan. I would suggest that that is not the correct interpretation of the amendment. This is simply a difference of opinion on the evidence which has been presented.

I think that Deputy Tindall has spoken several times during the course of this debate so far about the importance of us making evidence-based decisions.

That then takes me to talk a little bit about the process and to answer Deputy Fallaize's question as to why this should be included as a conservation area.

As Deputy Trott said in his comments, this was once a conservation area and we note, Deputy Fallaize, that is an historical fact, but that does not help us much. What Deputy Tindall has not explained, which is what Deputy Trott asked for, is not how it was de-conserved, if that is a correct expression, but why.

We understand that it followed a democratic process, which is what she said in her speech, but she has not explained and the DPA has not explained why it ceased to be a conservation area.

Deputy Langlois said that we only have two and a half pages of evidence. He called it flimsy, which was on the back of the amendment. How and why could we possibly make a decision on the back of that?

I think that is a fair enough challenge to throw down but, of course, it is entirely appropriate that this is a decision that is taken in this Assembly, because we are at the end of the process. There is nothing further that can be done in order to achieve the right result in relation to this area.

Everything has been presented and it has not been accepted, but that is where there is a difference of opinion. I think the Delancey Conservation Committee, it can be fair to say, nobody has a better knowledge and experience of that area than that group of individuals. With the greatest of respect to those officers at the Development & Planning Authority and, indeed, the politicians reviewing that advice, and also the planning inspectors themselves, none of them has the level of knowledge of the individuals that have researched this in the most intricate and intimate detail, going back over an extensive period of time.

So, we are basing a decision based on extensive evidence, which is available and which has been sent to many people and, indeed, as Deputy Merrett said, we all had the opportunity to engage in that. So, I do not think anybody has been asked to make a decision based on two pages alone.

Talking a little bit about the process and getting into Deputy Fallaize's question, of course, there is the scoring of the areas. Deputy Tindall spoke a little bit about that to say this area has been scored at 4.5. You needed a score of six to nine to become one of the 25. We do not have any information on what the scores were of the other 25, so it is very difficult for any of us to be able to make any kind of objective assessment of whether the evidence that was presented has

been treated in the right way. We cannot make that fair comparison. The process, I am afraid, has been a little bit opaque.

3705 Deputy Parkinson referred to the Bridge conservation area, which of course is very close geographically, as he quite rightly identified and, of course, the histories of the area are intimately shared and intertwined and yet we have got no explanation as to what the difference was between the scoring and why one made it and the other did not.

That, sir, is why it is entirely appropriate that this decision should be made here, on the floor of this Assembly today.

3710 In terms of the consequences, again, turning to page 152 of the Plan, with policy GP4, again Deputy Tindall has made this clear, but it is worth bearing repetition. If this Assembly approves this today, proposals for development within a conservation area will be supported. So, as indeed she said, it does not inhibit development, it simply provides an increased level of oversight before that is approved.

3715 Finally, of course, very importantly, I am very pleased to have received this confirmation, it will not require a deferral of the Plan. So, Members of the Assembly can safely support this amendment in the knowledge that it will neither inhibit development nor defer the Plan but it will, rightfully, restore this area as a conservation area, as it once was and, for reasons we do not understand, it ceased to be so.

There is plenty of evidence that is available to support that decision here today, sir.

3720

The Deputy Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

3725 I will be supporting this amendment. I have recently been lobbied by interested parties on this and been sufficiently convinced to support it. It is interesting to note that, something I said yesterday, there was something like 1,800 representations, or stakeholder views submitted and I did ask a question, which has never been answered, which was how many of those were rejected. What proportion? I do not doubt there were 1,800 people, but were 10 of them accepted, or 50 of them, or were most of them rejected? There was a substantial representation in relation to this
3730 conservation area and, obviously, they were rejected. I would like to know why, because the scoring is an issue. We have a score, but we do not know what the other scores are. Were they scored in a satisfactory manner? I have no idea.

3735 The last thing I have to say is a conservation area is not the end of the world for development, because I live in one and some years ago I put in for permission to demolish four, ugly single garages with a corrugated roof in a conservation area and what was allowed was a small townhouse and a double garage, which enhanced the area, and that is one of the criteria. You need to enhance it and it certainly was enhanced. I do not think one has to fear conservation areas in relation to development.

3740 Development just has to be, maybe should we say, a little more amenable and congruous with the surroundings. A lovely word, that, isn't it?

I urge Members to actually support this amendment.

Thank you.

The Deputy Bailiff: Deputy Brehaut.

3745

Deputy Brehaut: I just want to reiterate the point made by Deputy Yerby, it was the disconnect between the words coming out of Deputy Trott's mouth and his usual type of speech. The flowery nature and his depth and real knowledge of history came as a bit of a surprise to all of us.

3750 The point I am making, not unreasonably people with knowledge informed his speech and why not? I do not want to detract from that.

The point I want to make is that if this is an area of conservation, then everything is. Even in what Deputy Parkinson said, why not extend the boundary into the next conservation area? Where does that begin and end.

3755 As Deputy Fallaize has pointed out, these are areas of real interest and people who are interested in these areas will make the case for them to be conserved. The people that have not been consulted, when you put in an application to do anything on your property, and bear in mind so much of planning these days is planning exempt, the question that will be asked of you if you want to replace the windows or doors, is your house in a conservation area?

3760 A lot of people, after this, will find themselves in a conservation area. There are more than 18 people that live here and a lot of people are going to find themselves, overnight, in a conservation area, and their representations are not in front of us today.

3765 Tweaking a window or door, that is okay. Replacing a garage, as Deputy Kuttelwascher has said, which probably came long after the house was built, because I think cars did come a bit later in the process, that might be all well and good.

For people who have properties and outbuildings that are in a conservation area that are of some age, that they want to do something relatively simple to, may still be allowed to do that, but may not.

3770 I think, without really being too disparaging, when canvassing the streets and lanes of St Peter Port South, I could have conserved most of it on these criteria and the only thing this pre-amble does not credit for shaping the parish is the humble earthworm, which I think they have left out. Everything else was included.

3775 A fantastic speech by Deputy Trott. Another good speech by Deputy Gavin St Pier in support and I understand what they are trying to do but, again, I would warn States' Members and the people who will wake up to find themselves living in a conservation area and they did not expect that. They have not been fully consulted.

So, I cannot support this amendment.

Thank you.

3780 **The Deputy Bailiff:** If nobody else wishes to speak on the amendment, I turn to the president of the Development & Planning Authority, Deputy Gollop, to reply on Amendment 6.

3785 **Deputy Gollop:** I was just going to respond that I was rather entertained by the speeches we have heard this afternoon on this one, because it is not perhaps the most serious topic we will address this week, although it is certainly interesting.

3790 It is ironic in a way that Deputy St Pier is seconding and extremely supportive of this endeavour, because we have just had a copy of the vision, the Policy & Resource Plan, and I think we are down to six or eight different areas to move forward with. It started with 19 and I liked the original 19 icons. In fact, I wanted to make it a round 20. There have certainly been some bad losses in this process.

The point I am making though, it is often said if you have got more than three or four points in a speech or strategy, you are going nowhere, so I tend to lose people when I do 80 sentences. The point is, can you credibly, even in an island as lovely and historic as Guernsey, have 92 conservation areas, or even more?

3795 The process had got out of hand. There had to be a degree of rationalisation of this, because otherwise it weakened the currency of being a conservation area and allowed it open to review and challenge.

3800 I think that is why people ask how and why. The why was rationalisation, based upon, as Deputy Fallaize pointed out, a methodology, an approach based on rigorous analysis, a certain amount of academic expertise and understanding of the ecological and architectural and historic dimensions.

In relation to Deputy St Pier's question, the de-designation happened some time ago, in this instance around about 2002. It was because of an objective assessment that the areas, maybe, no

longer had the special interest sufficient to warrant being retained. That was agreed by the States at the time.

Subsequently, of course, Deputy de Sauvage, who was then a member of Environment, fought a battle to retain the conservation areas. Many were, that is why we have still got a number now, but Delancey had already come off the radar at that point.

Then, when one looks at the other questions, Deputy Trott made an assertion that there are only nine conservation areas surviving in the new Plan. When we looked at that, in fact there are not nine conservation areas, there are 25 in the Plan. One of which covers a very wide area of St Peter Port. I would have to check the boundaries of that, but it obviously includes Deputy Kuttelwascher's lovely home and area of King's Park. I suspect it includes a lot of St Peter Port South, as well, so it rather answers Deputy Brehaut's point. Of course, we are conserving under a different designation the foreshore and other areas.

It was also alleged that the area covered in the new Plan, by conservation areas, was somewhat less substantial than before. In fact, it is 53% greater and all of these issues have been considered in detail at the inquiry.

Historic buildings and monuments, as Deputy Tindall pointed out, as well, are protected by the legislation, protected buildings, heritage and so on. We are working as a Committee, not only to monitor the scheduling of buildings, but to improve the way it is done and answer people's queries more generally.

Deputy Tindall has already referred to our meeting with the very scholarly and enthusiastic petitioners, but it has to be reiterated as a health warning that a conservation area designation will not stop development of the housing allocation in principle. There would be nuances of difference, like there is with areas of biological significance and all kinds of issues, because any proposed development, whether it was new housing or whatever, would need to conserve the special character of the area. But we do see, of course, new designs, innovative architecture, that perhaps possibly would meet that criteria.

Slapping a conservation area designation on an area does not stymie or block all development and it should not be seen as a way of avoiding other policy.

The methodological process takes on board, particularly, areas of local character, the vernacular architecture, not just historic interest but areas relating to countryside, the use of materials and the way in which the properties conjoin with one another. When one looks at the list of 25, at the moment, you can see fascinating areas, gems really. Saints Road in St Martin's. Le Variouf, almost like a fairy village in the Forest, you can also see St Appoline, with its history at St Saviour's, and King's Mills, which clearly has a very particular style and design.

Delancey is different from those. Delancey, clearly, has a fascinating mixture of 18th century, 19th century architecture, but a lot from the Victorian and Edwardian, the magnates' phase as described in the book we have received, and it has clearly Neolithic interest. I was fascinated to see in a document they gave me, Deputy Trott referred to considerable evidence that he collated, well, I have got some of it delivered to me just a couple of days ago, to wade through on top of everything else. It covered all sorts of gems, like the life of Onesimus Dorey, the ancestor of a well-known States Member here, who founded what later became Condor Ferries, amongst other things, and a Gervase Foottit Peek, who was a very big entrepreneur at the time. We had everybody from John Delancey, who married a Caroline Carey, to discussions of fertility rites back in the day of the Neolithic era, and I wonder about that, too.

But, referring to the point Deputy Trott made about the Kray brothers, there were some allegations made in this testimony that those gentlemen stayed in an erstwhile hotel in the area and used to possibly drink after hours when the licensing laws did not prohibit such activity. I do not think a police investigation will start at this juncture, but I will just point that out.

Yes, there is a lot of history there.

So, as you know, one of our duties at the DPA, and we have already had a few, to say the least, fascinating meetings, is we have open planning meetings.

3855 What we get, therefore, is opportunities for both sides to give us evidence and analysis. Everybody has the chance to speak. The officers, who are professionals in their field, make a recommendation and then we, as a political board, taking on board new evidence, new factors and the popular, perhaps more democratic dimension, like what the Douzaine thinks, make a judgement. Usually, we agree with the officers' recommendations. Sometimes, as you saw recently, by a majority, we do not.

3860 On this occasion, I think the way in which the inquiry has been conducted, the work the planning inspectors have done and the importance of generally keeping a robust method, you can see the reasons how and why we came to a decision to reject this as a conservation area.

3865 Personally, having seen the weight of evidence by a particularly eminent historian like Dr Stevens Cox, thought about what is a different kind of area, with perhaps less distinguished architecture, but we underrate the north of our Island and need to strengthen conservation here, as well as the so-called National Park of the south – as it used to be called. **(Several Members: Hear, hear.)**

I will vote for this as an additional conservation area on what we have heard today.

3870 **The Deputy Bailiff:** Deputy Trott, the proposer of the amendment, to reply to the debate.

Deputy Trott: That is a most welcome announcement, sir.

I will start with Deputy Gollop, if I may, who shows his usual impartial wisdom in these matters. 3875 *(Laughter)* Deputy Gollop tells us that an objective assessment de-conserved the previous conservation areas in around 2002. That is the foundation of why we have such a big problem, because that objective evidence has never been forthcoming. It has been asked for, so that the people with these understandable and extremely well-articulated concerns, if they had access to that information, could have started to understand how that objective process was carried out.

3880 Right now, all we have got is his word for it and I take him on his word, but I am also conscious of the fact that he intends to support this amendment and I think that could possibly say something about the process.

So, Deputy Tindall started by telling us this would not require a deferral of the Plan and made clear, as did others, throughout, this is well-known by those in the area with concerns, that 3885 conservation areas do not provide for an embargo on development. This is not what they are asking for. This is not about NIMBY-ism. If it was about NIMBY-ism, it would be all about a particular site, that happens to be in the middle, that has in its own way, certain interesting archaeological attachments, but they understand that the acceptance of this amendment will not embargo development, but it will have an additional layer of protection.

3890 Some of the smaller things that could affect the area will require additional consideration before approval or otherwise is forthcoming.

Hopefully, that covers Deputy Dorey's concerns.

I accept this is not particularly objective, but it is a fact, all of the experts that I have spoken to – I am sure if I searched really hard, could have found one that did not agree – believe that 3895 Delancey scores easily into a conservation status level. Clearly, that was the view of those who went before us, because that was the case, as I think we laboured properly back in 2002.

One of the problems we have also had with this is that the conservation scoring for Delancey was not, I repeat not, carried out by an independent third party. That is not to cast aspersions on those that did carry it out, but it is a statement of fact. It was not independent and those people 3900 who carried it out, whilst able I am sure, were not conservation experts. They were not.

What I am about to say, for me, is the key reason why I took this particular amendment on. I said earlier what a journey it has been. I did not know, despite having lived in St Sampson's for most of my life, I did not appreciate what an absolute plethora of historical content the area had. The reason I decided to take it on is for this: scoring of conservation areas only seems to have 3905 been applied to conservation areas selected for removal, after the decision had been made to remove them. Not before.

So, not all conservation areas have been treated equally, only those that it was decided to remove. Now that is unacceptable, because no scores have been applied to conservation areas that are being retained. So, not only is it not objective, the assessment process, potentially, it is certainly not independent and it is certainly not consistent and extensive.

Now, that is not right and that is why, I believe, that a number of Members in this Assembly will vote for this amendment. On this occasion, sir, I do call for a recorded vote and if my introductory speech sounded flippant, it is because the historical journey that I have been on and other Members have been on is fascinating, but let us face it, not without humour. However, this is a serious business and I implore Members of the Assembly to support this amendment. To do otherwise, I think requires some soul searching.

Thank you, sir.

The Deputy Bailiff: Well, Members of the States we move to the vote on Amendment 6, proposed by Deputy Trott, seconded by Deputy St Pier. Deputy Lester Queripel?

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

The Deputy Bailiff: It has already been requested by Deputy Trott, so, we will move straight to that.

There was a recorded vote.

Carried – Pour 33, Contre 5, Ne vote pas 0, Absent 1

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

The Deputy Bailiff: Members of the States, the voting on Amendment 6, which was proposed by Deputy Trott, seconded by Deputy St Pier, was Pour 33, Contre 5, and that is why the amendment was carried.

3930 The next amendment for you to find will be Amendment 29. That is to be moved by Deputy Ferbrache, first as a motion under Article 7.1 of the Reform Guernsey Law 1948. Deputy Ferbrache.

Deputy Ferbrache: Yes, sir, I ask to suspend Rule 24.2, because clearly the normal time has not been given, but the Assembly did see the original version.

3935 There is one amendment, which I believe or hope will make the provisions more acceptable to more Members of the Assembly.

So, I would ask for permission to suspend that Rule.

The Deputy Bailiff: Deputy Kuttelwascher, do you formally second that motion?

3940 **Deputy Kuttelwascher:** I do, sir.

The Deputy Bailiff: Is there any debate on the motion to suspend Rule 24.2?

3945 In that case, I put the motion to you, Members of the States, that Rule 24.2 is suspended to the extent necessary to permit this amendment, which is a variation on the previous amendment that was circulated in a timely fashion. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that motion carried.
Deputy Ferbrache, if you would like to place the amendment.

Amendment 29

The States are asked:

To insert at the end of the words in Proposition 1: ‘; but subject to the modification that the first paragraph of Policy IP8: Public Car Parking (see pages 219-220 of the Draft Island Development Plan at Appendix 1) shall be amended to read:

‘Proposals for the provision of new public car parks that would result in a net increase in parking spaces available to the public will be supported if:

‘a) it forms part of a major, comprehensive development scheme brought forward through a Local Planning Brief for a Harbour Action Area or a Development Brief for a Regeneration Area and accords with relevant strategies of the States of Guernsey,’

or

‘b) it would enable additional parking spaces to be provided as part of proposals for public car park rationalisation or relocation or redevelopment, where this would accord with relevant strategies of the States of Guernsey.’;

and in consequence of the above modification:

Line 9 of Para 20.9.3 on page 219 shall be amended by inserting the word ‘generally’ after ‘As a result, the Island Development Plan...’

After Paragraph 20.9.3 a new paragraph shall be inserted as follows: ‘20.9.4 In certain circumstances, and with the appropriate management, the provision of additional public car parking can assist in ensuring that the parking is located in appropriate locations and can provide greater transport choice. It can provide opportunities to rationalise car parks by providing an overall increase in the number of parking spaces through, for example, the provision of a greater number of parking spaces for smaller vehicles and/or motorcycles and providing dedicated areas for electric vehicles or relocating a public car park from an inappropriate place to a more appropriate one. This would be consistent with Policy IP6 and result in a more efficient use of land and an encouragement away from the use of fossil-fuel powered vehicles, resulting in

less harmful emissions. It would also fulfil the objectives of the Strategic Land Use Plan in making the Main Centres desirable places to live and spend leisure time.'

Deputy Ferbrache: Yes, sir.

3950 I could read it.

Deputy Ferbrache read out the amendment.

Deputy Ferbrache: Then there are the corresponding consequential amendments.

Sir, if I can go on then, just briefly, to address, the amendment, I am going to be very brief indeed. Really I am going to do little more than read out the explanatory note, which makes it clear that the sole purpose of the amendment is to seek to remove the blanket restriction, or ease
3955 the blanket restriction on increased public parking within the main centres and the main centre outer areas and beyond the harbour action areas.

The reason for this is it is considered that the easing of the policy would make it possible to actually more easily deliver the IDP's objective of relocating car parking away from areas that are more suitably used for other purposes. So, that is the sole purpose of it.

3960 If there is any application to increase public parking in the circumstances, it will be a considered and balanced matter. It just removes the previous strait-jacket that would have precluded it.

I ask Members to support this.

3965 **The Deputy Bailiff:** Deputy Kuttelwascher, do you formally second that amendment?

Deputy Kuttelwascher: I do, sir.

The Deputy Bailiff: Thank you very much. Deputy Tindall.

3970

Deputy Tindall: Surprise, surprise, it is me, sir! Thank you.

We consider that this amendment, if passed, will not require a deferral. I would just add, also, that Deputy Ferbrache mentioned when he was requesting for the Rule to be suspended that there was only one amendment. There are actually two amendments and I just want to draw that
3975 to the Assembly's attention and then I will explain why.

It is just that in the first sentence, the first paragraph of policy IP8, not the second, as previously, and also, of course, as read out, c) has been removed.

Also, I am very pleased to confirm that the Development & Planning Authority has no objections to the proposal.

3980 Thank you, sir.

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

3985 Before I speak, I wish to declare an interest as my partner has been a member of a panel that discussed this amendment publicly.

Mr Deputy Bailiff, fellow States' Members, I believe in small government in modern western democracies.

Governments should endeavour to make the lives of its fellow citizens as easy as possible. It is not the role of government to micro-manage every part of the community's life. We have seen
3990 what command economies can be like and it is usually disastrous.

I believe the attempts to limit the ability of the car owner to use his or her own chosen mode of transport with draconian limitations on the ability to park is simply wrong. It will have a negative impact upon our economy and the wealth of our systems.

3995 Sir, the Island's Government traditionally does try to keep out of individuals' lives and Islanders' are traditionally resistant to Government interference. You might almost say stubborn.

Well, that is all to the good and it is another reason why, if this amendment is not introduced, this measure will fail.

4000 Car parks have always been many customers' first point of contact with a retail and leisure destination. It is only relatively recently that developers have made the connection between the quality of the car park experience and the competitive differentiators of their development.

4005 Research has shown that the poor experience of a visitor in a car park, because of congestion, could affect the likelihood of repeat visits. At a more immediate level, retailers are keen to avoid instances of car park rage, when an individual's frustration at delay potentially affects a wider range of car park users.

4010 It is no secret the last couple of years have been a tough time for retailers, with many shops forced to close after failing to turn a profit. In the UK, the government has been working to try to resolve the issue by attracting more people back to local high streets and shopping centres, appointing TV star and retail guru Mary Portas back in 2011. The people she interviewed cited a lack of cheap and convenient parking as one of the main factors people were not coming to shops in the town centre.

4015 In contrast, what do we see in Guernsey? The IDP seeks to curb the usage of your car, your freedom of movement, your choice of how you decide to move around your Island, by bizarrely restricting the amount of public car parking spaces. It seeks to promote alternative modes of transport, be it the yellow and green limousine or rather large buses, by riding a pushang, bike or by Shanks' pony, on foot.

I believe, if you have managed to pass your driving test, you have enough common sense and intelligence to enable you to make some pretty important decisions. Should I accelerate, or should I brake? Where am I going and what route should I take?

4020 Surely, if you have enough intelligence to work out all that, you have enough intelligence to decide if you wish to drive, get a bus, cycle or walk. In turn, an adult should be allowed to make informed decisions on how they wish to travel.

4025 Anyone trying to make multiple journeys, with or without dependants, would find it challenging to walk, cycle or get the bus to various part of our Island. Different topography, varying weather conditions and within a reasonable timeframe all add to our thought process and assessment of how we wish to travel.

If we are truly striving for a more environmental way of travelling, surely adequate public parking is as important as aiming for an adequate and enviable bus service. In a modern, affluent society, certain people, certain journeys will rely on a car.

4030 So, to be environmentally friendly, we need to ensure that their cars can get from A to B to C as quickly and as efficiently as possible. Surely, a car is at its environmental best when it is parked? Not when it is being driving around in multiple locations, looking for a car parking space. Not when the owner has to move it every two or three hours to avoid getting a car parking ticket. We are asking people to get in their car, start their engine, to purely go and find yet another parking space, for no other reason than avoiding getting a car parking ticket.

4035 The counter argument, being that if there are more, or indeed even adequate parking spaces, we will all go out and buy more cars, as of ease to park them, is nonsensical. Personally, I can only drive one car at a time.

4040 So, why do I choose on occasion to drive my car? I would like to believe that, as an adult, I can make informed, intelligent decisions, so let us have a little scenario. A personal anecdote that some States' Members have been keen to share with the Assembly.

4045 A day in the life of a Deputy: so, 7 a.m. up to a breakfast meeting in St Peter Port and then it is straight to Raymond Falla House, St Martin's, then to Sir Charles Frossard House then scooping daughter up *en route*, off to the shops to get some food, then back to another meeting, dropping a fourth child off on route, pitch up at another meeting, go home.

I find that to be nine buses. Do we really believe there would be nine different buses, all going in nine different directions, all going where I want them to, when I need them to? Or should I be less productive? 'No, sorry, cannot make that meeting, sorry parishioner, but I will be in St Martin's and would need to take two buses to get to you, then two buses back to my next meeting.'

4050 In this scenario, I will take my car.

In Town to do some shopping, straight back home? Then I will take a bus. However, if I am going to Sir Charles Frossard House then I will walk or cycle. To the shops for a pint of milk? I will walk.

4055 Informed, individually, intelligence-based decisions. My decisions, not the States, not social engineering, not draconian measures that will not work. Simply making it more difficult to park simply leads to anti-social behaviour. If our society as a whole wants to reduce car usage, it is through education, not draconian planning measures.

4060 I am just leading my life, getting around our beautiful Island, in the most environmentally and economic way possible. By limiting public parking, you are making people drive further and for longer to find somewhere to park. Park and turn that pollutant engine off.

What we really want to do is allow people to make informed choices and have options. If someone needs to drive their car, or indeed, living in a democracy, decides to drive their car, then logic predicts that they will then need to park it at their destination as quickly and efficiently as possible to be environmentally friendly.

4065 Let us be the States that takes away some of the barriers. A States that makes people's lives easier, rather than harder. Let us be a States that lets our fellow intelligent Islanders decide how they wish to travel. Let us give them options. Let us improve our bus service, our cycle lanes, our pavements. Let us stop the driving around in our cars, simply looking for a parking space, looking for somewhere to switch off that pollutant engine. Let us look at time restrictions on parking. Two hours to shop, see a doctor or dentist, go to the hairdressers, meet friends for coffee, have some lunch, mooch in the library? Our vibrant St Peter Port is so much more than somewhere to shop, but people need to be able to park.

How many times do people rush back to their cars just to move them to another parking space?

4075 Let us look at all of those things, but please, let us not be so naïve to think that if we limit public car parking spaces, then we will all be walking or cycling or catching the bus, or rather nine buses, that we need throughout the day. Because I will not. I do not believe fellow Islanders will, either.

4080 Let us promote alternative ways to travel, improve our bus routes and our cycle lanes. Let us inform and educate each other, guarding our choices and our environment, but most importantly, let us let our fellow Islanders decide how they wish to travel around our beautiful Island and we can do this by ensuring there is adequate and appropriate public car parking.

4085 My evidence is not based on other countries, other people's research. My evidence is based on living and getting around this Island. My evidence is based on the university of my life. My evidence based on today. Yes, let us aim for Utopia. Yes, let us aim for tomorrow. Let us also be realistic of what today's society, our local community, requires today.

Let us give them options, alternatives and let us move towards Utopia together, in unison, with a carrot and not with a stick.

4090 Let us vote for common sense, a sense of realism and let us be the States that listen to and help our fellow Islanders.

Let us make their lives easier and not harder. I urge you to support this amendment.
(Applause)

The Deputy Bailiff: Deputy de Sausmarez.

4095

Deputy de Sausmarez: Thank you, sir.

I will be very brief. I thank Deputy Merrett for her comments and actually welcome some of them, especially the ones about education and I look forward to educating everyone, including Deputy Merrett, on the important influences of the barrier effect, which is that absolutely crucial thing.

We have a lot of local data that does show us that that is one of the key influencing factors, reducing options.

Again, I look forward to educating everyone on the issues surrounding accessibility, as opposed to mobility. But I am not going to take up any more time, because I rise to support this amendment.

I welcome its increased flexibility and I urge my colleagues to do likewise.

The Deputy Bailiff: Before I call Deputy Roffey, is there anyone who wants to speak against the amendment?

There is a new power in the Rules that invites me to do that, so let me see if there is anyone who wants to speak against the amendment. I do not see anyone rising. Deputy Roffey, are you going to rise now?

Deputy Roffey: Sir, I hope we are not going to have a long debate.

We had a proposition from Deputy Ferbrache for more flexibility, we had a response from the Development & Planning Authority saying yes, that is okay with us, and I think that is not an appropriate spark for a major debate on traffic and parking policy.

But, as we are going to have more flexibility, it seems certain, could I just slip in my hobby horse, please can we try and get some of the cars off the piers and replace it with parking somewhere else? They really are beautiful assets and they ought to be more than just storage areas for our little tin boxes. (**Several Members:** Hear, hear.)

We were talking about tourism earlier and trying to get more tourists. What we could do with those piers, with *al fresco* eating, with seating, if we could put our parking somewhere else. The where, I know, is problematic.

Actually, if I can say to the Development & Planning Authority, right next to their headquarters, that funny yellow building up the road, would be an ideal site for a multi-storey car park. There is a cliff on one side of the road, there is a high hill on the other, it would have minimal impact. You could have a 10-storey building there, very easily, bearing in mind that the storeys in multi-storey car parks are not as high as they are for residential or office buildings.

The problem, of course, is who would finance it, with no paid parking? Would the taxpayer be able to do it, with no return? Would the private sector do it, with no return? No, they would not. So, we are a little bit stymied there.

I am probably abusing this debate, but I just wanted to get it in. (*Laughter*)

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you.

I just wanted to make the point that we could revisit the car and the use of the car until the end of time. Just on retail, there is an organisation in the UK, it is called 'something the high street'. It is part of the Forum for Private Business that represents small businesses in the high street. Everything they have done with regard to car usage in getting the footfall, they say two things, principally, which is take the car out of the core of a town, which we do not do. Then, they say, have the right charging structure to ensure that people can stay for longer. We do not do either of those things. We bring cars right into the core of the town. We absolutely make sure that people can stay for eight or 10 hours, which means that can affect retail and, actually, the two-hour spaces that Deputy Merrett was not so fond of, are actually very useful for retailers, because you can go and eat, you can do a bit of shopping and then you can spin home again.

Thank you.

4150 **The Deputy Bailiff:** Nobody else is rising, so I turn to the President of the Development & Planning Authority, Deputy Gollop, to reply to the debate.

Deputy Gollop: There is not a fantastic amount to say because, by definition, we are not opposing this amendment.

4155 But I would point out that I actually voted for the multi-storey car park, back in the day in Charroterie, that Deputy Roffey alluded to. I just Deputy Merrett, despite her busy schedule, with her work and her family, could use the bus now and then, because then we would have nine extra passengers per day, which would contribute to our figures quite magnificently.

4160 Seriously, you may have seen a pattern develop over the last few days and weeks that Deputy Tindall, with her tenacious research and legal background, has generally rebutted strongly the amendments, the ones that have come flooding in. I was more of a poodle wanting to concede them.

4165 In a way, the boot is on the other foot on this one because, although we will see what went, I can see issues here, because of what the Ferbrache/Kuttelwascher amendment calls for in a) and b). B) is not particularly controversial, if you did have public car park rationalisation or relocation or redevelopment, where this would accord with relevant strategies, Deputy Paint gave us a hard time earlier with the greens on the Transport Strategy, but of course some of the issues that emerged, like the quay and the fiasco of the narrowing and the people crossing, and the significant reduction of car parking at the harbour were not Transport Strategy related. They were extras, they came as a result of changes with cruise passengers, as it says in that sector, and that needs to be borne in mind.

The point has already been made by Deputy Roffey and, in a way, others that we could use our piers and our seafront better. The Waterfront is part of the Island Development Plan.

4175 I am very pleased that Deputy Parkinson now has the key role chairing and leading, with Deputy Smithies, of the Trading Supervisory Board, which in a way takes on part of the role of public services, because he made a commitment on the radio, which I am sure he will again at the Budget, about sweating the assets, about making our landscapes work and, frankly, I am not talking about paid parking here, necessarily, but there must be better, more productive ways of using some of this land than for car parking along the seafront.

4180 I think that is a work to move forward. I definitely can support b). A) worries me more, because the wording actually says, or it did on the old version, it forms part of a major comprehensive development scheme brought forward for a local planning brief, a Harbour Action Area development brief for regeneration area.

4185 That is very broad. We can all envisage scenarios where most of us, if not all of us, would support extra car parking provision in a regeneration area. Let us say a new theatre complex, maybe. Or let us say an underground car park, under the North Beach, which was used for something really wonderful.

What we might not support is, for the sake of argument, if Val des Terres/Lower Pollet/Havelet Bay was suggested as it has been in the past to be made some sort of car parking Mecca.

4190 We have to be cautious and careful about that. Just because the policy will be supported, does not mean to say that the DPA or Environment & Infrastructure will easily absolve their responsibilities.

4195 Although we are seeing perhaps greater unity in the States today, there just seems to be just a nuance of difference of opinion on transport, between, dare I suggest, the Environment & Infrastructure and the Economic Development teams

The Deputy Bailiff: Members of the States, it has just gone 5.30 p.m. I am going to put to you that we sit to conclude debate on this amendment, so we can hear Deputy Ferbrache's reply and take the vote. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: Deputy Ferbrache, thank you very much.

4200

Deputy Ferbrache: Sir, I can be brief.

I do not expect the DPA to absolve their responsibilities on this or any other issue. I expect them to comply with their responsibilities.

4205

I finish the day, I think, in a hopefully light-ish mood, because I can reflect, make it a public announcement, that on one amendment during the course of the day, Deputy Brehaut and I voted the same way.

Deputy Brehaut: It was a mistake.

4210

Deputy Ferbrache: It was a mistake on his part, because he saw common sense. *(Laughter)*

I also, perhaps, coming to the end of the day as well, by saying I agree with Deputy de Sausmarez when she says education about car parking. The more we can move away from car parking, fine. Let us do it by education and not by imposing our own wills and our own wishes and our own aspirations.

4215

Do it by education, that is much better.

I agree, we really are coming to the end of the day, with Deputy Roffey, who said let us move the cars from these various areas. They must be able to park somewhere else. Those are quay areas, areas of beauty, they could be used for all the various purposes that Deputy Roffey said.

On that basis, I would ask that the amendment be accepted.

4220

The Deputy Bailiff: Well, Members of the States, this is the vote on Amendment 29, which is proposed by Deputy Ferbrache and seconded by Deputy Kuttelwascher. Those in favour; those against.

Some Members voted Pour; one Member voted Contre.

The Deputy Bailiff: I declare that amendment carried,

4225

Now, Members of the States, we will now adjourn until 9.30 a.m. tomorrow morning.

Can I just check, Deputy Ferbrache, that you are no longer wishing to move Amendment 4?

(Deputy Ferbrache: Exactly.)

So, in the morning, at 9.30 a.m., we will start back with the running order, in the way it was going to be, with Amendment 3 and then 10.

4230

Thank you all very much. We will close the Meeting for today.

The Assembly adjourned at 5.35 p.m.